



Memorandum

May 8, 2024

MEMO TO: Mayor West and Members of Council

FROM: Gus Galanis, Acting Commissioner, Planning and Building Services

SUBJECT: **Bill 185, Cutting Red Tape to Build More Homes Act, 2024**

Purpose:

The purpose of this memorandum is to provide Council with information regarding the proposed *Bill 185, Cutting Red Tape to Build More Homes Act, 2024*.

Background:

On April 10, 2024, the Province of Ontario (the "Province") introduced *Bill 185, Cutting Red Tape to Build More Homes Act, 2024* ("Bill 185"). The legislation proposes to amend 15 existing acts, including the *Development Charges Act*, the *Municipal Act*, and the *Planning Act*. In particular, Bill 185 proposes modifications to a number of the recent legislative changes introduced through *Bill 109 More Homes for Everyone Act, 2022* ("Bill 109"), *Bill 23, More Homes Built Faster Act, 2022* ("Bill 23"), and *Bill 97, Helping Homebuyer, Protecting Tenants Act, 2023* ("Bill 97"). The Province has requested public comments in accordance with the following:

Proposal	Environmental Registry of Ontario Number	Commenting Deadline
Removing Barriers for Additional Residential Units	019-8366	May 10, 2024
Municipal Planning Data Reporting	019-8368	May 10, 2024
Proposed Planning Act and Municipal Act Changes	019-8369	May 10, 2024
Newspaper Notice Requirements	019-8370	May 10, 2024
Changes to the Development Charges Act	019-8371	May 10, 2024
Proposed Provincial Planning Statement	019-8462	May 12, 2024

Summary of Proposed Changes:

Municipal Planning Data Reporting

On April 6, 2023, *Ontario Regulation 73/23, Municipal Planning Data Reporting*, came into effect, requiring certain municipalities in Ontario to report information on planning matters to the Ministry of Municipal Affairs and Housing on a quarterly and annual basis. The proposed amendments to the Regulation would expand the list of municipalities to which the Regulation applies, revise the type of information reported (i.e. to include additional planning information relating to applications that are

withdrawn and the registration of Plans of Subdivision and Plans of Condominium), and would require municipalities to publish a summary table on the City's website of the information reported which would be required to be updated quarterly. Further, municipalities would be required to provide additional geospatial data identifying designated serviced land supply.

The City of Richmond Hill is one of the municipalities already required to report planning information to the Province in accordance with Regulation 73/23. In this regard, the City does not have concerns with respect to the revisions proposed by the Province.

Parking Minimums in Major Transit Station Areas (MTSA)

The proposed amendments would remove and prohibit parking minimums in protected Major Transit Station Areas (MTSAs), as well as in areas surrounding and including an existing or planned higher order transit station or stop, where minimum densities are required by Official Plans or Provincial policies.

Staff consider the removal of minimum parking requirements in MTSAs to be premature at this time. The City's Centres and Corridors have not yet been substantially developed to the point of creating a significant shift in travel behavior away from passenger vehicles. Critical rapid transit infrastructure like the Yonge North Subway Extension to High Tech Station is not anticipated to be operational until at least 2031. In addition, the City is in its infancy in constructing a robust Active Transportation Network (recently approved as part of the City's 2023 Transportation Master Plan Update) to support non-vehicular travel modes. Additionally, significant parking requirement reductions are being considered through the Comprehensive Zoning By-law update.

The City recommends the reconsideration of the removal of minimum parking requirements in MTSAs until such time as key rapid transit infrastructure is closer to being operational, Centres and Corridors are more substantially built out, and when key Active Transportation (AT) infrastructure routes have been constructed. Further, it is recommended that Bill 185 provide clarification with respect to parking minimums. The noted response assumes that parking minimums applies to motorized vehicles only, whereas the City of Richmond Hill also recommends maintaining minimum parking for bicycles.

Removal of Barriers for Additional Residential Units (ARUs)

Presently, the *Planning Act* authorizes the Minister to make regulations establishing requirements for second or third residential units in detached, and semi-detached dwellings, rowhouses (townhouses), or in a structure ancillary to dwellings within existing Settlement Areas that are fully serviced by municipal infrastructure.

Bill 185 contains provisions that would allow for the enhancement of the Minister's ability to make regulations to support the development of ARUs by giving the Minister the authority to eliminate zoning standards which may result in unintentional barriers to the creation of ARUs such as lot coverage and maximum number of bedrooms per lot depending on the local context. Bill 185 also contains provisions to ensure that any future regulation that is applicable to the parcel of land in which an ARU is located would cease to apply should alteration or demolition of a building or structure on the parcel of land have the effect of removing the ARU.

Staff support the proposed changes to the *Planning Act* to promote the development of ARUs. It is recommended that any future regulations be based on the notion that ARUs are accessory to a primary dwelling and consider varying lot sizes.

Community Infrastructure and Housing Accelerator (CIHA)

In 2022, the Province made changes to the *Planning Act* through the enactment of Bill 109 to create a tool known as the Community Infrastructure and Housing Accelerator (CIHA). This gave the Minister of Municipal Affairs and Housing the power to make orders to respond to municipal requests for expedited zoning for local priorities (i.e. affordable housing or community infrastructure such as schools and hospitals outside of the Greenbelt). The Minister was able to impose conditions on an order which could be set out in an agreement with either the Minister or the municipality and be registered on title. To seek a CIHA, a municipal council had to pass a resolution requesting such an order from the Minister.

The CIHA was initially presented as an alternative to a Minister's Zoning Order (MZO) process, with the key difference being that a municipality initiates a CIHA with a request to the Minister, whereas an MZO was initiated at the Minister's discretion. It should be noted that to date, the City of Richmond Hill has not made a request to the Minister for a CIHA.

Bill 185 proposes to repeal the section of the *Planning Act* that set out the CIHA process and allowed the Minister to make such orders. In the regulatory posting open for comment, the Province has advised that this is being done to "*avoid unnecessary duplication with a revised and transparent process for requesting and issuing Minister's Zoning Orders.*" Since the introduction of the CIHA process, the Province has set out a new MZO framework that requires a demonstration of how infrastructure servicing will be addressed, the anticipated timelines for downstream approvals and project completion, and evidence that the proposed MZO delivers on a Provincial priority or is supported by the municipality.

While the new MZO framework improves transparency, the City would prefer to see the Province commit to using MZOs only at the request of, or in collaboration with a municipality, similar to the now-repealed CIHA process, and enshrine this mechanism/tool legislatively. This would ensure that local autonomy and context are important pieces of any potential zoning changes.

"Use it or Lose it" Tools

The proposed amendments would authorize municipalities to adopt policies through the enactment of a by-law (that would not be subject to appeals) in order to formalize how water and sewage servicing of an approved development would be managed, including the ability to revoke servicing allocation where a development has not proceeded within a specified timeframe. In addition, the amendment would enable the Minister to provide exemptions for certain classes of approved developments and would enhance lapsing provisions for approvals of draft Plans of Subdivision and draft Plans of Condominium, as well as introduce lapsing provisions for Site Plans.

In this regard, the City currently relies on By-law 109-11 for the assignment of municipal servicing allocation through Council in accordance with the City's Interim Policy for Allocating Sanitary Sewer Capacity and the Interim Growth Management Strategy. City staff have already been exploring an update to the City's Allocation Policy, including delegating authority to assign municipal servicing allocation to the Commissioner of Planning and Building Services through a revised by-law in

alignment with streamlining initiatives approved by Council in July 2023. Although the City's Allocation Policy allows Council to revoke unused servicing allocation, the by-law does not have any such provisions. This proposed amendment will enable the City to establish a specific by-law to implement the City's ability to rescind municipal servicing allocation, and in combination with the proposed lapsing provisions for draft Plans of Subdivision, draft Plans of Condominium and Site Plans, can serve to ultimately incentivize the development industry to construct in a timely manner following development approvals.

Third Party Appeals

The amendment proposes to limit third party appeal rights to municipally approved Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments. Subsections 17(24), 17(36) and 34(19) of the *Planning Act* are proposed to be amended to limit third-party appellants to "specified persons", which is defined to mean a list of entities that includes utilities, pipeline and rail operators, and other similar public/private entities who made written or oral submissions and public bodies who made written or oral submissions and do not include general members of the public.

Further to the above, Bill 185 contains provisions for the establishment of transitional rules that would apply these new appeal limits to existing appeals that are not already scheduled for a merits hearing before the Ontario Land Tribunal (OLT) prior to April 10, 2024.

This proposal to eliminate third-party appeal rights is similar to a previous proposal considered in Bill 23 but was ultimately scaled back to limit the right to appeal to the approval of Minor Variance applications, draft Plans of Subdivision, or Consent applications to the applicant, the municipal authority, the Minister or a "specified person". This proposed amendment will ultimately result in the Province eliminating appeals by third-party landowners, ratepayers and other members of the public and may have the effect of reducing the number of appeals based on "not-in-my-backyard" (NIMBY) principles. However, the proposed changes would limit the public's ability to seek recourse on matters that may have an impact on them as an affected landowner.

In accordance with the proposed changes to the appeal rights discussed above, amendments are also proposed to *Planning Act* notice requirements related to Official Plan and Zoning By-law matters to reflect these revisions. More particularly, the notices will now include information on those "specified persons" that have the right to appeal.

Fee Refund Provisions

Bill 185 contains provisions to remove the fee refund provisions for combined Official Plan Amendment and Zoning By-law amendment applications, Zoning By-law Amendment and Site Plan Control applications imposed by Bill 109. This Bill required that applications filed after July 1, 2023 were eligible for a graduated fee refund if approvals were not issued within new prescribed timeframes. In response, the City and other municipalities across the Province implemented revised development application review processes to meet the accelerated timeframes and avoid fee refunds. In this regard, the City implemented the Collaborative Application Process (CAP) which is intended to resolve technical matters at an early stage in the review process (non-statutory) and is focused on the submission of a proposal that is ready for Council's comment and consideration in accordance with the revised timelines imposed by the Province.

With the proposed removal of this fee refund provision, staff are evaluating the City's CAP process as it relates to the non-statutory process that has been established following the enactment of Bill 109. In this regard, staff are considering bringing forward a revised development process that carries over several of the review enhancements established through the CAP process that enabled a more focused approval process that is streamlined, transparent, reduces additional submissions, and encourages applicant and public participation at an early stage. This would align with the goal of submitting a complete application and ultimately encourage a more efficient and timely approval process.

Pre-Application Process

The proposed Bill includes provisions to make pre-application consultation voluntary at the discretion of the applicant and allows an applicant to challenge complete application requirements to the OLT at any time, rather than only having a time-limited window of 30 days once a municipality deems the application to not be complete.

The existing pre-consultation process offers clarity and transparency to the applicant by confirming the approvals required for the development of a site, identification of the studies and technical requirements in support of the application, and to provide feedback and collaboratively discuss a development proposal. The proposed removal of this mandatory requirement may result in an increase in incomplete applications and associated increases in motions to the OLT to challenge the City's complete application requirements resulting in additional staff resources and legal costs for the City to defend its position on the complete application requirements.

Settlement Area Boundary Expansions

Bill 185 contains provisions that would allow private applicants to appeal to the OLT when a municipality refuses or fails to make a decision on an Official Plan Amendment (OPA) or Zoning By-law amendment (ZBA) that seeks a Settlement Area boundary expansion outside of the Greenbelt Area. These proposed amendments in the *Planning Act*, when combined with policies in the proposed *Provincial Planning Statement 2024* (proposed PPS), would enable an applicant to submit an OPA and/or ZBA to amend a settlement boundary at any time, outside of a municipal comprehensive review.

The proposed Settlement Area boundary expansion policies under the proposed PPS 2024 are a substantial change in Provincial policy direction. Under the current 2020 PPS, Settlement Area boundary expansions may only be considered by a planning authority (i.e., City, Region) at the time of a comprehensive Official Plan review, and only where the proposed expansion satisfies a number of criteria.

While the proposed PPS permits Settlement Area expansion to occur outside of a municipal comprehensive review, the proposed PPS also states that Provincial plans take precedence over the PPS where there is conflict and where the Provincial plan applies more specific directions. As such, the ORMCP prevails over the PPS in matters pertaining to Settlement Area expansion, which can only be considered during a municipal comprehensive review or through the 10-year review of the ORMCP, provided that it does not remove lands from the Natural Core Areas and Natural Linkage Areas.

Standardized Housing Designs

Bill 185 contains provisions that would provide the Minister of Municipal Affairs and Housing with the authority to develop regulations that would enable the establishment of criteria to facilitate planning approvals for standardized housing. The proposed future regulations would only apply to specified lands of a minimum lot size, such as urban residential lands with full municipal services that are located outside of the Greenbelt Area. The proposed regulation may be used to exempt certain planning approvals (i.e. zoning) provided an approved standardized housing design is contemplated as part of the proposal.

While the province has not released any details about the standardized designs, staff expect that they will seek input from municipalities and the building industry in the development of such a catalogue. In principle, staff support the proposed changes to the *Planning Act* to streamline the development of housing and look forward to the opportunity to review and comment on future regulations and criteria pertaining to standardized housing designs.

Upper-Tier Municipality Responsibilities

The concept of an “upper-tier municipality without planning responsibilities” was first introduced by the Province under Bill 23 to improve efficiencies, streamline development approvals and give lower-tier municipalities more discretion over local planning decisions. Bill 23 identified the Regional Municipality of York (York Region), among others, as such an entity. While Bill 23 received Royal Assent on November 28, 2022, the specific *Planning Act* provisions respecting an “upper-tier municipality without planning responsibilities” have not been proclaimed to date.

Bill 185 would establish the effective date of “upper-tier municipality without planning responsibilities” as the later of July 1, 2024 or the day Bill 185 receives Royal Assent. Accordingly, when these provisions come into force, York Region will no longer have:

- the authority to modify or approve the City’s Official Plan and Official Plan Amendments;
- the ability to appeal local planning decisions; and,
- the authority to approve Plans of Subdivision.

With respect to Official Plans and Official Plan Amendments, the approval authority will shift to the Province. In addition, the 2022 York Region Official Plan (ROP) will become a local Official Plan of the lower-tier municipality. This means the ROP will become a statutory in-force Official Plan of the City alongside the City’s current 2010 Official Plan, as amended. All planning decisions made by Council will be required to conform to both local Official Plans which will be in effect at the same time. Various provisions under the *Planning Act* govern the transition of planning responsibilities from upper-tier municipalities without planning responsibilities to lower-tier municipalities, including the status of Official Plans and Official Plan Amendments that are in effect before the legislation is in force, adopted but not yet in effect when the legislation comes into force, or those that are in process but not yet adopted.

Staff note that York Region’s transition to an “upper tier municipality without planning responsibilities” is a substantial change to the *Planning Act* which will affect all nine local area municipalities in York Region. Since its establishment in 1971, York Region has been responsible for growth management across the Region, including long-term planning through its Regional Urban Structure and through the implementation of Regional infrastructure and services to support growth. Since 1994, growth

throughout the Region has been forecasted and assigned to the nine local area municipalities and implemented through their respective local official plans. This comprehensive approach to growth management has served as the basis for major infrastructure and service planning for the last 30 years. Services such as water and wastewater treatment and conveyance, solid waste management, paramedic and police services, transit and transportation, and housing are planned to support existing and future residents and must align with planned growth.

When York Region becomes an “upper-tier municipality without planning responsibilities”, an integrated and comprehensive approach to growth management across York Region will still be required. It is expected that, going forward, the City will be required to undertake its own growth management work and coordinate this work with the Region to ensure it continues to align with Regional infrastructure in accordance with Provincial policies.

Expedited Approval Process for Community Service Facility Projects

The proposed amendments would create a regulation-making authority to streamline approvals related to certain types of “community service facility” developments, including public schools, hospitals and long-term care facilities. Additional information is required with respect to the proposed regulation-making authority, and their powers, particularly with respect to Zoning By-law standards and matters relating to Site Plan Control. Further, clarification is required with respect to the classification or eligibility of proposals which would combine elements of “community service facilities” with other types of development, either in the same building or on the same site.

Exemption of Universities from *Planning Act* Requirements

The proposed amendments would exempt publicly-assisted universities, as defined in section 1 of the *Ministry of Training, Colleges and Universities Act* from the provisions of the *Planning Act* for university led student housing projects on and off campuses. In this regard, the City of Richmond Hill does not have any publicly-assisted universities and therefore does not have any comments with respect to this aspect of the proposed legislation change.

Modernizing Public Notice Requirements

The Province is proposing to provide municipalities with an additional method of providing notice to meet the statutory land use planning notice requirements of the *Planning Act*. In addition to methods of providing notice currently prescribed by Act, Bill 185 contains provisions that would give municipalities the ability to provide the required notice on their respective municipal website if there is no local print newspaper available.

Given the limited options for providing hard copy print notice previously required by the *Planning Act*, enabling the City to provide notice on its website provides a more cost-effective solution to meeting statutory notice requirements for planning matters, especially for municipally-initiated City-wide OPAs and ZBAs that are not site-specific and demand a broader audience for notice.

Similar to the Planning Notice requirements, the *Development Charges Act* (DCA) sets out the requirements for municipalities to give notice of public meetings and of the enactment of by-laws. These requirements are prescribed in Sections 9 and 10 of Ontario Regulation 82/98 and include giving notice in a newspaper of sufficiently general circulation in the area to which the by-law would apply. The proposed regulatory changes through Bill 185 would modernize public notice

requirements by allowing municipalities to provide notice on a municipal website if a local newspaper is not available.

Ontario Land Tribunal Changes

Changes are proposed to Ontario Regulation 549/06 – Prescribed Time Period under the *Planning Act* that would re-establish the prescribed time period for a municipality to review new evidence introduced in a hearing at the OLT. This change would enable the provisions related to sending new information and material back to a municipality, reintroduced through the *More Homes, More Choice Act, 2019* (Bill 108), to operate effectively and expediently.

Repeal the Mandatory Five-Year Phase-In of Development Charge (DC) Rates

Bill 185 contains provisions that would remove the mandatory phase-in of Development Charges resulting in the reversal of the required five-year phase-in of Development Charges imposed through the enactment of Bill 23. Development Charges By-laws enacted after January 1, 2022 were required to phase-in the calculated charges under Bill 23 as follows:

Year 1 of the By-law – 80% of the charges could be imposed;
Year 2 of the By-law – 85% of the charges could be imposed;
Year 3 of the By-law – 90% of the charges could be imposed;
Year 4 of the By-law – 95% of the charges could be imposed; and,
Year 5 of the By-law – 100% of the charges could be imposed.

The phase-in of Development Charges would have resulted in insufficient Development Charge revenue to support growth-related capital projects. Bill 185, if enacted, would be effective for DC By-laws passed after the Bill comes into effect. Once the City's DC By-law is amended, this will allow the City to collect 100% of the Council approved 2024 By-law rates.

The removal of the five-year phase-in would reduce the estimated revenue loss from Bill 23 (estimated at \$29M during the 2024 Development Charges Update) and better enable the City to support the costs of growth with less reliance on municipal property taxes to fund shortfalls.

Inclusion of Studies as an Eligible Capital Cost for Development Charges

Bill 185 would amend the definition of eligible capital costs to allow for the inclusion of studies in the DC calculation. This would represent a reversal of the previous legislative decision through the enactment of Bill 23 which removed the ability for municipalities to include the cost of studies, including Development Charges Background Studies in the DC calculation.

The proposed amendment would allow municipalities to fund studies, consistent with By-laws passed prior to Bill 23 thereby allowing for the funding of Master Plans, DC Background Studies, and similar studies that inform the capital costs of the DC Background Study. These studies are essential to ensure that growth can occur and that sufficient infrastructure and services, as well as funding are available to support growth. The reinstatement of studies as an eligible capital cost would reduce the estimated revenue loss from Bill 23 (estimated at \$7M during the 2024 Development Charges Update) and avoid the transfer of the financial burden of funding required studies to property tax and ratepayers. A new DC By-law would need to be adopted to reflect studies as a new class of service.

Streamlined Process for Minor Amendments to Development Charge By-laws

Bill 185 contains provisions to establish a simplified process to allow municipalities to undertake minor amendments to DC By-laws for the extension of the expiry date, the reinstatement of studies as an eligible capital cost, and the removal of the mandatory five year phase-in of DCs. Minor amendments related to studies and the phase-in of DCs may be undertaken only if the DC By-law being amended was enacted after November 28, 2022, and before Bill 185 takes effect. The amending by-law must be enacted within six months of Bill 185 taking effect.

Reduced Time Limit on the Development Charge Freeze

Bill 108, which received Royal Assent on June 6, 2019, resulted in several changes to the *Development Charges Act* including the requirement to freeze the DCs imposed on certain types of developments. The DC rate for these developments is “frozen” at the rates that were in effect at the time a Site Plan and/or a Zoning By-law Amendment application was submitted. Once the application is approved by the municipality, the DC rate is “locked-in” for two years.

Bill 185 contains provisions that would reduce the two-year timeframe to eighteen (18) months with the intent of expediting building processes and incentivizing developers to obtain Building Permits promptly following approval of a Site Plan or Zoning By-law Amendment application.

The City does not anticipate significant impacts to DC collections as a result of this proposed change; however, it is important to note that an amendment to the DC By-law would be required to affect this change and that the proposed change is not currently contemplated in the streamlined process for minor amendments to DC By-laws.

Implementation of Affordable Residential Unit Exemptions

Bill 23 identified an exemption of Development Charges for Affordable Residential Units. This exemption was subsequently revised through *Bill 134, Affordable Homes and Good Jobs Act, 2023* with respect to when a residential unit shall be considered to be an “affordable residential unit”. The affordable housing exemption applies to Development Charges, as well as Community Benefits Charges, and parkland dedication.

Subsequent to the introduction of Bill 185, the Province released the Affordable Housing Bulletin which provides the Affordable Unit Prices (ownership and rental) that will be used to determine eligibility for the affordable housing exemption and is seeking to enact this exemption beginning on June 1, 2024.

Proposed Provincial Planning Statement

The Province originally released a draft *Provincial Planning Statement* document in April 2023 (draft PPS 2023) alongside a broad suite of legislative changes to the *Planning Act* through Bill 97 to support the achievement of building more homes, faster. The draft PPS 2023 would revoke and replace the *Provincial Policy Statement 2020* and a *Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)* with a new, single integrated Province-wide land use planning document. In May 2023, staff provided Council with a briefing note on the proposed changes under the draft PPS 2023 and highlighted key impacts to the City. At the time, the draft PPS 2023 was released under the Environmental Registry of Ontario for comment ([ERO-019-6813](#)) but did not come into effect in the Fall of 2023 as originally anticipated.

On April 10, 2024, the Province posted a revised PPS (proposed PPS 2024) to the Environmental Registry of Ontario for comment ([ERO-019-8462](#)). Based on feedback received during the previous consultation on the draft PPS 2023, the Province is now proposing new and updated policies for feedback. Overall, the proposed PPS 2024 generally carries forward the majority of policies previously identified in the 2023 draft which are grouped under five pillars:

- generate increased housing supply
- make land available for development
- provide infrastructure to support development
- balance housing with resources
- implementation

Despite an updated draft of the PPS being released for comment, the Province has not indicated the effective date which the document is expected to come into effect. At this time, staff anticipate that the proposed PPS 2024 may come into effect in conjunction with the enactment of Bill 185, or sometime thereafter.

Staff have reviewed the policies of the proposed PPS 2024 comprehensively in the context of how the updated policies impact the City and long term planning. In this regard, the following are key changes and impacts resulting from the proposed PPS 2024:

Policies	City Comment
2.1 Planning for People and Homes	<p>The proposed PPS has a number of new policies regarding growth management. Firstly, it directs that sufficient land be made available to accommodate projected needs for a time horizon of at least 20 years, but no more than 30 years. This is a slight change from the 25 year requirement that was proposed in the draft PPS 2023. Secondly, the proposed PPS 2024 directs that growth forecasts for residents and jobs should be based on the Ministry of Finance's 25-year projection and that municipalities may adjust the projections, as appropriate. This is a new provision which purports to align growth forecasting with the Ministry of Finance projections. These projections typically provide annual population estimates and include datasets respecting population by age and sex and organized under each of Ontario's 49 Census Divisions.</p> <p>Despite the foregoing, the proposed PPS 2024 includes direction for municipalities in the Greater Golden Horseshoe to continue to use forecasts issued by the Province through Schedule 3 of <i>A Place to Grow</i>, until more current forecasts are available to 2051, as informed by guidance provided by the Province.</p> <p>The current population and employment forecasts set out in the City's Official Plan is to the year 2031. The forecast will be updated through the update of the City's Official Plan to reflect</p>

Policies	City Comment
	<p>the 2051 planning horizon set out in the York Region Official Plan and to align with the policies in the proposed PPS.</p>
2.2 Housing	<p>The draft 2024 PPS contains policies to amend the definition of “affordable” so that it is measured at a “municipal” scale rather than a “regional market area”. As such, affordable housing is based on what is “affordable” to the low and moderate income households in the municipality, or based on 90% of the average resale price and 100% of the average market rents in the municipality.</p> <p>The proposed PPS also clarifies that planning for different housing options include: rooming houses, student housing, culturally appropriate housing, supportive, community and transitional housing, as well as housing related to institutional uses such as long-term care homes.</p> <p>The City’s Official Plan and Zoning By-law(s) will need to be updated accordingly. The City’s initiatives under the federal Housing Accelerator Fund (HAF) grant program will also need to conform with the proposed PPS.</p> <p>With respect to “affordable” price or rent, York Region presently provides the thresholds for Richmond Hill. It is not clear whether York Region would continue to set affordable thresholds after the Region becomes an “upper-tier municipality without planning responsibilities”. Alternatively, the Province may provide data through the “Affordable Residential Units bulletin” as per Bill 23, but no information has yet been made available on this matter.</p>
Section 2.3 Settlement Areas and Settlement Area Boundary Expansions	<p>Settlement Area expansion may occur outside of a municipal comprehensive review (MCR). This is not likely to impact Richmond Hill because Bill 185 prohibits Settlement Area expansion into the Greenbelt Area. Furthermore, the City is subject to the Oak Ridges Moraine Conservation Plan (ORMCP) which prevents Settlement Area expansion outside of an MCR or the 10-year Provincial review of the ORMCP.</p>
2.8 Employment	<p>As proposed in the draft PPS 2023, the proposed PPS 2024 continues to prohibit institutional uses and commercial uses such as stand-alone retail and office uses in Employment Areas. This is a major change from the current PPS where offices are permitted in Employment Area.</p> <p>These proposed changes affect the City’s Employment Area policies because the City’s business parks currently permit office use.</p>

Policies	City Comment
	The City had begun work to update its Employment Area policies in 2022, but the update has been delayed due to pending changes to the PPS.
3.6 Sewage, Water and Stormwater	The proposed PPS directs that planning for servicing includes protection of water quality and water quantity, as well as compliance with source protection. The City will need to work with the Region to address water resource systems and to address any impacts to capacity that cross municipal boundaries. This would need to be assessed at a watershed scale with the help of Conservation Authorities.
4.1 Natural Heritage	No changes to natural heritage policies are being proposed in draft PPS. The City has no concerns with this section of the PPS.
4.2 Watershed Planning	There are no significant changes in the proposed PPS; however, the City will need to work with adjacent municipalities to conduct watershed planning and address water resource systems that cross municipal boundaries. The City is covered by three watersheds that are shared with multiple municipalities.
4.6 Cultural Heritage and Archaeology	The proposed PPS encourages early engagement with Indigenous communities. The City may need to update its Official Plan and its engagement plans accordingly. It is noted that work is underway through the City's Diversity, Equity and Inclusion (DEI) Strategy and Action Plan to incorporate best practices for Indigenous engagement.
6.1 Implementation	The proposed PPS directs that the Minister may make decisions that take into account other considerations to balance government priorities.
6.2 Coordination	<p>The proposed PPS requires municipalities to consider coordination across municipal boundaries for areas with high concentrations of employment uses. The City will need to work with adjacent municipalities to conform with this direction.</p> <p>When engaging with the public and stakeholders, the City will also need to ensure that it involves "equity-deserving groups" and include them in the City's engagement plans. The term "equity deserving groups" is identified in the existing PPS as a group that faces a complex range of challenges; however, the proposed PPS does not include a definition of this term.</p>

Conclusion:

Bill 185 proposes modifications to a number of the recent legislative changes introduced through *Bill 109 More Homes for Everyone Act, 2022* (“Bill 109”), *Bill 23, More Homes Built Faster Act, 2022* (“Bill 23”), and *Bill 97, Helping Homebuyer, Protecting Tenants Act, 2023* (“Bill 97”). Staff will continue to monitor updates by the Province in relation to Bill 185. As of the date of this memorandum, Bill 185 has received second reading and is still in the commenting period. Accordingly, it is recommended that the information contained herein be received for information purposes and forwarded to the Province as the City’s official comments on Environmental Registry of Ontario Posting Numbers 019-8366, 019-8368, 019-8369, 019-8370, 019-8371, and 019-8462, prior to the May 10th deadline.

Recommendations:

- a) **That the memorandum from the Acting Commissioner, Planning and Building Services dated May 8, 2024 and titled “Bill 185, Cutting Red Tape to Build More Homes Act” be received for information purposes; and,**
- b) **that the memorandum be forwarded to the Province of Ontario as comments on the Environmental Registry of Ontario Posting Numbers 019-8366, 019-8368, 019-8369, 019-8370, 019-8371, and 019-8462, prior to the May 10th deadline.**