

THE CORPORATION OF THE TOWNSHIP OF LANGLEY
DEVELOPMENT COST CHARGE WAIVER FOR AFFORDABLE AND SUPPORTIVE
HOUSING BYLAW 2019 NO. 5462

EXPLANATORY NOTE

Bylaw 2019 No. 5462 repeals and replaces Bylaw 2018 No. 5380. Bylaw 2019 No. 5462 adds additional provisions for supportive housing to the provisions originally introduced in Bylaw 2018 No. 5380.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY
DEVELOPMENT COST CHARGE WAIVER FOR AFFORDABLE AND SUPPORTIVE
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WHEREAS section 563 of the *Local Government Act* authorizes Council, by bylaw, to waive or reduce a development cost charge for an eligible development;

NOW THEREFORE, Council, in open meeting assembled, ENACTS AS FOLLOWS:

PART 1: TITLE

- 1.1 Citation.** This Bylaw shall be cited for all purposes as “Development Cost Charge Waiver for Affordable and Supportive Housing Bylaw 2019 No. 5462”.

PART 2: INTERPRETATION

2.1 Definitions. In this Bylaw:

- (a) **“BC Housing”** means the British Columbia Housing Management Commission or any successor organization or authority that assumes the powers and obligations of the British Columbia Housing Management Commission;
- (b) **“Development Cost Charge”** means a development cost charge payable pursuant to *Langley Development Cost Charges Bylaw 2012, No. 4963*;
- (c) **“Eligibility Criteria”** means criteria that limits occupation of a dwelling unit to a household with an income at or below housing income limits for the corresponding size of dwelling unit within the Township, as set out in the current “Housing Income Limits” table published by the BC Housing, or equivalent publication;
- (d) **“Eligible Development”** means any residential development that includes at least one Not-for-Profit Dwelling Unit or Supportive Living Unit;
- (e) **“General Manager”** means the Township’s General Manager Engineering & Community Development or another person appointed by the Township’s municipal council;
- (f) **“Non-Profit Organization”** means any of the following:
 - (i) a society registered under the *Societies Act*, SBC 2015, c.18 or a foundation or charitable organization as defined in the *Income Tax Act*, RSC 1985, c. 1 of which:
 - (A) its bylaws and constitution’s stated purpose is to

- provide affordable housing for low- or moderate-income households, supportive living housing or another similar purpose;
 - (B) its bylaws and constitution provide that its directors may not be remunerated in any capacity, nor may the directors serve as employees;
 - (C) its bylaws and constitution provide that upon dissolution or wind up of the organization, its assets will be disposed to an organization(s) with a similar not-for-profit purpose of providing affordable housing;
 - (D) the items addressed in subsections (A), (B) and (C) are unalterable or otherwise restricted in accordance with the applicable enabling enactment or require the prior written consent of the Township to alter; and
 - (E) its rules of conduct must be in accordance with the its purposes and applicable legislation;
- (ii) BC Housing;
 - (iii) the Canada Mortgage and Housing Corporation or any successor organization or authority that assumes the powers and obligations of the Canada Mortgage and Housing Corporation;
 - (iv) the Township; or
 - (v) a non-profit housing corporation established by, or at the initiative of, the Township or another local government under the *Local Government Act* (British Columbia);
- (g) **“Not-for-Profit Dwelling Unit”** means any dwelling unit that is:
- (i) owned, leased or otherwise controlled by a Non-Profit Organization;
 - (ii) reserved and operated as non-profit rental housing for households who meet Eligibility Criteria; and
 - (iii) governed by the terms of an agreement and/or covenant with any of the parties described in subsection 2.1(f)(ii)-(v) of this Bylaw to ensure the dwelling units comprising the Not-for-Profit Dwelling Units are occupied and managed as not-for-profit rental housing for a period of at least twenty years;
- but does not include:
- (iv) a community care facility under the *Community Care and Assisted Living Act*, SBC 2002, c. 75;
 - (v) a continuing care facility under the *Continuing Care Act*, RSBC 1996, c. 70;
 - (vi) a public or private hospital under the *Hospital Act*, RSBC 1996, c. 200;
 - (vii) a Provincial mental health facility, an observation unit or a psychiatric unit designated under the *Mental Health Act*, RSBC 1996, c. 288; or

- (viii) a housing-based health facility that provides hospitality support services and personal health care;
- (h) **“Supportive Living Unit”** means any dwelling unit that is:
 - (i) owned, leased or otherwise controlled by a Non-Profit Organization;
 - (ii) reserved and operated as a hospice for non-profit supportive living for individuals in palliative care; and
 - (iii) governed by the terms of an agreement and/or covenant with any of the parties described in subsection 2.1(f)(ii)-(v) of this Bylaw for a period of at least twenty years to ensure the dwelling units comprising the Supportive Living Units are occupied and managed as a hospice for non-profit supportive living for individuals in palliative care;

but does not include:

- (iv) a continuing care facility under the *Continuing Care Act*, RSBC 1996, c. 70;
 - (v) a public or private hospital under the *Hospital Act*, RSBC 1996, c. 200;
 - (vi) a Provincial mental health facility, an observation unit or a psychiatric unit designated under the *Mental Health Act*, RSBC 1996, c. 288; or
 - (vii) a housing-based health facility that provides hospitality support services and personal health care;
- (i) **“Township”** means the Corporation of the Township of Langley.

2.2 Same Meaning. Unless the context otherwise provides in this Bylaw, terms defined in the following bylaws of the Township or incorporated by reference into those bylaws have the same meaning in this Bylaw:

- (a) *Langley Development Cost Charges Bylaw 2012, No. 4963*;
- (b) *Subdivision and Development Servicing Bylaw 2011, No. 4861*; and
- (c) *Township of Langley Zoning Bylaw 1987, No. 2500*.

2.3 References to an Enactment Include Its Amendments. References in this Bylaw to an enactment include the enactment as it may be amended or replaced from time to time.

3.0 WAIVER OF DEVELOPMENT COST CHARGES

3.1 Waiver of Development Cost Charges for Eligible Development. Notwithstanding section 5 of *Langley Development Cost Charges Bylaw 2012, No. 4963*, and subject to section 3.2 of this Bylaw, the Township may

waive Development Cost Charges that are otherwise payable for Eligible Development in accordance with the following:

- (a) for an Eligible Development where at least 30% of the dwelling units are dedicated for Not-for-Profit Dwelling Units or Supportive Living Units, the Township's municipal council may waive all Development Cost Charges that would otherwise be payable for all of the Eligible Development; or
- (b) for an Eligible Development where less than 30% of the dwelling units are dedicated for Not-for-Profit Dwelling Units or Supportive Living Units, the Township's municipal council may waive all Development Cost Charges for only those Not-for-Profit Dwelling Units or Supportive Living Units within the Eligible Development.

3.2 Application for Waiver. No waiver or refund pursuant to section 3.1 shall be granted unless an application is made and submitted by the owner of the Eligible Development for a waiver of Development Cost Charges in respect of the Eligible Development and the application is approved by the General Manager as fulfilling all of this Bylaw's eligibility requirements and conditions for a waiver of Development Cost Charges.

3.3 Appeal to Council. A person who is subject to the decision of the General Manager under section 3.2 is entitled to have the Township's municipal council reconsider the matter.

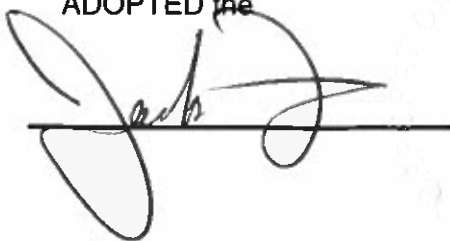
4.0 RECORD KEEPING AND REPORTING

4.1 Reports. The General Manager shall report annually to the Township Council, and at any time upon the request of Township Council, the number and cost of Development Cost Charge waivers granted under this Bylaw.

PART 5: REPEAL AND AMENDMENTS

5.1 The "Langley Development Cost Charge Waiver for Affordable Housing Bylaw 2018 No. 5380" is hereby repealed.

READ A FIRST TIME the	01	day of	April	, 2019
READ A SECOND TIME the	01	day of	April	, 2019
READ A THIRD TIME the	01	day of	April	, 2019
ADOPTED the	15	day of	April	, 2019



Mayor



Township Clerk