

March 30, 2021

Honourable Randy Delorey
Chair, Standing Committee on Law Amendments
c/o Office of the Legislative Counsel
1809 Barrington Street
PO BOX 1116
Halifax, NS B3J 2x1

Email: Legc.office@novascotia.ca

Subject: Bill 47 – An Act to Amend the Municipal Government Act and Halifax Charter

Dear Minister Delorey:

I am writing today on behalf of Antigonish County Municipal Council in opposition of Bill 47, which amends the Municipal Government Act and the Halifax Regional Municipality Charter to allow municipalities to provide direct financial assistance to businesses for the purpose of improving accessibility for people with disabilities.

The Municipality of the County of Antigonish recognizes accessibility as a human right and that our Canadian Charter of Rights and Freedoms grants equality rights to all persons without discrimination on the basis of a disability. The Municipality fully supports our province becoming accessible by 2030. Since the passage of the Accessibility Act we have been working diligently in consultation with the community to establish an Accessibility Committee, develop an Accessibility Plan and make accessible our facilities, operations and programs.

Our Municipality has concerns with Bill 47 stemming primarily from the inadequate consultation with municipalities across the province. The Department of Municipal Affairs provided notice of five regional consultation sessions on June 17, 2020. These full day sessions covered a variety of topics, including Accessibility. I have included copies of the agenda and the consultation workbook for your reference.

You will note that there is a single reference to the substantive issue now embodied in Bill 47, in the form of Question #1 on page 11 of 24. Municipalities have never been provided follow-up of the results of the question. We were not aware that legislation was in the making and were not provided any background or real opportunity to consider the implications of such legislation until Bill 47 was introduced in the legislature. When introduced it was met with surprise and frustration because it seemed to appear out of nowhere without the involvement of any municipal officials outside Halifax. It was then learned that the Nova Scotia Federation of Municipalities Board provided support for the Bill, however, without the popular support of its members. This cannot be considered adequate consultation.

I understand the impetus for the proposed legislation was to provide Halifax with the authority to support certain business sectors in meeting their obligations under the Accessibility Act. I expect this was a reasonable request discussed in a specific manner between Halifax and the Province. I further expect that consideration was given on the part of both parties to the issue at hand and the various options available. This likely took the time and attention of many officials. Contrast this assumed cooperative approach to the “consultation” of the forty-nine other municipalities described above.

Bill 47 enables municipalities, it does not require municipalities, to provide financial assistance to private businesses to improve accessibility. However, it also enables an expectation that municipalities provide this assistance. This while municipalities have very few mechanisms to raise revenue and have the requirement to fund their own initiatives to comply with the Accessibility Act. If passed Municipalities will have to make a choice whether to offer this service to its business community. Undoubtedly, some will have the financial and organizational capacity to do so, and some will not.

In summation, Antigonish County is concerned that Bill 47 is the wrong policy choice to move forward our collective aim to achieve a truly accessible province. However, our larger concern is with the inadequate consultation prior to this stage. The Province and municipalities are partners. We are at our best when there is communication, consultation, and trust. These are all features of the Partnership Framework signed between the NSFM and Department of Municipal Affairs in May 2018. It is unfortunate that three years later a municipality’s first opportunity to express its concerns on legislation specifically targeted at municipalities, intended to advance our common goal of universal accessibility, is at the Law Amendments Committee.

We respectfully request that the Law Amendments Committee recommend that Bill 47 be sent back to the Department of Municipal Affairs with the direction to consult directly with the municipalities before proceeding. Accessibility is vitally important and how we get there is equally important. The impact of this Bill needs to be carefully considered and municipal voices need to be part of the consideration.

Thank you for considering our request for consultation. If you have any questions, please feel free to contact me.

Sincerely,



Owen McCarron

Warden, Municipality of the County of Antigonish

Cc: Honourable Brendan Maguire, Minister of Municipal Affairs
Honourable Lloyd Hines, MLA for Guysborough-Eastern Shore-Tracadie
Amanda McDougall, NSFM President
Municipal Council

**CONSULTATION ON CODE OF CONDUCT, LEAVE, ACCESSIBILITY,
AND AFFORDABLE HOUSING**

NOVA SCOTIA MUNICIPALITIES

June 22, 2020

AGENDA

9:00-9:15	Introduction and Opening Remarks
9:15-10:45	Theme 1: Code of Conduct <ul style="list-style-type: none">• <i>Provide a brief description of the issue and proposed direction. Be clear about what we are consulting on and what is out of scope. Participants will be invited to comment on the suggested approach.</i>
10:45-11:00	BREAK
11:00-12:00	Theme 2: Accessibility <ul style="list-style-type: none">• <i>Provide a brief description of the issue and proposed direction. Be clear about what we are consulting on and what is out of scope. Participants will be invited to comment on the suggested approach.</i>
12:00-1:00	LUNCH BREAK
1:00-2:00	Theme 3: Local Elected Officials Running for Other Elected Offices <ul style="list-style-type: none">• <i>Provide a brief description of the issue and proposed direction. Be clear about what we are consulting on and what is out of scope. Participants will be invited to comment on the suggested approach.</i>
2:00-2:15	BREAK
2:15-4:00	Theme 4: Affordable Housing <ul style="list-style-type: none">• <i>Provide a brief description of the issue and proposed direction. Be clear about what we are consulting on and what is out of scope. Participants will be invited to comment on the suggested approach.</i>

NS Municipal Consultation Workbook

JUNE 2020



Introduction

The Department of Municipal Affairs and Housing (DMAH) is consulting with Nova Scotia municipalities to support the development of new policies, plans, or legislation related to matters affecting local government. The issues currently under review are:

- Code of Conduct
- Local Elected Officials Running for Other Levels of Government
- Accessibility
- Affordable Housing

The purpose of this workbook is to spur reflection and foster discussions on the four (4) main themes identified above. It contains background information required to help support feedback and poses questions that will inform policy decisions. You are encouraged to bring your ideas, knowledge and advice to this process. Our aim is to ensure these consultations are transparent, accountable, and well-documented.

In order to assist the Department in reviewing submissions, please use this workbook to provide responses to the questions, as well as any additional comments you may wish to share.

How to participate:

There are two ways you can provide your views:

1. Provide your feedback in writing by answering the questions contained in this workbook. Please submit your completed workbook on or before **June 30, 2020**.
2. Participate in an online interactive session during which you will be able to comment and engage with a presenter and facilitator. This workbook will be used as a guide during the session and you will be asked to answer the same questions.

Please save a copy of your completed Workbook and send it via e-mail at andrea.bezanson@novascotia.ca.

Thank you for your participation. We value your input and greatly appreciate your time and attention.

Section I: Participant Information:

All materials or comments received may be used and disclosed by the Department of Municipal Affairs and Housing to assist in evaluating and revising the proposed options described in this workbook. This may involve disclosing materials, comments or summaries of them, to other interested parties or the public during and after the engagement period.

Where possible we ask that you submit comments that are generally shared views for your municipality.

Name: _____

Municipality: _____

E-mail: _____

Section II: Online Consultation Sessions

DMAH will host a total of five (5) online sessions to allow for meaningful conversations on all topics described in this workbook. Municipalities will be grouped regionally, and invitations will be sent out to attend on a specific day. Each session will begin at 9am and end at 4pm, with an hour-long break at noon. We hope by sending the agenda in advance you can choose to participate in the sessions most relevant to you and your municipality.

Please check the email invitation you have received for further details on how to join the session. If you have any technical difficulty the morning of your scheduled session, please contact Andrea Jeffs at (902) 943-5384.

AGENDA

9:00-9:15	Introduction and Opening Remarks
9:15-10:45	Theme 1: Code of Conduct <ul style="list-style-type: none"> <i>DMAH seeks input on how to strengthen the code of conduct framework for elected municipal officials. Participants will be asked to provide their opinion on a variety of topics, such as the development of a standardized code of conduct for all municipalities.</i>
10:45-11:00	BREAK
11:00-12:00	Theme 2: Local Elected Officials Running for Other Elected Offices <ul style="list-style-type: none"> <i>Participants will be asked to provide insights on the rules and conditions related to the decision by a local elected official to run for office at another level of government.</i>
12:00-1:00	LUNCH BREAK
1:00-2:00	Theme 3: Accessibility <ul style="list-style-type: none"> <i>DMAH wishes to better understand what barriers may prevent municipalities from meeting their requirements under the Accessibility Act, and supporting overall accessibility in their communities</i>
2:00-2:15	BREAK
2:15-4:00	Theme 4: Affordable Housing <ul style="list-style-type: none"> <i>Participants will be asked to provide their thoughts and insights on the proposed four options for increasing the supply of affordable housing. These options are inclusionary zoning, modular housing, secondary suites, and shared housing.</i>

Section III: Main Themes

This section lists the four (4) themes where municipal input is requested. Participants can use the workbook to answer the questions at the end of each section and provide additional feedback. Your responses will be used to inform policy decisions.

A. Code of Conduct

Background:

The Government of Nova Scotia believes that citizens and businesses are entitled to responsible, fair, and honest government that has earned the public's full confidence for integrity. The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to those they serve. Through a Code of Conduct, it is possible to set the standards that govern elected officials' actions and outline what are acceptable and unacceptable behaviours.

In Nova Scotia, municipal councils and villages can adopt a Code of Conduct to set standards of behaviours for elected officials. Many municipalities have adopted codes of conduct and follow a self-governing model, in which council receives and considers complaints, whether to proceed with an investigation, and to take any corrective actions.

The NSFM and DMAH have had several discussions on this priority item in the past, and we are looking for some additional information to further refine what we have heard in the past around the existing issues with the Code of Conduct for local officials. In the past, we have received feedback from NSFM and municipalities that there is a need for consistency in the codes across the province, stronger enforcement mechanisms to give municipal codes 'teeth', and that independent investigations are important to ensure the process is impartial. Given the feedback, we are hoping the consultations will provide further clarity on these important items.

Proposed Approach:

The Municipal Government Act contains some provisions regarding the duties of local elected officials but does not prescribe how they should conduct themselves under

various circumstances. Based on feedback from NSFM, DMAH is looking at how best to strengthen the municipal Code of Conduct framework for elected officials to support a more meaningful and effective framework for codes of conduct. This may include enforcement and ways to discourage inappropriate behaviours and keep local elected officials accountable that would apply to all municipalities.

What we are consulting on:

We are seeking feedback on the development of a standardized Code of Conduct for all municipalities, the potential range of penalties that could be imposed on members who are found to have breached the code, and an alternative to self-governing model that would require an independent review and investigation of breaches under the code.

Questions

1. Please comment on your level of support for the following options. Which option do you most support?
 - a. A provincially defined standard Code of Conduct that all municipal governments must adopt.
 - b. Municipal governments define their own Code of Conduct based on provincial requirements (e.g., all codes must contain...)
 - c. Current framework that allows a municipal government to define their own Code of Conduct with no provincially defined standards.

2. What topics should be included in a Code of Conduct (e.g., conduct on social media, improper use of influence or municipal assets, impartiality, prohibition on gifts/benefits)?

3. Would you support a model that required an independent body or person (e.g., investigator, committee) to receive and investigate complaints?

4. Who should render the decision as to whether a member has breached the code?

5. What information should be available to the public on these matters related to a breach of a code?

6. What sanctions should be available to make for effective enforcement of a Code of Conduct?

7. Should code of conduct/ethics training be mandatory for local elected officials?

8. Is there anything else you would like to share with us around Code of Conduct?

B. Local Elected Officials Running for Other Levels of Government

Background:

Under municipal legislation, there are few provisions to address potential conflicts of interest that may arise from a sitting local elected official running for another elected office of government. The recent federal elections and subsequent provincial by-elections, in which local elected officials ran for another office, demonstrated the need to address the issue and potential overlap between their public duty and personal interests of seeking another office.

On October 10, 2019, legislative amendments were introduced by the Government of Nova Scotia to help address the issue of a local elected official running for another office. Upon introduction of this bill, the Minister of Municipal Affairs and Housing committed to consulting with municipalities to consider how consistency across municipal governments could be achieved on this issue.

Proposed Approach:

To achieve consistency, we are looking at the option of requiring a leave for local elected officials when running for an election in another level of government. This measure could reduce the potential for conflicts and allow for an elected official to return to their position if unsuccessful in the election.

What we are consulting on:

We seek feedback on the above noted approach and what conditions for such a leave may be preferred (i.e., paid/unpaid, extent of duties, length).

Questions

1. What do you think of a recommendation to require leave for local elected officials when running in a provincial or federal election?

C. Accessibility

Background:

In 2017, Government passed the *Accessibility Act*, which aims to make Nova Scotia inclusive and barrier-free by 2030. On April 1, 2020 municipalities, villages, universities, the Nova Scotia Community College and provincial libraries were designated as public sector bodies under the Act and are responsible for establishing an accessibility advisory committee and preparing and making publicly available an accessibility plan by April 2021. The purpose of these accessibility plans is to make public spaces accessible under provincial standards.

An accessibility plan must include the following:

- Achievements to date in identifying, removing, and preventing barriers in policies, programs, practices, and services
- Plans for identifying, removing, and preventing barriers in policies, programs, practices, and services
- Processes for assessing the effectiveness and impact of your policies, programs, practices, and services on accessibility

The Act states that accessibility plans must be updated every three years. As accessibility standards are implemented, those standards should be integrated into your plan.

Proposed Approach:

DMAH is interested in hearing from municipalities about any barriers that may prevent them from supporting accessibility initiatives in their communities. We will take note of these barriers and consider how to assist municipalities requiring assistance with the implementation of their accessibility plans or support for accessibility initiatives in their communities.

What we are consulting on:

DMAH wishes to better understand what barriers may prevent municipalities from meeting their requirements under the Accessibility Act, and supporting overall accessibility in their communities

Questions

1. HRM identified the prohibition on granting direct financial support to a business as a barrier to supporting accessibility in their community. Would you support amendments that would allow municipal units to provide such supports for accessible initiatives?
2. Are there challenges or barriers that may impact your ability to meet the requirements set out in the *Accessibility Act*?
3. Are there any accessible initiatives you would like to explore, or support within your municipal unit but are unable to?
4. Is there anything else about accessibility you would like to discuss?

D. Affordable Housing

Background:

Municipalities across Canada are actively engaging in the promotion and provision of affordable housing. These activities are driven by varying needs, legislative and funding frameworks, and capacities at the municipal level. In nearly all cases, the development of affordable housing is done jointly between all levels of government.

Data indicates that 49,450 households (12.8 per cent) in Nova Scotia are in core housing need¹. Of the households in core housing need in Nova Scotia, 34 per cent are homeowners and 66 per cent are renters. As part of the Nova Scotia Housing Action Plan 2019-2022 under the National Housing Strategy, DMAH wants to work with partners to develop housing supply options aimed at improving opportunities for the 66 per cent in the rental market, which is why we want to consult with municipalities. It is worth noting that municipalities and the Province already contribute financially to the provision of social housing for more than 16,000 low-income households.

Proposed Approach:

In consultation with housing experts and service providers, DMAH has identified four more immediate options aimed at increasing the supply of affordable housing across the province. Options include secondary suites, modular housing, inclusionary zoning, and shared housing. Allowing for increased diversity of housing will require municipalities to consider how to integrate affordable housing development in their planning strategies to help promote healthy and inclusive communities.

We recognize that municipalities may have other ideas to achieve our shared goal. DMAH is committed to pursuing further conversations about affordable housing and identify partnership opportunities. This consultation should be viewed as the start of an ongoing engagement process with municipalities about affordable housing.

¹ a household is considered to be in core housing need if its housing falls below at least one of the adequacy (requires major repairs), affordability or suitability (not an appropriate size) standards and it would have to spend 30% or more of its total before-tax income to pay rent to live in alternative local housing that is acceptable (meets all three housing standards).

What we are consulting on:

Participants are asked to provide input on the four proposed options for increasing the supply of affordable housing in municipalities. Further information on each option is provided below.

D1 – Inclusionary Zoning

Background

Municipalities across Nova Scotia are exploring options to increase the supply of affordable housing to meet the needs of current and future residents; one option is inclusionary zoning or inclusionary housing. Provinces such as Quebec, BC, Ontario and Alberta have implemented, are implementing, or are reviewing the use of inclusionary zoning tools.

Inclusionary zoning can be a single or a suite of mechanisms whereby units, land, or cash contributions are received for the purposes of providing affordable housing. These contributions are collected where new development or subdivision approval occurs. In most jurisdictions, inclusionary zoning is paired with municipal level incentives such as, grants, property tax reductions, fee waivers, land donations, or expedited development approvals and inspections.

Inclusionary zoning can also refer to a range of land use measures, such as secondary suites, infill development, and zoning that generally allows for a diversity of housing forms that can then be paired with incentives, grants, or other programs. It is a reasonably simple exercise to look at general zoning requirements to understand whether a land use by-law is driving unaffordability. A municipality that does not allow for a range of housing types cannot effectively utilize inclusionary zoning.

Municipalities may also use bonus zoning, sometimes called density bonusing, which can be considered as a form of voluntary inclusionary zoning. With this option, in exchange for additional development rights (units, storeys, etc.), a developer provides public benefits. These can take a range of forms, from heritage conservation to affordable housing units. It is up to the municipality to decide how and when these arrangements are established. Only the Halifax Regional Municipality is required to ensure that bonus zoning includes some contribution to affordable housing.

D2 - Secondary and Backyard Suites

Background:

Secondary suites are additional units, usually located in single, two-unit, or townhouse dwellings, that are considered accessory to the main dwelling. They are sometimes constructed as apartments for aging parents or adult children, or for rental to the general public. There are various terms that can be used to describe a secondary suite, such as “auxiliary dwelling unit”, “in-law suite” or “granny suite”.

Ownership of secondary suites is required by the main property owner and the title cannot be severed. According to the 2016 Census, there were a total of 263,470 occupied single-detached houses in Nova Scotia. If 0.5% of all those dwellings were able to accommodate a secondary or backyard unit, this could create 1,317 units with no significant change to the road, sewer, or character of neighbourhoods. These types of units are quick and relatively cheap to construct and build on existing infrastructure at no additional cost or liability to the municipality, while simultaneously increasing the assessment value of properties.

Secondary and backyard suites are a market-based solution to housing supply shortages that are fast and efficient to implement with the correct regulatory environment. This usually entails flexible as-of-right zoning and knowledgeable building services staff. In many cases, the largest barrier to allowing these forms of housing is zoning. Across Canada, successful secondary and backyard suite programs often include incentives to encourage the creation of units, such as grants, property tax reductions, or fee waivers. These incentives carry requirements to offer the unit at below market rents. While often not necessary, the use of incentives can ensure these units have below market rents.

Proposed Approach:

DMAH is considering encouraging the creation of secondary or backyard suites through incentive tools. These may include, but are not limited to:

- Grants or loans to support the creation of units.
- Supporting documents on design and building guidelines.

What we are consulting on:

DMAH is interested in your opinion on whether secondary and backyard suites should be advanced as a form of affordable housing in your municipality. We would like to know what types of supports or incentives you would like to see from the Province to encourage the creation of secondary or backyard suites in your community.

Questions

1. Do you feel that secondary and backyard suites are an appropriate form of housing in your municipality?
2. Does your municipality already have policy or regulation to support the creation of secondary or backyard suites?
3. What can your municipality do to support this form of housing?
4. Are there regulatory tools that either the municipality or the Province could put in place to facilitate the implementation of secondary suites in your community?

5. Do you see any challenges with this form of housing in your municipality?

6. What do you think is the Province's role in encouraging this form of affordable housing?

7. Is there anything else you would like to share with us regarding the use of secondary suites in your community to increase the supply of affordable housing?

D3 – Modular Housing

Background:

Modular housing is a prefabricated form of housing that can be connected on site to create multi-unit housing. Modular construction is as cost effective as wood frame construction and far less expensive than a concrete build. A further advantage is that people can be moved into housing much sooner. When a site becomes available, modular construction is typically ready for tenancy within four to 10 months – depending on many factors such as municipal processes, modular factory schedules, and availability of labour.

Modular buildings are durable and can be disassembled and reassembled, which makes them easy to relocate. There are no specific barriers at the municipal level to

modular housing as a form of housing construction. However, limitations on density, height, lot coverage, parking minimums, and amenity space can preclude their development. These are not specific to modular housing, but to multi-unit development generally.

In general, exclusionary zoning practices, such as limiting areas to single unit dwellings, are the primary issue with increasing overall housing supply in municipalities and creating markets for affordable housing. The flexibility of modular housing provides some advantages in meeting height, density, and other built form restrictions.



Figure 1: Examples of multi-unit modular housing in British Columbia.

Proposed Approach:

DMAH is considering piloting the use of modular housing as a form of affordable housing.

What we are consulting on:

We seek your opinion on whether modular multi-unit housing should be a form of affordable housing in your municipality and how it may be promoted.

Questions

1. Does your municipality already have policy or regulation to support the creation of modular housing?
2. Do you feel that modular housing is an appropriate form of housing in your municipality?
3. What do you think the Province can do to encourage this form of affordable housing?
4. What can municipalities do to encourage this form of affordable housing?
5. Is there anything else you would like to share with us regarding the use of modular housing to increase the supply of affordable housing in your community?

D4 – Shared Housing

Background:

Shared housing describes a multi-residential building in which a group of individuals share amenities and, sometimes, receive support services, such as medical care, supervisory or personal care, and counselling. Examples include rooming houses

3. In some jurisdictions, shared housing is used to provide accommodation for seasonal workers or temporary foreign workers. Is there such a need in your community and do you support this approach.

4. What do you think would be the best strategy to garner public support for the development of new single room occupancies (SRO) in your community?

5. What role can the Province play in supporting the preservation and expansion of shared housing?

6. Do you have any specific concerns we should be aware of?

7. Is there anything else you would like to share with us concerning the use of shared housing as a tool to increase affordable housing in your community?

Any additional Comments?

Thank you for completing the workbook and sharing your opinion with us. Please provide any additional comments you think may be helpful to our team as we continue to develop plans and recommendations.

Question:

Is there anything else you want to share with us that we did not cover?

Thank you!

We appreciate you taking the time to give provide your input on these four major themes and contribute your ideas to the province-wide discussion.

Please submit your completed workbook before the end of day on **June 30th, 2020**, by saving this document and sending it to us via email at andrea.bezanson@novascotia.ca.