THE CITY OF WINNIPEG
BY-LAW No. ___/2024

A By-law of THE CITY OF WINNIPEG to establish and implement the Housing Accelerator Fund Capital Grant Program.

WHEREAS Canada faces a severe shortage of homes reducing the availability and affordability of housing;

AND WHEREAS to address the housing shortage, among other measures, the Government of Canada introduced a Housing Accelerator Fund under the National Housing Strategy in the 2022 federal budget that is intended to create more supply of housing at an accelerated pace and enhance certainty in the approvals and building process;

AND WHEREAS The City of Winnipeg applied to receive funding from the Housing Accelerator Fund;

AND WHEREAS The City of Winnipeg and Canada Mortgage and Housing Corporation, on behalf of the Government of Canada, have entered into a Contribution Agreement which includes an action plan that sets out the action items, initiatives and targets that The City of Winnipeg will undertake and/or achieve to remove systemic barriers to housing supply and boost supply in Winnipeg, including through the provision of a new capital grant program for housing developers to incentivize construction of new affordable and multi-unit housing projects across the city.

THEREFORETHE CITY OF WINNIPEG, in Council assembled, enacts as follows:

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PART 1
INTRODUCTORY PROVISIONS

Short title

1 This By-law may be cited as the *Housing Accelerator Fund Capital Grant Program By-law*.

Definitions and interpretation

2 The following definitions apply in this by-law.

"affordable housing" means multi-unit residential housing that is recognized as affordable housing for the purpose of determining its eligibility for financial support under the National Housing Strategy or the Province of Manitoba, and includes the affordability criteria set out for each type of grant outlined in subsections 4(2) and 4(3).

"Affordable Downtown Projects Grant" means the grant described in clause 4(2)(c) herein.

"Affordable Housing Projects Grant" means the grant described in clause 4(2)(b) herein. **"approval"**, unless otherwise stated, means the approval of a grant application made under this By-law, and "approved" has a corresponding meaning.

"approved property" means a property in relation to which a grant application has been approved under section 8.

"building occupancy permit" has the meaning ascribed to it in the Winnipeg Building By-law No. 4555/87, and any amendments thereto.

"building permit" means permits that are regulated by the Winnipeg Building By-law No. 4555/87 and allow for construction to begin, including new construction, additions, or alterations to existing structures.

"Chief Administrative Officer" means the Chief Administrative Officer of the City and includes anyone acting in that capacity;

"Charter" means *The City of Winnipeg Charter*.

"City" means The City of Winnipeg continued under section 8 of the Charter.

"CMHC" means the Canada Mortgage and Housing Corporation.

"CMHC Affordable Housing Fund Criteria" means a minimum of 30% of the dwelling units developed must be rented at less than 80% of median market rents (MMR) for the geographic area, as determined by CMHC, or any changes to this criterion as implemented by CMHC though the National Housing Strategy.

"CMHC Mortgage Loan Insurance Criteria" means a minimum of 10% of the dwelling units developed must be rented at 30% of median renter income for the geographic area, as outlined by the Mortgage Loan Insurance Criteria program, or any changes to this criterion as implemented by CMHC.

"Conditional Approval Letter" has the meaning ascribed thereto in subsection 8(3).

"Council" means the council of the City.

"Deeply Affordable Housing Outside Downtown (Top-Up) Grant" means the grant described in subsection 4(3) herein.

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"Downtown" means the area within the City of Winnipeg included in the Downtown Winnipeg Zoning By-law No. 100/2004.

"**Downtown Market Projects Grant**" means the grant described in clause 4(2)(a) herein.

"dwelling unit" means a building or portion of a building designed or used for residential occupancy by a single family, including cooking, eating, living, sanitary and sleeping facilities. It also refers to group living environments which are classified as residential under the Winnipeg Zoning By-law No. 200/2006, and which provide residential occupancy with separate sleeping areas and some combination of shared bath, toilet, or kitchen facilities.

"grant" means an Affordable Downtown Projects Grant, an Affordable Housing Projects Grant, a Deeply Affordable Housing Outside Downtown (Top-Up) Grant, or a Downtown Market Projects Grant, as applicable.

"housing development" means the development of multi-unit residential housing.

"median market rent" means the median, or midpoint, value for rent in a particular geographic area, as defined by CMHC in the annual *Rental Market Survey*.

"median renter income" means the median, or midpoint, value for income for renters in a particular geographic area, as defined by CMHC.

"new housing" means the development of multi-unit residential housing in the form of new construction, or the conversion of non-residential to residential.

"owner", in relation to real property, means a person who is the owner of a freehold estate, and includes

(a) a person who is an owner, with another person as joint tenant or tenant in common, of a freehold estate; and

(b) a real owner, as defined in subsection 1(1) of *The Municipal Assessment Act*.

"permanent supportive housing" means rental housing with individualized services for people who have high needs related to physical or mental health, substance use or recovery, and/or developmental disabilities;

"priority populations" means housing that, in the Chief Administrative Officer's opinion, targets

(a) a housing need for a vulnerable population as described in the National Housing Strategy, which includes: women and children fleeing domestic violence, seniors, young adults, Indigenous peoples, people with

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disabilities, people dealing with mental health and addiction issues, veterans, 2SLGBTQIA+, racialized groups, recent immigrants (especially refugees), people experiencing homelessness, or

(b) an affordable housing need described in the *City of Winnipeg Comprehensive Housing Needs Assessment* (January 2020) and any updates made thereto.

"**project completion**" means:

(a) in the case of a multiple family residential building, the date on which one or more interim or final building occupancy permits are issued authorizing the use of the entire building for residential occupancies; or

(b) in the case of a mixed-use building, the date on which one or more interim or final building occupancy permits have been issued authorizing occupancy for the entire building.

"Province of Manitoba Affordable Housing Rental Rates" means the rental rates set annually by the Province of Manitoba as part of the Affordable Housing Rental Program and posted on the Province of Manitoba's website, or otherwise published.

"real property" means real property as defined in the *Charter*.

"rent-geared-to-income" means housing, where a subsidy is provided to cover the difference between the tenant's rent-geared-to-income (RGI) rent and the dwelling unit's market rent. This housing is often independent self-contained dwelling units for low-income residents whose total household income does not exceed the posted Social Housing Program Income Limit (e.g. Manitoba Housing program).

"transitional housing" means a supportive and temporary or intermediate type of accommodation that is intended to bridge a gap to permanent or independent housing by offering structure, supervision, support, life skills, education, etc., in a setting that is more long term, service intensive and private than Emergency Shelters, and stays are 3 months to 3 years in length.

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PART 2
HOUSING ACCELERATOR FUND CAPITAL GRANT PROGRAM

Program established

3 The program for the distribution and administration of grants to be provided in accordance with this by-law is hereby established as the "Housing Accelerator Fund Capital Grant Program."

Program overview

4(1) The Housing Accelerator Fund Capital Grant Program provides support directly to developers to create more housing supply, specifically multi-unit housing with an initial focus on affordable housing development and projects situated Downtown. The support is provided in accordance with this section.

4(2) A grant may be paid to an owner of an approved property

(a) in the amount of up to $25,000 per dwelling unit (referred to herein as a "Downtown Market Projects Grant") for an approved property that

(i) is located in the Downtown,

(ii) is owned by a non-profit housing provider, a private corporation, or an Indigenous government,

(iii) includes new housing,

(iv) includes the development of a minimum of five (5) dwelling units, and

(v) includes at least 10% of the dwelling units in accordance with CMHC Mortgage Loan Insurance Criteria for a minimum of ten (10) years.

(b) in the amount of up to $35,000 per dwelling unit (referred to herein as an "Affordable Housing Projects Grant") for an approved property that

(i) is owned by a non-profit housing provider, a private corporation, or an Indigenous government,

(ii) includes new housing,

(iii) includes the development of a minimum of five (5) dwelling units, and

(iv) includes at least 30% of the total dwelling units being rented at either of the following affordability criteria;

a. at less than 80% of the median market rent for the area, in line with CMHC Affordable Housing Fund Criteria for a minimum of twenty (20) years; or

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b. at Province of Manitoba Affordable Housing Rental Rates for a minimum of twenty (20) years.

(c) in the amount of up to $60,000 per dwelling unit (referred to herein as an "Affordable Downtown Projects Grant") for an approved property that

(i) is located in the Downtown,

(ii) is owned by a non-profit housing provider, a private corporation, or an Indigenous government,

(iii) includes new housing,

(iv) includes the development of a minimum of five (5) dwelling units, and

(v) includes at least 30% of the total dwelling units being rented at either of the following affordability criteria;

a. at less than 80% of the median market rent for the area, in line with CMHC's Affordable Housing Fund Criteria for a minimum of twenty (20) years; or

b. at Province of Manitoba Affordable Housing Rental Rates for a minimum of twenty (20) years.

4(3) An additional grant may be paid to an owner of an approved property in the amount of up to $15,000 per dwelling unit, to a total maximum of $50,000 per dwelling unit (referred to herein as a "Deeply Affordable Housing Outside Downtown (Top-Up) Grant"), for an approved property that

(a) meets the criteria of clause 4(2)(b) for an Affordable Housing Projects Grant,

(b) is not located in the Downtown,

(c) can provide a letter of intent from a government organization, or an equivalent organization acceptable to the City, indicating its commitment to provide operating funding for the housing development for at least five (5) years and up to twenty (20) years after project completion; and

(d) includes either of the following:

(i) at least 50% of the total dwelling units are rent-geared-to-income, or

(ii) operates as permanent supportive housing or transitional housing for priority populations, including people experiencing homelessness.

Maximum grants

5(1) The total award of all grants for the Housing Accelerator Fund Capital Grant Program under subsections 4(2) and 4(3) shall not exceed

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(i) $25,000,000 in 2024, or such additional amount as may be approved by Council; and

(ii) such additional amount as may be approved by Council in future years for the Housing Accelerator Fund Capital Grant Program.

5(2) The total grant payable under subsections 4(2) and 4(3) in respect of an approved property must not exceed $5,000,000 from CMHC funding for the Housing Accelerator Fund.

5(3) Notwithstanding subsection (2), additional grant amounts may be paid in respect of an approved property with funding made available from other sources, that is provided to the City, in order to maximize the impact of the City's Housing Accelerator Fund Capital Grant Program.

Payment of grant

6 The Chief Administrative Officer is authorized to determine dates or points during construction at which grants are payable.

Application for grant

7(1) An owner of a property may apply for a grant under the Housing Accelerator Fund Capital Grant Program in respect of a proposed housing development for the property if the proposed development meets the requirements for a grant listed in subsections 4(2) or 4(3).

7(2) The application must be made during the dates and in the form and manner authorized by the Chief Administrative Officer.

Approval of grant

8(1) When considering a grant application, the Chief Administrative Officer

(a) must have regard to *OurWinnipeg 2045*, *Complete Communities 2.0*, the *City of Winnipeg Comprehensive Housing Needs Assessment,* and the City of Winnipeg Housing Policy;

(b) may require the applicant to demonstrate how the development will address the City's needs for housing;

(c) is not required to process or approve applications in the order in which they were received and may give priority to those expected to have a greater impact in addressing the City's needs for housing supply and affordable housing and to those submitted by non-profit and Indigenous housing providers;

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(d) will evaluate applications with regard to their financial viability based on an analysis of the pro forma and other financial documentation provided with the application and may give priority to those that are more viable;

(e) will evaluate development viability based on a readiness to construct by reviewing the completeness of construction drawings, additional secured funding sources, as well as the extent to which the development has the required zoning and development approvals in place at the time of application. Priority will be given to developments determined to be readier; and

(f) may have discussions with the applicant about the type and amount of grant to be provided with a view to maximizing the impact of the Housing Accelerator Fund Capital Grant Program.

8(2) Approval of a grant application, and the payment of grants in accordance with that approval, for a proposed housing development is conditional on

(a) the development meeting and continuing to meet the applicable affordable housing requirements listed in subsections 4(2) and 4(3);

(b) the property and the development complying with all City by-laws, standards and codes;

(c) the applicant submitting, within a period of time specified by the Chief Administrative Officer, a construction schedule demonstrating that completion of the entire project will occur within four years after the date of the Conditional Approval Letter or before any later deadline established by the Chief Administrative Officer in writing;

(d) a building permit must not have been obtained for the development prior to December 5, 2023;

(e) a building permit for the development being obtained within 12 months after the approval is given or before any later deadline established by the Chief Administrative Officer in writing;

(f) a building permit(s) must be obtained before beginning construction;

(g) an interim or final building occupancy permit for the entire building being issued by the end of the fourth full calendar year after the year of approval or before any later deadline established by the Chief Administrative Officer in writing;

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(h) all taxes imposed by City in respect of the property being paid when they are due;

(i) the owner of the property not

(i) being bankrupt or insolvent;

(ii) going into receivership; or

(iii) having taken benefit of any statute from time-to-time in force relating to bankrupt or insolvent debtors;

(j) the owner having provided information, including a statutory declaration, to the Chief Administrative Officer when reasonably required by the Chief Administrative Officer to enforce or administer this By-law, including information required to determine whether the conditions set out in this section are being met;

(k) the grant recipient continuing to own the property unless, before title to the property is transferred, the Chief Administrative Officer has approved an assignment of the person's grant entitlement to the transferee of the property;

(l) no creditor of the owner or any subsequent owner

(i) attaching or garnishing any funds for the development, or

(ii) seizing or encumbering the development or any substantial asset used in connection with the development,

without the prior written consent of the City; and

(m) the current owner complying with all other conditions reasonably imposed by the Chief Administrative Officer to administer this By-law.

8(3) When approving a grant application, the Chief Administrative Officer must issue an approval letter (referred to in this By-law as a "Conditional Approval Letter") setting out

(a) the address of the proposed housing development;

(b) the name of the grant recipient; and

(c) the type and amount of grant to be provided under this By-law for the development.

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8(4) The Conditional Approval Letter may also set out any conditions, in addition to those set out in subsection 8(2), that may apply to the approval.

8(5) Subject to the Conditional Approval Letter and any written agreement between the City and the applicant regarding a grant payable to the owner, the conditions in subsection 8(2) continue to apply until the end of the term of the applicable affordability requirements listed in subsections 4(2) and 4(3) being fulfilled.

8(6) The City is obligated to make grants in accordance with the Conditional Approval Letter unless

(a) any representation or warranty made by the applicant is false or misleading in a material respect;

(b) in the opinion of the Chief Administrative Officer, there is a material adverse change in risk in the owner's ability to operate or manage the development;

(c) the development is entirely or substantially destroyed; or

(d) the Chief Administrative Officer is reasonably of the opinion that

(i) the development is not being managed or operated in accordance with, or

(ii) the property, the development, the owner or a subsequent owner has failed to meet,

any of the terms and conditions that apply to the grants according to this By-law, the Conditional Approval Letter or any subsequent agreement entered into between the owner and the City regarding the grants.

In these circumstances, the Chief Administrative Officer may cease the payment of grants and withdraw the Conditional Approval Letter by written notice to the owner setting out the reason for doing so.

8(7) If a Conditional Approval Letter is withdrawn under subsection 8(6) in respect an approved property,

(a) that property ceases to be an approved property; and

(b) any money previously committed to the payment of a grant under subsections 4(2) or 4(3) for that property and not yet paid may be committed to the payment of grants under that clause for other approved properties.

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8(8) If a property, a development or an owner fails to meet any terms or conditions that apply in respect of development for which a grant has been paid under this By-law, the City may recover all or any part of the grant as a debt owing by the current owner to the City in respect of the property.

PART 3
ADMINISTRATIVE PROVISIONS

Chief Administrative Officer may designate employee

9 The Chief Administrative Officer may, in writing, designate a City employee as a designated officer for the purposes of administering and enforcing this By-law or any part of it.

Powers of designated officer

10(1) The designated officer has the powers of a "designated employee" under the Charter for the purposes of administering and enforcing this By-law.

10(2) Without limiting the powers referred to in subsection 10(1), the designated officer may do the following:

(a) issue a Conditional Approval Letter in accordance with subsection 8(3) after determining that a proposed development is conditionally approved for a grant under this By-law;

(b) withdraw a Conditional Approval Letter in accordance with subsections 8(6);

(c) terminate the payment of grants under a Letter of Intent if satisfied that any of the conditions in subsection 8(6) has been met;

(d) require the owner of the approved property to provide information or, where appropriate, a statutory declaration, when information is required to determine the owner's entitlement to a grant or continuing grant payments under the Housing Accelerator Fund Capital Grant Program.

Grants transferable

11 The Chief Administrative Officer is authorized, prior to the transfer of property in respect of which an application has been made or which has been approved for one or more grants under this By-law, to

(a) approve the transfer of the application to the prospective owner; or

(b) approve the transfer to the prospective owner of the entitlement to receive a grant.

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Partnerships for program implementation

12 The Chief Administrative Officer may seek partnerships with other organizations to assist in the implementation of the Housing Accelerator Fund Capital Grant Program by soliciting, collecting and assessing applications on behalf of the City and making recommendations for approval to the Chief Administrative Officer, and such other tasks as may be requested of them by the Chief Administrative Officer.

Appeal

13 Where a decision of the Chief Administrative Officer or a designated officer is subject to appeal under the Charter, the appeal shall be heard by the Executive Policy Committee.

Coming into force

14 This By-law comes into force upon its enactment by Council.

DONE AND PASSED this day of , 2024.

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Mayor

_____
City Clerk

Approved as to content:

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Chief Administrative Officer

Legally reviewed and certified as to form:

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For Director of Legal Services and City Solicitor

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