



BILL NO. 63

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
70 Elizabeth II, 2021*

An Act to Establish the Executive Panel on Housing in the Halifax Regional Municipality

CHAPTER 21
ACTS OF 2021

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 5, 2021**

The Honourable John Lohr
Minister of Municipal Affairs and Housing

*Halifax, Nova Scotia
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An Act to Establish the Executive Panel on Housing in the Halifax Regional Municipality

WHEREAS the Halifax Regional Municipality has experienced unprecedented population growth over the past five years;

AND WHEREAS it is anticipated that the population will continue to grow at a rapid pace and, in doing so, support a prosperous capital region and Province;

AND WHEREAS an adequate supply of housing is of economic and social importance for both the Government and the Halifax Regional Municipality;

AND WHEREAS it is imperative that the Government take immediate steps, with input from the Halifax Regional Municipality, to address the growing crises being brought about by a significant shortage of housing supply and the prospect of future shortages;

THEREFORE be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Housing in the Halifax Regional Municipality Act*.
- 2 The purpose of this Act is to establish
 - (a) a body with provincial and municipal representation to recommend ways to accelerate an increase in supply of housing of all types and at all income levels in the Municipality; and
 - (b) a temporary mechanism to accelerate planning and development to address current and future housing demand within the Municipality.
- 3 In this Act,
 - (a) “Chair” means the Chair of the Panel;
 - (b) “Charter” means the *Halifax Regional Municipality Charter*;
 - (c) “community council” has the same meaning as in the Charter;
 - (d) “Council” means the Council of the Municipality;
 - (e) “development officer” means a development officer appointed by the Council pursuant to Section 258 of the Charter;
 - (f) “Minister” means the Minister of Municipal Affairs and Housing;
 - (g) “Municipality” means the Halifax Regional Municipality;
 - (h) “Panel” means the Executive Panel on Housing in the Halifax Regional Municipality established pursuant to this Act;
 - (i) “registry” has the same meaning as in the Charter;
 - (j) “special planning area” means an area of the Municipality designated as a special planning area by an order made under subsection 15(1).

4 The Minister is responsible for the administration of this Act.

5 The Executive Panel on Housing in the Halifax Regional Municipality is established.

6 (1) The Panel shall

(a) advise and provide recommendations to the Minister and the Municipality respecting

(i) regulatory, administrative and policy options, actions and improvements at the provincial and municipal level to accelerate housing development in the Municipality, and

(ii) factors affecting housing supply, including the availability of land, the taxation environment, the availability of labour and any other factors that may affect housing development;

(b) review applications and other requests made to the Municipality under Part VIII or IX of the Charter for the purpose of making recommendations to the Minister and the Municipality respecting how a decision on individual applications or other requests could be expedited; and

(c) perform such other duties as set out in this Act and the regulations.

(2) Without limiting the generality of subclause (1)(a)(i), advice and recommendations provided under that subclause may include advice and recommendations respecting land-use planning and development and building inspections and permitting.

(3) The Panel may, in accordance with clause (1)(b), review applications and other requests that are made before or after this Section comes into force in which no decision has been made.

7 (1) The Panel consists of

(a) one member appointed by the Minister to act as Chair;

(b) two members appointed by the Minister to act as representatives of the Province; and

(c) two members nominated by the Municipality and appointed by the Minister to act as representatives of the Municipality.

(2) Where, after 14 days of the coming into force of this Section, the Municipality has not put forward nominations in accordance with clause (1)(c), the Minister may appoint as members the two representatives of the Municipality at the Minister's discretion.

(3) Each member of the Panel appointed under clause (1)(b) must be an employee of the Province or a member of a class of persons prescribed by the regulations.

(4) Each member of the Panel appointed under clause (1)(c) must be an employee of the Municipality or a member of a class of persons prescribed by the regulations.

8 (1) The members of the Panel shall be reimbursed for such reasonable expenses as are incurred by them in carrying out their duties.

(2) Subject to subsection (3), the members of the Panel may be paid such remuneration as determined by the Minister for their work on the Panel.

(3) Subsection (2) does not apply to members of the Panel who are employees of the Municipality or the Province.

9 (1) The Minister may, on the recommendation of the Chair, retain persons to provide technical advice, professional advice or other support to the Panel.

(2) The Minister may direct that administrative support to the Panel be provided by staff in the Department of Municipal Affairs and Housing.

10 (1) All Panel decisions, including decisions respecting advice and recommendations of the Panel, must be decided by a majority vote.

(2) The Chair may only vote on questions before the Panel in the event of a tie vote.

11 Three members of the Panel, one of whom must be the Chair, constitute a quorum.

12 (1) The Minister may, as the Minister considers necessary, conduct a review of the Panel to assess its effectiveness.

(2) Where the Minister is of the opinion that the Panel is not meeting the purpose of this Act, the Minister may dissolve the Panel.

13 (1) The Panel may request any information from the Municipality or from the Province the Panel considers relevant to the fulfillment of its duties and may specify a time in which the Municipality or the Province must provide the requested information.

(2) The Municipality and the Province shall provide the Panel with any information requested by the Panel within the time specified pursuant to subsection (1).

(3) The Chair has all the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*.

14 The Panel may, in its discretion, invite submissions from the public on any issue under the consideration of the Panel.

15 (1) On the recommendation of the Panel or the request of the Municipality, the Minister may make an order designating an area of the Municipality as a special planning area, if the Minister is satisfied that the order is required for the purpose of accelerating housing development in the Municipality.

(2) An order made under subsection (1) may specify or limit the developments or types or classes of development in which the Minister or Panel may exercise authority pursuant to Sections 16 to 18.

- (3) Upon making an order under subsection (1), the Minister shall
- (a) send a copy of the order to the Clerk of the Municipality; and
 - (b) give notice that the order is in effect in a newspaper circulating in the area affected.

16 (1) On the recommendation of the Panel, and in place of the Council or a community council who may otherwise have authority to act, the Minister may

- (a) amend or repeal a land-use by-law within a special planning area if considered necessary to advance the purpose of this Act; and
- (b) make an amendment to a municipal planning strategy considered necessary as a result of an amendment or repeal of a land-use by-law made under clause (a).

(2) For greater certainty, to the extent that the Minister exercises authority under subsection (1), the Council or a community council may not act on the authority given to them under the Charter respecting those matters.

(3) Where the Minister exercises authority under subsection (1), the Minister shall give notice of the amendment or repeal

- (a) in a newspaper circulating in the Municipality; and
- (b) to the Clerk of the Municipality.

(4) Where the Clerk of the Municipality receives notice under clause (3)(b), the Clerk shall cause the notice to be posted on a publicly available website for the Municipality.

(5) Where the Minister exercises authority under clause (1)(a) with respect to an amendment, the amendment is deemed to be a by-law passed by the Council and continues to have force and effect notwithstanding the revocation of the order pursuant to Section 20.

17 (1) On the recommendation of the Panel, and in place of the Council or a community council who may otherwise have authority to act, the Minister may approve a development agreement or an amendment to a development agreement within a special planning area.

(2) For greater certainty, to the extent that the Minister exercises authority under subsection (1), the Council or a community council may not act on the authority given to them under the Charter respecting those matters.

(3) Where the Minister exercises authority under subsection (1), the Minister shall give notice of the approval

- (a) in a newspaper circulating in the Municipality; and
- (b) to the Clerk of the Municipality.

- (4) Where the Clerk of the Municipality receives notice under clause (3)(b),
- (a) the Clerk shall cause the notice to be posted on a publicly available website for the Municipality;
 - (b) the Municipality shall enter into the development agreement or make the amendment to a development agreement within 14 days; and
 - (c) the Clerk shall file the agreement or the amendment in the registry.

(5) Where the Municipality fails to enter into the development agreement or make the amendment to a development agreement within 14 days in accordance with clause (4)(b),

- (a) the Minister may enter into the agreement or make the amendment on the Municipality's behalf;
- (b) the Municipality is deemed to have entered into the agreement or made the amendment and is bound by its terms; and
- (c) the Minister shall file the agreement or the amendment in the registry.

(6) The development agreement or the amendment to a development agreement comes into effect when it is filed in the registry, either by the Clerk of the Municipality or the Minister, as the case may be.

(7) Once the development agreement or the amendment to a development agreement is filed in the registry, it is deemed to be a development agreement or an amendment to a development agreement made pursuant to the Charter.

18 (1) Within a special planning area and in place of a development officer who may otherwise have authority to act, the Panel may grant

- (a) a development permit; and
- (b) a subdivision approval.

(2) For greater certainty, to the extent that the Panel exercises authority under subsection (1), a development officer may not act on the authority given to the development officer under the Charter respecting those matters.

(3) Where the Panel has granted a subdivision approval pursuant to clause (1)(b), the approval is deemed to be an approval by a development officer and may be filed in the registry in accordance with Section 297 of the Charter.

(4) Where the Panel has granted a development permit or subdivision approval pursuant to clause (1)(a) or (b), the development permit or subdivision approval continues to have effect notwithstanding the revocation of the order pursuant to Section 20.

19 Any procedural, public participation or public hearing requirements that apply to the Council, a community council or a development officer under Parts VIII and IX of the Charter do not apply to the Minister or the Panel when exercising authority under Sections 15 to 18.

20 Where the Minister is satisfied that a special planning area is no longer required in order to accelerate housing development in the Municipality, the Minister shall revoke the order establishing the special planning area.

21 (1) The decisions and actions of the Minister and the Panel under Sections 15 to 20

(a) are binding on the Municipality and may not be reconsidered by the Municipality without the approval of the Minister or the Panel;

(b) are not subject to appeal, notwithstanding any provision in the Charter with respect to the ability to appeal such decisions made or actions taken by another person or entity; and

(c) do not exempt any development from the requirement to comply with applicable by-laws of the Municipality or from obtaining any licence, permission, permit, authority or approval required under any by-law of the Municipality or enactment of the Province or of Canada.

(2) Notwithstanding clause (1)(c), where a by-law or an enactment provides that a development officer cannot issue a development permit or subdivision approval until a specific licence, permission, permit, authority or approval is issued, the Panel may issue a development permit or subdivision approval even if the specified licence, permission, permit, authority or approval has not yet been issued.

22 The Panel shall report to the Minister in accordance with the regulations.

23 (1) The Governor in Council may make regulations

(a) respecting the review of applications or requests by the Panel pursuant to clause 6(1)(b);

(b) prescribing classes of persons for the purpose of subsections 7(3) and (4);

(c) respecting the qualifications of Panel members, including the Chair;

(d) respecting the powers of the Minister and the Panel under an order made pursuant to subsection 15(1);

(e) respecting the powers of the Minister under Sections 16 and 17;

(f) respecting the powers of the Panel under Section 18;

(g) defining any word or expression used but not defined in this Act;

(h) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

24 (1) The Minister may make regulations

(a) respecting the meetings and operation of the Panel;

(b) respecting the role of the Chair;

- (c) respecting the manner in which the Panel provides recommendations to the Minister and the Municipality;
- (d) respecting reporting by the Panel;
- (e) respecting the public availability of the reports and recommendations provided by the Panel to the Minister and the Municipality.

(2) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

25 (1) The Panel is dissolved three years from the date this Act comes into force.

(2) Notwithstanding the dissolution of the Panel, where a special planning area is in place and the Panel or the Minister is seized with a matter at the time that the Panel is dissolved, the Panel or the Minister may conclude the matter.

(3) The Minister may not designate a new special planning area after the date the Panel is dissolved.

26 (1) Where there is a conflict or inconsistency between this Act or the regulations and any other enactment, this Act and the regulations prevail.

(2) For greater certainty, this Act and the regulations prevail over Section 272 of the Charter.

27 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
