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Regulation Proposal Notice:

Title:

Proposed Regulations under the Planning Act

EBR Registry Number:

012-7617

Ministry:

Ministry of Municipal Affairs
and Housing

Date Proposal loaded to the Registry:

May 18, 2016

Keyword(s): Land use planning

Comment Period: 90 days: submissions may be made between May 18, 2016 and August 16, 2016.

Description of Regulation:

The Ministry of Municipal Affairs and Housing (MMAH) is proposing to consult on a potential new regulation or regulations under the Planning Act if Schedule 4 to the Promoting Affordable Housing Act, 2016 is passed by the Legislature and comes into force on a day to be named.

Inclusionary Zoning:

Bill 204, the Promoting Affordable Housing Act, 2016 was introduced and received first reading on May 18, 2016.

Schedule 4 to the Promoting Affordable Housing Act, 2016 proposes amendments to the Planning Act which would, if passed, establish a framework for municipalities to pass inclusionary zoning by-laws.

If Schedule 4 to the Promoting Affordable Housing Act, 2016 is passed by the Legislature and comes into force on a day to be named, new regulatory authority under the Planning Act is proposed which may prescribe requirements for matters related to the proposed inclusionary zoning framework.

Proposed consultation on regulatory amendments:

If Schedule 4 to the Promoting Affordable Housing Act, 2016 is passed, the proposed amendments would establish regulatory authority to:

- Prescribe the content of inclusionary zoning policies in municipal official plans including:
 - the goals and objectives of a municipal inclusionary zoning framework
 - method of ensuring affordability of the units over time
 - details relating to elements such as size of building
 - number of affordable units required
 - target income groups
 - the period of time for which affordable housing units must be maintained as affordable
 - unit type
 - municipal measures or incentives
 - direction on access requirements for the affordable units
- Prescribe the content of inclusionary zoning by-laws:
 - size of proposed buildings which would trigger inclusionary zoning

Contact:

**All comments on this
proposal must be directed
to:**

Victor Doyle
Manager
Ministry of Municipal Affairs
and Housing
Local Government and
Planning Policy Division
Provincial Planning Policy
Branch
777 Bay Street
Floor 13
Toronto ON
M5G 2E5
Phone: (416) 585-6014

**To submit a comment online,
click the submit button
below:**

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in new window)

Additional Information:

**The following government
offices have additional
information regarding this
Proposal. To arrange a
viewing of these documents**

- requirements for affordable units
- number of affordable units required
- target income groups and/or sale price or rent
- the period of time for which affordable housing units must be maintained as affordable and unit type
- municipal measures or incentives and information required to support inclusionary zoning policies and by-laws
- Prescribe the content of agreements that may be required to maintain the affordable units over a period of time
- Prescribe the procedures for monitoring and ensuring affordable housing units are maintained for the required period of time
- Prescribe the circumstances under which section 37 of the Planning Act may be used when an inclusionary zoning by-law is in effect
- Prescribe the content, timing and distribution of municipal reports and information concerning affordable housing units
- Prescribe a transition date in relation to matters and proceedings started before or after the effective date and/or the date of municipal adoption of inclusionary zoning policies and/or zoning.

You may provide comments using the Consultation Guide at the link provided.

Purpose of Regulation:

The purposes of this Notice are:

- To inform the public, stakeholders and municipalities of Ontario that the province is seeking input on matters that may be considered by the Minister for possible regulatory proposals to support the proposed inclusionary zoning legislative framework, if Schedule 4 to the Promoting Affordable Housing Act, 2016 is passed by the Legislatures and comes into force on a date to be named.
- To provide 90 days for the public, stakeholders and municipalities of Ontario to provide comment by directing their written concerns to the contact person noted below.

Other Information:

You may provide comments using the Consultation Guide at the link provided.

Please note that the following Notice is related to this posting:

EBR Registry Number: 012-7616: As part of the Long-Term Affordable Housing Strategy Update, Schedule 4 of Bill 204, the Promoting Affordable Housing Act, 2016, if passed, proposes amendments to the Planning Act that would allow municipalities to pass inclusionary zoning by-laws in accordance with proposed legislation or as may be required by potential regulations.

Public Consultation:

This proposal has been posted for a 90 day public review and comment period starting May 18, 2016. If you have any questions, or would like to submit your comments, please do so by August 16, 2016 to the individual listed under "Contact". Additionally, you may submit your comments on-line.

All comments received prior to August 16, 2016 will be considered as part of the decision-making process by the Ministry if they are submitted in writing or electronically using the form provided in this notice and reference EBR Registry number 012-7617.

Please Note: All comments and submissions received will become part of the public record. Comments received as part of the public participation process for this proposal will be considered by the decision maker for this proposal.

please call the Ministry Contact or the Office listed below.

Provincial Planning Policy Branch
777 Bay Street
Floor 13
Toronto ON
M5G 2E5
Phone: (855) 776-8011

The documents linked below are provided for the purposes of enhancing public consultation.

All links will open in a new window

1. [**Inclusionary Zoning Consultation Discussion Guide**](#)

2. [**Planning Act**](#)

3. [**1. Bill 204 – proposed Promoting Affordable Housing Act, 2016**](#)

Your personal information may be used in the decision making process on this proposal and it may be used to contact you if clarification of your comment is required. It may be shared (along with your comment) with other Ontario Ministries for use in the decision making process. Questions about this collection should be directed to the contact mentioned on the Proposal Notice page.

Other Public Consultation Opportunities:

This proposal has been posted for a 90 day public review and comment period starting May 18, 2016. If you have any questions, or would like to submit your comments, please do so by August 16, 2016 to the individual listed under "Contact". Additionally, you may submit your comments on-line.

All comments received prior to August 16, 2016 will be considered as part of the decision-making by the Ministry if they:

- are submitted in writing or electronically using the form provided in this notice
- reference the EBR Registry number 012-7617; and
- are received by the Contact Person within the specified comment period

Comments should be directed to the following Contact Person:

Victor Doyle, Manager
Provincial Planning Policy Branch
777 Bay Street, 13th Floor
Toronto, Ontario, M5G 2E5
PHONE: (416) 585-6014

In addition to this EBR Posting, comments can be submitted electronically to:
inclusionaryzoning@ontario.ca

Please Note: No acknowledgement or individual response will be provided to those who comment. All comments and submissions received will become part of the public record. You will not receive a formal response to your comment. Comments received as part of the public participation process for this proposal will be considered by the decision-maker for this proposal.

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Act Proposal Notice:

Title:

Schedule 4 of Bill 204 - The Promoting Affordable Housing Act, 2016

EBR Registry Number:

012-7616

Ministry:

Ministry of Municipal Affairs and Housing

Date Proposal loaded to the Registry:

May 18, 2016

Keyword(s): Land use planning

Comment Period: 90 days: submissions may be made between May 18, 2016 and August 16, 2016.

Description of Act:

Bill 204, The Promoting Affordable Housing Act, 2016, if passed, would make amendments to various Acts including the Planning Act as part of the Long-Term Affordable Housing Strategy Update.

Proposed Planning Act amendments:

Schedule 4 to Bill 204 proposes amendments to the Planning Act that would, if passed, complement the range of existing tools that municipalities may consider to help promote affordable housing in their communities and to further support land use planning decision-makers in their efforts to increase the supply of affordable housing.

The bulk of the proposed amendments relate to inclusionary zoning. If passed, the legislative framework would enable municipalities to pass inclusionary zoning by-laws in accordance with the proposed legislation or as may be required by potential regulations. Other proposed amendments deal with affordable housing more generally.

The proposed amendments, if passed, would also provide the Minister with authority to make regulations in relation to a variety of the proposed provisions. For more information on the proposal to consult on regulatory amendments, see the EBR Regulation Proposal 012-7617.

Proposed Content:

The proposed general amendments would:

- Provide the Minister of Municipal Affairs and Housing with appeal rights related to municipal adoption of second unit official plan policies and zoning by-laws;
- Include an exception to existing subdivision and part-lot control provisions for land leases for a period of not less than 21 years and not more than 99 years where the proposed development includes affordable housing units;
- Enable the Minister to make a regulation in relation to loading or parking facilities including minimum or zero parking requirements

Contact:

All comments on this proposal must be directed to:

Victor Doyle
Manager
Ministry of Municipal Affairs and Housing
Local Government and Planning Policy Division
Provincial Planning Policy Branch
777 Bay Street
Floor 13
Toronto ON
M5G 2E5
Phone: (416) 585-6014

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Additional Information:

The following government offices have additional information regarding this Proposal. To arrange a viewing of these documents please call the Ministry

- Enable the Minister to make a regulation in relation to establishing maximum municipal planning application fees for affordable housing units.
- Permit exterior access design drawings to be required as part of site plan approval if the official plan and site plan control area by-law contains exterior access requirements or standards related to inclusionary zoning policies
- Require a draft plan of subdivision to show the shape and dimensions of each proposed affordable housing unit and its approximate location in relation to proposed units that are not affordable housing units.
- In considering the draft plan of subdivision, the approval authority must have regard to the suitability of the proposed units for affordable housing.
- If a condominium will contain affordable housing units and if a shared facilities agreement will be entered into, the approval authority may require that the shared facilities agreement be satisfactory to the approval authority.

Contact or the Office listed below.

Provincial Planning Policy
Branch
777 Bay Street
Floor 13
Toronto ON
M5G 2E5
Phone: (855) 776-8011

The documents linked below are provided for the purposes of enhancing public consultation.

All links will open in a new window

In relation to inclusionary zoning, the proposed amendments, if passed, would:

- Enable, or where prescribed require, municipalities to establish official plan policies authorizing inclusionary zoning including:
 - setting out goals and objectives and how they are to be attained;
 - requiring the inclusion of affordable housing units within buildings or projects containing residential units;
 - requiring that affordable housing units be maintained as affordable over a defined period of time; and
 - any provisions specified in a Minister's regulation.
- Enable, or where prescribed require, municipalities to pass zoning by-laws to implement inclusionary zoning official plan policies the contents of which may include:
 - number of affordable housing units to be provided;
 - period of time that affordable housing units must be maintained as affordable;
 - requirements and standards that affordable housing units must meet;
 - measures and incentives that may be provided by a municipality to support inclusionary zoning;
 - the price at which affordable housing units may be sold or the rent at which they may be leased;
 - a requirement for owners of land, buildings or structures to enter into agreements with the municipality on matters included in the zoning by-law, subject to prescribed provisions
 - any matter specified in a Minister's regulation
- Allow agreements between an owner and municipality to be registered against the land and to be enforceable against subsequent owners.
- If a municipality passes an inclusionary zoning by-law, the municipality will be:
 - required to provide reports and information as required by regulation;
 - prohibited from passing a by-law under section 37, except as permitted by regulation; and
 - required to establish a procedure for monitoring and ensuring affordability is maintained.
- Stipulate that there is no authority for a municipality to require the payment of money in lieu of affordable housing units or authorize the erection or location of affordable housing units on land or in a building or structure that is not specified in the by-law.
- Prohibit a committee of adjustment from authorizing a minor variance from the provisions of an inclusionary zoning by-law.
- Permit only the Minister to appeal policies and by-laws relating to official plan policies as well as zoning by-laws and conditions of approval of draft plan of subdivision or condominium that give effect to inclusionary zoning policies.

1. [Planning Act](#)
2. [1. Bill 204 – proposed Promoting Affordable Housing Act, 2016](#)

- Provide the Minister with authority to make regulations providing for transitional matters respecting matters and proceedings commenced before or after the effective date

The proposed legislation provides more information and detail on all the proposed reforms and can be reviewed via the web link identified in this proposal.

Purpose of Act:

The purposes of this Notice are:

- to advise the public that the province is considering changes to the Planning Act;
- to provide the basic outline of the proposed legislation; and
- to provide 90 days for the public to comment on the proposed legislation by directing their written comments to the contact person noted below.

Other Information:

Please note that the following Regulation Proposal Notice is related to this posting:

EBR Registry Number: 012-7617

This posting contains proposed regulations the Minister is considering in relation to inclusionary zoning as proposed to be authorized by Bill 204, which is referred to in this posting.

Public Consultation:

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- are submitted in writing or electronically using the form provided in this notice
- reference the EBR Registry number 012-7616; and
- are received by the Contact Person within the specified comment period

Comments should be directed to the following Contact Person:

Victor Doyle, Manager
Provincial Planning Policy Branch
777 Bay Street, 13th Floor
Toronto, Ontario, M5G 2E5
PHONE: (416) 585-6014

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