

## CITY OF DELTA

### BYLAW NO. 8146

#### *A Bylaw to Establish a Waiver of Development Cost Charges for Not-For-Profit Rental Housing*

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WHEREAS the City of Delta collects Development Cost Charges through the “Delta Development Cost Charges Bylaw No. 7560, 2017”;

WHEREAS Section 563 of the *Local Government Act* permits a local government to waive development cost charges for not-for-profit rental housing developments; and

WHEREAS the City intends to establish requirements and conditions for a waiver of Development Cost Charges for eligible not-for-profit rental housing developments.

NOW THEREFORE the Council of the City of Delta in open meeting assembled enacts as follows:

#### **1.0 CITATION**

1.1 This bylaw may be cited for all purposes as “City of Delta Development Cost Charge Waiver for Not-For-Profit Housing Bylaw No. 8146, 2022”.

#### **2.0 INTERPRETATION**

2.1 In this bylaw:

- (a) “**BC Housing**” means the British Columbia Housing Management Commission and any successor organization;
- (b) “**CMHC**” means Canada Mortgage and Housing Corporation or any successor organization;
- (c) “**Development**” and “**Development Cost Charge**” have the same meanings as under the “Delta Development Cost Charges Bylaw No. 7560, 2017”;
- (d) “**Dwelling Unit**” has the same meaning as under the “Delta Zoning Bylaw No. 7600, 2017”;
- (e) “**Eligible Household**” means a household in which:
  - (i) the gross annual household income is at or below the limits established by BC Housing from time to time for affordable housing programs; or

- (ii) 30% or more of the household's gross annual income would go toward housing:
  - a. based on the median market rent in Delta;
  - b. with enough bedrooms for the size and make-up of the household based on Canada Mortgage and Housing Corporation's National Occupancy Standards;
  
- (f) **"Not-For-Profit Rental Housing Development"** means a Development that includes Dwelling Units that are owned, leased or otherwise held by a Not-For-Profit Society, BC Housing, CMHC, a Non-Profit Municipal Housing Corporation or a Registered Charity;
  
- (g) **"Not-For-Profit Society"** means a society registered under the *Societies Act*, SBC 2015, c. 18;
  
- (h) **"Non-Profit Municipal Housing Corporation"** means a non-profit housing corporation established at the initiative of a municipality or regional district;
  
- (i) **"Prime Interest Rate"** means the rate of interest equal to the floating interest rate established from time to time by the National Bank of Canada as the base rate that will be used to determine rates of interest charged by it for Canadian dollar loans to customers in Canada and designated by the National Bank of Canada as its prime rate;
  
- (j) **"Registered Charity"** means a registered charity under the *Income Tax Act*, R.S.C.1985, c.1, as amended from time to time; and
  
- (k) **"Triggering Date"** means the date on which development cost charges must be paid under the "Delta Development Cost Charges Bylaw No. 7560, 2017".

### 3.0 WAIVER OR REFUND FOR ELIGIBLE DEVELOPMENTS

3.1 The City will waive Development Cost Charges for Dwelling Units within a Not-For-Profit Rental Housing Development as follows:

- (a) all Dwelling Units if at least 30% of the Dwelling Units within the Development will be occupied by Eligible Households; or
  
- (b) only those Dwelling Units that will be occupied by Eligible Households if less than 30% of the Dwelling Units within the Development will be occupied by Eligible Households;

on the condition that before the Triggering Date, the owner:

(c) enters into a housing agreement pursuant to Section 483 of the *Local Government Act*,  
and further or alternatively:

(d) grants the City a covenant under Section 219 of the *Land Title Act*

to ensure that such Dwelling Units will continue to meet the criteria set out in subsection (a) or (b) for at least sixty (60) years.

3.2 The City will refund Development Cost Charges for Dwelling Units within a Not-For-Profit Rental Housing Development as follows:

(a) all Dwelling Units if at least 30% of the Dwelling Units within the Development will be occupied by Eligible Households; or

(b) only those Dwelling Units that will be occupied by Eligible Households if less than 30% of the Dwelling Units within the Development will be occupied by Eligible Households;

on the condition that prior to occupancy of the relevant Dwelling Units, the owner:

(c) enters into a housing agreement pursuant to Section 483 of the *Local Government Act*,

and further or alternatively:

(d) grants the City a covenant under Section 219 of the *Land Title Act*

to ensure that such Dwelling Units will continue to meet the criteria set out in subsection (a) or (b) for at least sixty (60) years.

3.3 If the Dwelling Units described in Sections 3.1 and 3.2 cease to meet the criteria set out in subsections (a) or (b) contrary to the applicable housing agreement or covenant, then the owner must pay or repay the City the full amount of Development Cost Charges that were waived or refunded plus interest since the Triggering Date at the Prime Interest Rate plus 2% per year calculated monthly and compounded annually, and such outstanding Development Cost Charges and interest will constitute a debt owing to the City that is due and payable immediately.

**4.0 SEVERABILITY**

4.1 If a court of competent jurisdiction finds any portion of this bylaw to be invalid by, then the invalid portion will be severed from this bylaw and the remainder of the bylaw will remain in full force and effect.

READ A FIRST time the **30<sup>th</sup>** day of **May, 2022.**

READ A SECOND time the **30<sup>th</sup>** day of **May, 2022.**

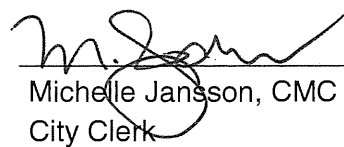
READ A THIRD time the **30<sup>th</sup>** day of **May, 2022.**

FINALLY CONSIDERED AND ADOPTED the **13<sup>th</sup>** day of **June, 2022.**



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George V. Harvie  
Mayor



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Michelle Jansson, CMC  
City Clerk