

THE CORPORATION OF THE TOWNSHIP OF LANGLEY
DEVELOPMENT COST CHARGE WAIVER FOR NOT-FOR-PROFIT HOUSING

BYLAW NO. 5901

EXPLANATORY NOTE

Bylaw No. 5901 repeals and replaces Bylaw 2019 No. 5462. Bylaw No. 5901 has a different Bylaw title, and different development eligibility, tenancy eligibility, delegation provisions, waiver amounts, and definitions.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY
DEVELOPMENT COST CHARGE WAIVER FOR NOT-FOR-PROFIT HOUSING
BYLAW NO. 5901

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 may be cited for all purposes as “Development Cost Charge Waiver for Not-for-Profit Housing Bylaw No. 5901”.

PART 2: INTERPRETATION

2.1 **Definitions.** In this Bylaw:

- (a) **“Below-Market Dwelling Unit”** means a Not-for-Profit Dwelling Unit meeting the following criteria:
- (i) tenancy is reserved for households meeting Eligibility Criteria;
 - (ii) at the commencement of a tenancy, the monthly rental rate is not more than the maximum rent as identified by the Township on an annual basis, being classified as either Bachelor, 1 Bedroom, 2 Bedroom, or 3+ Bedroom;
 - (iii) dimensions and floor area meet the minimum requirements of the BC Housing Design Guidelines and Construction Standards, or any future iteration thereof, for the corresponding unit types listed in 2.1(a)(ii); and
 - (iv) the rental rate is not increased by more than the percentage permitted by the *Residential Tenancy Act* from year to year for continuous tenancies.
- (b) **“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;
- (c) **“Development Cost Charge”** means a development cost charge payable pursuant to *Langley Development Cost Charges Bylaw 2012, No. 4963*;
- (d) **“Eligibility Criteria”** means criteria that limits occupation of a dwelling unit to a household with an annual gross household income not exceeding 120% of the income required to afford rental rates as referenced in Section 2.1(a), and income required is the rental rate multiplied by 12, divided by 0.27:

- (e) **“Eligible Development”** means any residential development that includes at least one Below-Market Dwelling Unit or Hospice Unit;
- (f) **Hospice Unit** means any dwelling unit that is:
 - (i) owned or leased 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(h)(ii)-(v) of this Bylaw in perpetuity to ensure the dwelling units comprising the Hospice 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;
- (g) **“Not-for-Profit Development”** means a development where all dwelling units are Not-for-Profit Dwelling Units, and one or more dwelling units are Below-Market Dwelling Units or Hospice Units;
- (h) **“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 or Regional District under the *Local Government Act* (British Columbia);

- (i) **“Not-for-Profit Dwelling Unit”** means any dwelling unit that is:
 - (i) owned or leased by a Non-Profit Organization and reserved and operated as rental housing;
 - (ii) governed by the terms of an agreement and/or covenant with any of the parties described in subsection 2.1(h)(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 in perpetuity, as specified on the Land Title for the property;

but does not include:

- (iii) a community care facility under the *Community Care and Assisted Living Act*, SBC 2002, c. 75;
- (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;

- (j) **“Hospice Unit”** means any dwelling unit that is:
 - (ii) owned or leased by a Non-Profit Organization;
 - (iii) reserved and operated as a hospice for non-profit supportive living for individuals in palliative care; and
 - (iv) governed by the terms of an agreement and/or covenant with any of the parties described in subsection 2.1(h)(ii)-(v) of this Bylaw in perpetuity to ensure the dwelling units comprising the Hospice Units are occupied and managed as a hospice for non-profit supportive living for individuals in palliative care;

but does not include:

- (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;

(k) **“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.

PART 3: 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 that is a Not-for-Profit Development where at least 30% of the dwelling units are dedicated for Below-Market Dwelling Units or Hospice Units, the Township’s municipal council may waive all Development Cost Charges that would otherwise be payable for all of the Not-for-Profit Development;
- (b) for an Eligible Development that is a Not-for Profit Development where less than 30% of the dwelling units are dedicated for Below-Market Dwelling Units or Hospice Units, the Township’s municipal council may waive all Development Cost Charges for only those Below-Market Dwelling Units or Hospice Units within the Not-for-Profit Development; or
- (c) for an Eligible Development that is not a Not-for-Profit Development, the Township’s municipal council may waive Development Cost Charges for only those Below-Market Dwelling Units or Hospice 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 Township 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 Township

under section 3.2 is entitled to have the Township's municipal council reconsider the matter.

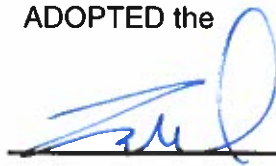
PART 4: RECORD KEEPING AND REPORTING

4.1 Reports. The Township 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 Repeal. The "Development Cost Charge Waiver for Affordable and Supportive Housing Bylaw 2019 No. 5462" is hereby repealed.

READ A FIRST TIME the	12	day of	June	, 2023
READ A SECOND TIME the	12	day of	June	, 2023
READ A THIRD TIME the	12	day of	June	, 2023
ADOPTED the	26	day of	June	, 2023



Mayor



Township Clerk