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NOVEMBER 3, 2023

**BULLETIN**

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**PROVINCE INTRODUCES SIGNIFICANT RENOVATIONS  
TO LOCAL GOVERNMENT ENABLING LEGISLATION**

The provincial government on November 1<sup>st</sup> gave first reading to Bill 44 – 2023 *Housing Statutes (Residential Development) Amendment Act, 2023*. There's no reason to think this Bill won't make it to the legislative finish line and become law in BC, fairly quickly, in substantially its current form. In that case, we'll see some of the most significant changes to the local government planning and land use management regime since 1985.

As a very general observation, the Province with Bill 44 is doing something it rarely does: instead of just giving local governments authority to make and enforce land use management rules for their communities, it is imposing very specific requirements on how that authority must be exercised, and instead of authorizing and in some cases requiring significant pre-adoption notice and hearing requirements, it is set to actually prohibit public hearings for some bylaws.

Here is a very rough summary of some of the key features in Bill 44:

- Adopting an official community plan will be mandatory, not optional
- An OCP will have to contemplate 20 years of housing supply instead of 5 years
- OCPs must be kept consistent with housing needs reports, which must be received every 5 years starting at the end of 2028
- Local governments will be obliged to use their zoning authority to accommodate at least the number of housing units required to meet anticipated housing needs, without relying on density bonuses (which are now being referred to as “conditional density rules”)
- Local governments will also be obliged, in their zoning bylaws, to allow additional housing units on most land zoned for detached and duplex dwellings, especially within urban containment boundaries and near bus stops, and again, these additional housing units must not be allowed via a “conditional density rule”
- Ancillary land use management powers such as development permits and heritage designations must not be used to unreasonably prohibit or restrict the creation of housing units otherwise required to be permitted
- The province may make regulations respecting, among other things, the siting, size, dimension, location or type of housing units

- Public hearings will be prohibited in connection with the zoning bylaws that are necessary to comply with the new requirements for allowing additional housing units, or for zoning bylaws permit residential development and are consistent with the OCP
- And on the topic of OCP consistency, there is a transitional provision removing the OCP consistency requirement for certain zoning bylaws that a local government will be required to adopt to comply with some of its new obligations to authorize what the government is calling “small scale multi-unit housing”

We'll take a closer look at Bill 44, and related legislative initiatives, at our upcoming firm seminar.

***Guy Patterson***