

TO: CHIEF ADMINISTRATIVE OFFICER **DATE:** 2022 April 28

FROM: GENERAL MANAGER **FILE:** 49500 20
PLANNING AND DEVELOPMENT *Reference: REZ #18-37*

**SUBJECT: DANIA SOCIETY
HOUSING AGREEMENT BYLAW
4279 NORLAND AVENUE
REZONING REFERENCE #18-37**

PURPOSE: To seek Council authorization to bring forward a Housing Agreement bylaw for the seniors' non-market housing development at 4279 Norland Avenue.

RECOMMENDATION:

1. **THAT** Council direct the City Solicitor to bring forward a bylaw to authorize entering into a Housing Agreement in respect to the seniors' non-market housing development at 4279 Norland Avenue, substantially on the terms outlined in this report.

REPORT**1.0 INTRODUCTION**

On 2021 April 12, Council granted Third Reading to Rezoning Reference #18-37, which provides for a new six-storey building with 155 units of seniors' non-market housing on a property at 4279 Norland Avenue. A site map is *attached* (see *Sketch #1*). The new development will form part of the overall Dania Campus of Care, which is owned and operated by the Dania Society ("Dania"), a registered non-profit society.

Pursuant to Section 483 of the *Local Government Act*, local governments may secure non-market or special needs housing through a Housing Agreement. Housing Agreements secure details such as rent levels, income testing requirements, and target populations, and are filed on land title under Legal Notations. Housing Agreements are the legal instrument that can be used to secure provisions when the local government does not own the land; otherwise, the conditions could be secured in a lease that is registered on title. All current and future owners of the development are subject to the terms of a Housing Agreement. Housing Agreements are adopted by bylaw and generally, are accompanied by Section 219 covenants for enforcement.

Staff recommend this non-market housing project be secured through a Housing Agreement bylaw and Section 219 covenant. This recommendation was included as a condition of rezoning in the Public Hearing Report received by Council on 2020 February 24.

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2.0 POLICY CONTEXT

There are several City Policies that support the provision of non-market housing in Burnaby including: *HOME: Housing and Homelessness Strategy* (2021), *Burnaby Housing Needs Report* (2021), *Mayor's Task Force on Community Housing Final Report* (2019), *Corporate Strategic Plan* (2017), *Burnaby Social Sustainability Strategy* (2011), *Burnaby Economic Development Strategy* (2007), and *Official Community Plan* (1998).

3.0 DISCUSSION

The purpose of this report is to provide an overview of key terms in the proposed Housing Agreement and to seek Council direction to bring forward a bylaw to authorize the Housing Agreement between the City and Dania. Dania has been awarded funding under BC Housing's Community Housing Fund, which generally requires that 20% of the units are offered at Deep Subsidy rates, 50% are offered at Rent-Geared-to-Income rates, and 30% are offered at Affordable Market Rates. The Housing Agreement terms align with BC Housing's approved rent levels and the Operating Agreement under the Community Housing Fund program, including a term of 60 years.

The key terms reviewed by the parties for the Housing Agreement are listed below.

- **Housing Agreement Term:** The Housing Agreement will be in effect for 60 years.
- **Operations:** Resident selection and management will be undertaken by Dania, in accordance with its Operating Agreement with BC Housing, which may not be amended without the City's consent.
- **Rental Units and Rates:**
 - **Deep Subsidy Units:** Generally, rent levels for 31 units are limited to Deep Subsidy Unit rates for Deep Subsidy Income senior households at or below BC Housing's Low Income threshold. Households receiving Income Assistance are deemed as having a Deep Subsidy Income.
 - **Rent Geared to Income Units:** Generally, rent levels for 78 units are limited to Rent-Geared-to-Income rates for Low Income senior households at or below BC Housing's Housing Income Limits (HILs).
 - **Affordable Market Units:** Generally, rent levels for 46 units are limited to Affordable Market Rates for Moderate Income senior households at or below BC Housing's Moderate Income threshold.
- **Tenant Eligibility:** Units may only be occupied by residents who meet income eligibility requirements for the type of unit they are renting.
- **Rent Adjustments:** Rental rates are permitted to be adjusted as per Operating Agreement with BC Housing.

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- **No Additional Fees/Charges:** Dania will not require the tenant or any permitted occupant to pay any extra charges or fees for the use of any common areas, facilities, amenities, however, Dania may charge the tenant or permitted occupant for parking, heat treatment room, laundry, cable television, telephone and other fees in accordance with the operating budget approved by BC Housing.
- **Insurance:** Dania will obtain and maintain insurance as required by the City including “all risks” and commercial general liability insurance.
- **Reporting:** On an annual basis, Dania will deliver copies of the annual operating budget and annual financial review as required by BC Housing to the City.

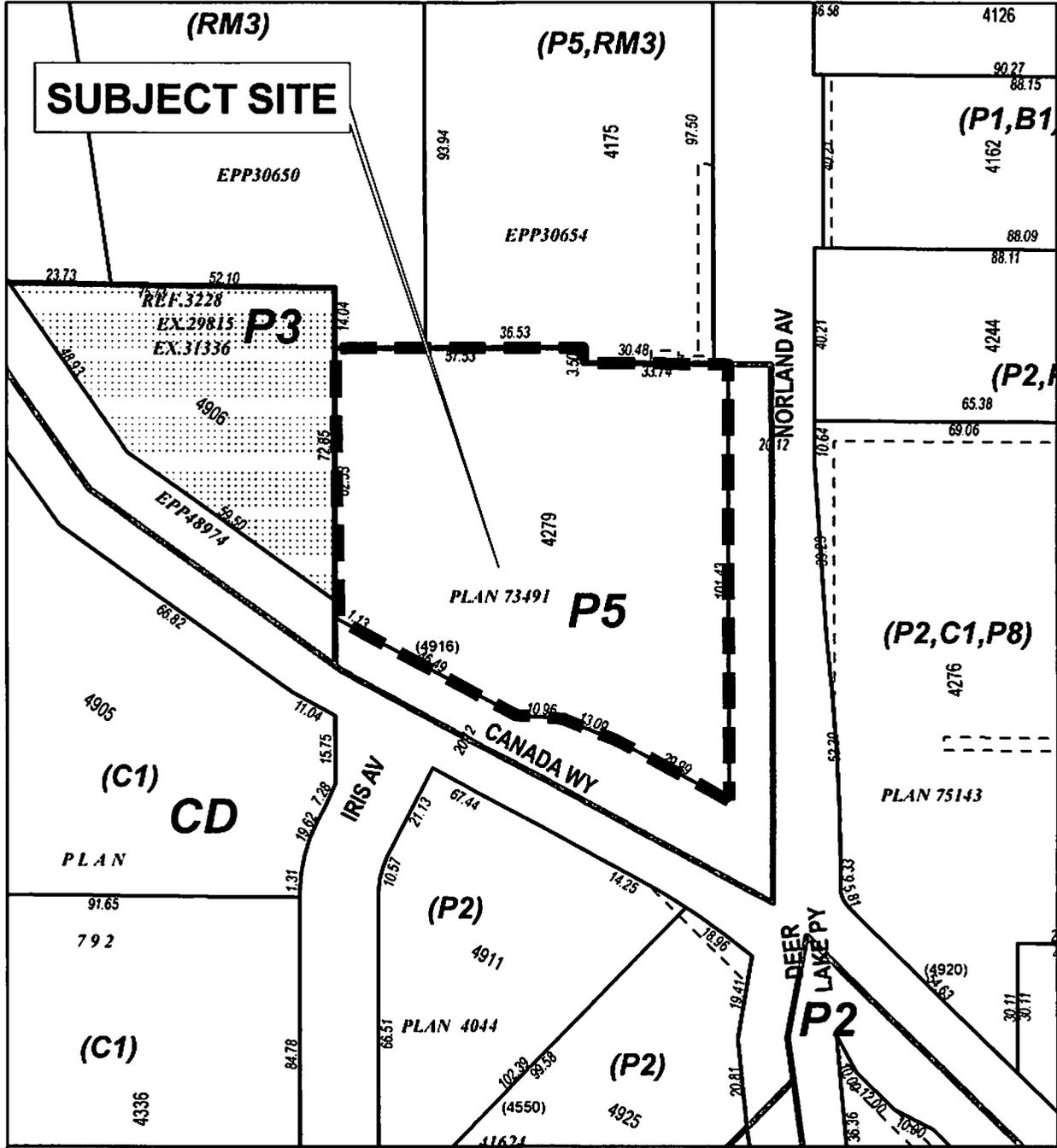
4.0 CONCLUSION

Staff recommend that Council direct the City Solicitor to bring forward a bylaw to authorize the City to enter into the proposed Housing Agreement and prepare the accompanying Section 219 covenant, described in this report. Staff also recommend that Council consider granting First, Second, and Third Readings of this bylaw at one meeting and Final Adoption of the bylaw at a subsequent meeting. The purpose of the Housing Agreement and Section 219 Covenant is to secure Dania’s obligation to provide and maintain affordable housing at 4279 Norland Avenue in accordance with the requirements of Rezoning Reference #18-37.


E.W. Kozak, General Manager
PLANNING AND DEVELOPMENT

EG: sa
Attachment

Copied to: Deputy Chief Administrative Officer and Chief Financial Officer
City Solicitor
City Clerk



SUBJECT SITE



PLANNING & BUILDING DEPARTMENT



Date: FEB 12 2020

scale: 1:1,500

Drawn By: JS

REZONING REFERENCE #18-37
4279 NORLAND AVENUE

 Subject Site