



BILL NO. 137

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
71 Elizabeth II, 2022*

**An Act to Amend Chapter 39
of the Acts of 2008,
the Halifax Regional Municipality Charter,
Respecting Housing**

CHAPTER 13
ACTS OF 2022

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
APRIL 22, 2022**

The Honourable John Lohr
Minister of Municipal Affairs and Housing

*Halifax, Nova Scotia
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**An Act to Amend Chapter 39
of the Acts of 2008,
the Halifax Regional Municipality Charter,
Respecting Housing**

Be it enacted by the Governor and Assembly as follows:

1 Subsection 220(4) of Chapter 39 of the Acts of 2008, the *Halifax Regional Municipality Charter*, is amended by striking out “placing the first notice for a public hearing in a newspaper circulating in the Municipality” in the second and third lines and substituting “posting notice of a public hearing, including the date the notice is posted, on the Municipality’s website”.

2 (1) Subsections 221(1) and (2) of Chapter 39 are repealed and the following subsections substituted:

(1) Prior to holding a public hearing required pursuant to this Part, the Clerk shall post notice of the hearing on the Municipality’s website at least seven days before the date of the public hearing.

(2) The notice of a public hearing posted pursuant to subsection (1) must include the date the notice is posted and remain posted on the Municipality’s website until the public hearing has been completed.

(2) Subsection 221(5) of Chapter 39 is repealed and the following subsection substituted:

(5) In addition to posting notice of the hearing on the Municipality’s website, the Clerk shall provide notice of the public hearing to the clerk of every municipality that immediately abuts an area affected by the planning documents at least seven days before the date of the public hearing.

3 (1) Subsection 223(2) of Chapter 39 is amended by striking out “four certified copies of” in the first line.

(2) Subsection 223(4) of Chapter 39 is amended by

(a) striking out “thirty” in the first line and substituting “fifteen”; and

(b) striking out “return two copies of the planning documents to the Clerk, with a written notice affixed stating” in the first and second lines of clause (a) and substituting “provide written notice to the Clerk”.

(3) Section 223 of Chapter 39 is further amended by adding immediately after subsection (4) the following subsection:

(4A) Where the Director has not advised the Clerk whether Ministerial approval is required pursuant to subsection (4) within fifteen days, on the sixteenth day the Director is deemed to have determined that no approval is required.

- (4) **Subsection 223(6) of Chapter 39 is amended by**
- (a) **striking out “sixty” in the first line and substituting “thirty”; and**
 - (b) **striking out “two copies of” in the second last line.**

(5) **Subsections 223(7) and (8) of Chapter 39 are repealed and the following subsections substituted:**

(7) Where no decision is made in accordance with subsection (6), the planning documents are deemed to be approved on the thirty-first day and the Clerk shall post a notice, including the date the notice is posted, on the Municipality’s website advising that the planning documents are in effect as of the date the notice is posted and stating where the documents may be inspected.

(8) The Clerk shall post a notice on the Municipality’s website advising that the planning documents, or planning documents as amended by the Minister, are in effect as of the date the notice is posted and stating where the documents may be inspected and the date on which the notice is posted

(a) upon receipt of notice from the Director that the planning documents are not subject to the approval of the Minister or that the planning documents are approved by the Minister; or

(b) if the Director has been deemed to have determined that no approval is required pursuant to subsection 223(4A).

(6) **Subsection 223(10) of Chapter 39 is amended by striking out “published in a newspaper, circulating in the Municipality,” in the second line and substituting “first posted on the Municipality’s website”.**

(7) **Section 223 of Chapter 39 is further amended by adding immediately after subsection (10) the following subsections:**

(11) The Minister may make regulations respecting the procedure for the submission, review and approval of planning documents.

(12) The exercise by the Minister of the authority contained in subsection (11) is a regulation within the meaning of the *Regulations Act*.

4 (1) Subsection 225(3) of Chapter 39 is amended by striking out “place a notice in a newspaper circulating in the Municipality” in the second and third lines and substituting “post a notice on the Municipality’s website, including the date the notice is posted, for a minimum of fourteen days,”.

(2) **Section 225 of Chapter 39 is amended by adding immediately after subsection (3) the following subsections:**

(3A) Upon the adoption of an amendment to the land-use by-law referred to in subsection (1) and the provisional approval of a development agreement or amendment to a development agreement pursuant to Section 240B, the Clerk shall post a notice on the Municipality’s website stating

(a) the date the notice is posted;

(b) that the amendment to the land-use by-law has been adopted;
and

(c) that the development agreement or amendment to the development agreement has received provisional approval and will be approved on the date that the amendment to the land-use by-law takes effect.

(3B) Upon adoption of an amendment to the land-use by-law referred to in subsection (1), the adoption of a supporting amendment to the municipal planning strategy and the provisional approval of a development agreement or amendment to a development agreement pursuant to Section 240C, the Clerk shall post a notice on the Municipality's website stating

(a) the date the notice is posted;
(b) that the amendment to the land-use by-law has been adopted;
(c) that the amendment to the municipal planning strategy has been adopted; and

(d) that the development agreement or amendment to the development agreement has received provisional approval and will be approved on the date that the land-use by-law and municipal planning strategy amendments come into effect or, if the land-use by-law and municipal planning strategy amendments come into effect on different dates, on the later of the two dates.

(3) Subsection 225(4) of Chapter 39 is amended by

(a) striking out "published" in the second line and substituting "posted";
and

(b) striking out "a certified copy of" in the second line.

(4) Section 225 of Chapter 39 is further amended by adding immediately after subsection (8) the following subsections:

(9) The Minister may make regulations respecting the procedure for filing an amendment to a land-use by-law with the Minister.

(10) The exercise by the Minister of the authority contained in subsection (9) is a regulation within the meaning of the *Regulations Act*.

5 Chapter 39 is further amended by adding immediately after Section 240 the following Sections:

240A (1) Notwithstanding Section 245, where an amendment to a municipal planning strategy would be required prior to the approval of a development agreement or an amendment to a development agreement, the Council may hold a public hearing on the proposed development agreement or amendment and may provisionally approve the development agreement or amendment at the same meeting of the Council in which the supporting amendment to the municipal planning strategy is passed by the Council.

(2) A development agreement or amendment to a development agreement provisionally approved pursuant to subsection (1) is approved when the supporting amendment to the municipal planning strategy takes effect.

240B (1) Notwithstanding Section 245, where an amendment to a land-use by-law would be required prior to the approval of a development agreement or an amendment to a development agreement, the Council may hold a public hearing on the proposed development agreement or amendment and may provisionally approve the development agreement or amendment at the same meeting of the Council in which the supporting amendment to the land-use by-law is passed by the Council.

(2) A development agreement or an amendment to a development agreement provisionally approved pursuant to subsection (1) is approved when the supporting amendment to the land-use by-law takes effect.

240C (1) Notwithstanding Section 245, where an amendment to a municipal planning strategy and an amendment to a land-use by-law would be required prior to the approval of a development agreement or amendment to a development agreement, the Council may hold a public hearing on the proposed development agreement or amendment and may provisionally approve the development agreement or amendment at the same meeting of the Council in which the supporting amendment to the municipal planning strategy is passed by the Council and the supporting amendment to the land-use by-law is passed by the Council.

(2) A development agreement or an amendment to a development agreement provisionally approved pursuant to subsection (1) is approved

(a) where the land-use by-law and municipal planning strategy amendments come into effect on the same date, when the law-use by-law and municipal planning strategy come into effect; and

(b) where the land-use by-law and municipal planning strategy amendments come into effect on different dates, on the later of the two dates.

6 Subsection 242(1) of Chapter 39 is amended by adding immediately after clause (g) the following clauses:

(ga) matters that a subdivision by-law may contain;

(gb) requiring off-site improvements that are necessary to support the development or accepting the payment of money in lieu of such improvements;

7 Subsection 243(3) of Chapter 39 is amended by

(a) adding “and” at the end of clause (a);

(b) striking out “; and” at the end of clause (b) and substituting a period; and

(c) striking out clause (c).

8 (1) Subsection 244(1) of Chapter 39 is amended by striking out “Council” in the second line and substituting “Chief Administrative Officer”.

(2) Subsection 244(2) of Chapter 39 is amended by striking out “Council” in the first line and substituting “Chief Administrative Officer”.

9 (1) Section 245 of Chapter 39 is amended by adding immediately after subsection (3) the following subsections:

(3A) Notwithstanding subsections (1) to (3), a development officer may approve non-substantive amendments to a development agreement without holding a public hearing.

(3B) Subsection (3A) does not apply where amendments to a development agreement are a combination of substantive and non-substantive amendments.

(2) Subsection 245(4) of Chapter 39 is amended by striking out “place a notice in a newspaper circulating in the Municipality” in the second and third lines and substituting “post a notice on the Municipality’s website, including the date the notice is posted, for a minimum of fourteen days.”.

(3) Subsection 245(5) of Chapter 39 is amended by striking out “a certified copy of” in the first line.

(4) Section 245 of Chapter 39 is further amended by adding immediately after subsection (7) the following subsections:

(8) The Minister may make regulations respecting the procedure for filing a development agreement or amendment with the Minister.

(9) The exercise by the Minister of the authority contained in subsection (8) is a regulation within the meaning of the *Regulations Act*.

10 (1) Subsection 245A(3) of Chapter 39, as enacted by Chapter 41 of the Acts of 2008 and amended by Chapter 16 of the Acts of 2009, is further amended by

(a) striking out the period at the end of clause (e) and substituting a semicolon; and

(b) adding immediately after clause (e) the following clause:

(f) provide for security to ensure that any money accepted in lieu of a contribution is paid when due.

(2) Section 245A of Chapter 39, as enacted by Chapter 41 of the Acts of 2008 and amended by Chapter 16 of the Acts of 2009, Chapter 18 of the Acts of 2013 and Chapter 10 of the Acts of 2018, is further amended by adding immediately after subsection (6) the following subsection:

(7) Where the Council has agreed to accept money in lieu of a contribution under this Section, the agreed upon amount is a first lien on the land being developed and may be collected in the same manner as taxes.

11 (1) Clause 251(1A)(b) is repealed and the following clause substituted:

(b) post a notice of the granting of the variance, including the date the notice is posted, on the Municipality’s website for at least fourteen days.

(2) Subsection 251(5A) of Chapter 39, as enacted by Chapter 41 of the Acts of 2008, is amended by

(a) adding “at least” immediately after “give” in the first line of clause (a); and

(b) striking out clause (b) and substituting the following clause:

(b) post notice of the hearing, including the date the notice is posted, on the Municipality’s website at least seven days prior to the hearing date and keep the notice posted until the completion of the hearing.

12 Section 264 of Chapter 39 is amended by

(a) adding (1) immediately after the Section number;

(b) striking out “publication” in the first line of clause (a) and substituting “posting”;

(c) striking out “publication” in the first line of clause (c) and substituting “posting”; and

(d) adding immediately after subsection (1) the following subsection:

(2) Notwithstanding subsection (1), where a development agreement or amendment to a development agreement was provisionally approved under Section 240B, an appeal must be served on the board within fourteen days after the date notice is given for the adoption of the land-use by-law amendment and the appeal period for the development agreement or development agreement amendment runs concurrently with the appeal period for the land-use by-law amendment.

13 (1) Notwithstanding the *Halifax Regional Municipality Charter*, an applicable municipal planning strategy or any by-law, policy or practice of the Halifax Regional Municipality, where the Halifax Regional Municipality Council is considering adopting or amending a planning document, the Council may not refer the matter to a community council for a recommendation prior to the council’s decision on the matter.

(2) Subsection (1) ceases to have effect three years from the date it comes into force.

14 (1) Notwithstanding the *Halifax Regional Municipality Charter*, an applicable municipal planning strategy or any by-law, policy or practice of the Halifax Regional Municipality, where the Halifax Regional Municipality Council is considering any planning decision under Part VIII of the Act or a community council is considering any planning decision it is empowered to make under the policy establishing the community council, the Council or community council may not refer the matter to a planning advisory committee or any other advisory committee of the

Council for a recommendation prior to the Council's or the community council's decision on the matter.

(2) Subsection (1) ceases to have effect three years from the date it comes into force.

15 Subsection 3(1), clauses 3(2)(b) and (4)(b), subsection 3(7), clause 4(3)(b) and subsections 4(4) and 9(3) and (4) come into force on such day as the Governor in Council orders and declares by proclamation.
