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BULLETIN

MORE BIG CHANGES FOR BC LOCAL GOVERNMENT

Following on the heels of Bill 44: *Housing Statutes (Residential Development) Amendment Act*, the Province continues its Stephen King-like pace with this week's introduction of Bills 46 and 47, the *Housing Statutes (Development Financing) Amendment Act* and the *Housing Statutes (Transit-Oriented Areas) Amendment Act*.

One of the significant impacts of Bill 44 will be the reduced scope for local governments to require amenities and amenity contributions in connection with Bill 44's mandatory zoning requirements. Bill 46 attempts to alleviate this by amending the *Local Government Act*: (i) to expand the scope for development cost charges to provide funding for fire protection facilities, police facilities and solid waste and recycling facilities and (ii) to allow for the imposition of new "Amenity Cost Charges" (ACCs).

The rules for ACC bylaws are similar to the existing DCC scheme, allowing for the imposition of ACCs at subdivision approval and building permit issuance, providing for limited exemptions and reductions and requiring ACC reserve funds. Of note:

- ACCs are to assist with the capital costs of providing "amenities" to benefit the development and resulting increased resident and worker population.
- Amenities are defined as facilities or features that provide social, cultural, heritage, recreational or environmental benefits to a community, including community, youth or seniors' centres, recreational or athletic facilities, libraries, day cares and public squares.
- An amenity must be owned by the local government or owned or operated by a person who has entered into a partnering agreement with the local government with respect to the amenity.
- During the development of an ACC bylaw, the local government must consult with the public and other affected persons and organizations.
- Inspector approval is not required for an ACC bylaw.
- However, the inspector will have an oversight function and may require ACC status reports and, based on such a report, may order the transfer of ACC reserve monies to a capital purpose reserve.
- A local government will be required to prepare an annual ACC report.
- An ACC bylaw must specify the areas that will be subject to ACCs and must identify the amenities that will receive ACC funding.

- ACCs must be set on a per lot or unit basis or based on floor area. They must also be similar for “all developments that are expected to result in a similar increase in the population of residents or workers”.
- In setting an ACC charge for an amenity, the local government must deduct, from the estimated capital costs of the amenity, amounts to be funded by grants or other sources (including the local government itself) and the portion to be allocated to the existing population (and therefore funded by the local government).

More to follow on Bill 47.

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