

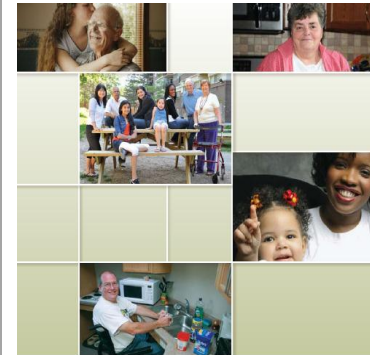


Ontario East Municipal Conference Second Units

September 10, 2014

LTAHS Overview

- In 2007, the government committed to create a long-term strategy for affordable housing
- Extensive consultations with municipal partners and key stakeholders resulted in the Long-Term Affordable Housing Strategy
- *Strong Communities through Affordable Housing Act, 2011* sets out high level provincial interests for housing and homelessness services that are to be reflected in **local housing and homelessness plans**
- Additional direction on provincial interests in housing through a **Housing Policy Statement** (distinct from the Provincial Policy Statement)



Building Foundations: Building Futures
Ontario's Long-Term Affordable Housing Strategy

Ontario.ca/HousingStrategy



Ontario
Housing
Policy
Statement

ontario.ca/housing



Matters of Provincial Interest

The *Housing Services Act, 2011* specifies that it is a matter of provincial interest that there be a system of housing and homelessness services that:

- a. is focussed on achieving positive outcomes for individuals and families;
- b. addresses the housing needs of individuals and families in order to help address other challenges they face;
- c. has a role for non-profit corporations and non-profit housing co-operatives;
- d. has a role for the private market in meeting housing needs;
- e. provides for partnerships among governments and others in the community;
- f. treats individuals and families with respect and dignity;
- g. is co-ordinated with other community services;
- h. is relevant to local circumstances;
- i. allows for a range of housing options to meet a broad range of needs;
- j. ensures appropriate accountability for public funding;
- k. supports economic prosperity; and
- l. is delivered in a manner that promotes environmental sustainability and energy conservation

Strong Communities through Affordable Housing Act, 2011

- *Strong Communities through Affordable Housing Act, 2011* includes a broad range of actions to improve the affordable housing system:

Enacted the Housing Services Act, 2011

- Enacted Housing Policy Statement
- Require Housing and Homelessness Plans
- Replaces/reforms the Social Housing Reform Act, 2000

Amended the Residential Tenancies Act, 2006

- Improves the Landlord Tenant Board hearing process

Amended the Planning Act

- Affordable housing included as a provincial interest
- Provisions for garden suites
- Provisions for second units

- Changes to the *Planning Act* were one part of broader strategy for affordable housing

Planning Act Amendments

Bill 140, Strong Communities through Affordable Housing Act, 2011

PROVINCIAL INTEREST | GARDEN SUITES | SECOND UNITS

- List of “matters of provincial interest” amended to specifically include reference to affordable housing:

‘the adequate provision of a full range of housing, including affordable housing’

- Change came into effect May 4, 2011

- Signals housing affordability as key priority in land use planning decisions
- All decision-makers must have regard to provincial interests when making land use planning decisions

Planning Act Amendments

Bill 140, Strong Communities through Affordable Housing Act, 2011

PROVINCIAL INTEREST | **GARDEN SUITES** | SECOND UNITS

- **Garden suites:** 1-unit, detached residential structures containing bathroom and kitchen facilities that are ancillary to existing residential structures and that are designed to be portable
 - Number of years garden suites may be temporarily authorized increased from 10 to 20 years
 - Municipalities may still extend the timeline for garden suites by three-year increments
 - Change came into effect May 4, 2011
- Creates opportunities for aging in place
 - Increased time limit could encourage more garden suites due to longer payback and amortization periods

Planning Act Amendments

Bill 140, Strong Communities through Affordable Housing Act, 2011

PROVINCIAL INTEREST | GARDEN SUITES | **SECOND UNITS**

- *Planning Act* changes for second units in effect January 1, 2012
 - Changes facilitate the creation of second units by:
 - requiring municipalities to establish official plan policies and zoning by-law provisions allowing second units in detached, semi-detached and row houses, as well as in ancillary structures
 - removing the ability to appeal the establishment of these official plan policies and zoning by-law provisions except where such official plan policies are included in five-year updates of municipal official plans
 - providing authority for the Minister of Municipal Affairs and Housing to make regulations authorizing the use of, and prescribing standards for, second units
- Municipalities required to create enabling framework for second units through official plan and zoning
 - Onus on municipalities to ensure their planning documents are kept up to date with requirements in legislation

Second Unit Changes: Before and After

BEFORE

changes made through *Strong Communities through Affordable Housing Act, 2011*

- Municipalities **voluntarily** establish second unit official plan policies and zoning by-law provisions
- Municipal establishment of **official plan** policies permitting second units in single, semi and row houses are sheltered from appeal to the OMB, except during five year review periods
- Municipalities may permit second units in accessory structures but these policies are not sheltered from appeal
- No standards for second units in legislation (municipalities currently establish their own standards)
- **No ability for MMAH Minister to prescribe standards**

TODAY

(with changes made through *Strong Communities through Affordable Housing Act, 2011*)

- Municipalities are **required to** establish official plan policies and zoning by-law provisions allowing second units in single, semi and row houses, as well as in accessory structures
- Municipal establishment of official plan **policies and zoning by-law** provisions permitting second units in single, semi, row houses, and in accessory structures, are sheltered from appeal to the OMB, except during five year review periods
- Proposals to create additional residential units beyond a second unit are not sheltered from appeal to the OMB
- Municipalities continue to have ability to identify appropriate areas for second units, and to establish appropriate standards for second units
- **Minister has regulation-making authority to prescribe standards** for second units; there is no proposal at this time to issue such standards

Amendments to **Second Unit** Provisions

Implications for Municipalities

Municipalities required to:

- identify appropriate areas for second units within both existing development, as well as in new development (greenfield) areas
- proactively plan and design future housing and subdivisions in greenfield areas to accommodate second units in appropriate areas; example: Cornell, Town of Markham
- implement policies in the local official plan authorizing second units in these areas

Municipalities responsible for:

- determining where second units are appropriate, accounting for any inherent constraints in determining appropriate locations for second units (e.g., areas with inadequate servicing or flood-prone areas may be inappropriate for second units as well)
- determining the appropriate standards for second units (eg. size, parking, access etc.)
- inspecting the construction of second units requiring a building permit
- enforcing municipal zoning or property standards by-laws

Second Unit – Municipal Benefits

Economic

- Cost-effective way to increase affordable rental housing
- Efficient use of existing housing stock
- Optimize use of existing infrastructure

Environmental

- Energy efficiency (transportation & household operation)
- Reduced need for conversion of natural/agricultural lands

Social

- More adaptable communities better able to meet housing and social needs of different groups throughout the life cycle
- Gradual/seamless means to achieve income mix and increased density
- Help provide framework for ensuring units meet health/safety requirements

Second Unit – Homeowner Benefits

Economic

- Subsidizes mortgage and maintenance costs for first time buyers
- Encourages/enables homeowners to invest in their homes

Environmental

- Well maintained homes have reduced ecological footprints
- Contributes to the revitalization of existing neighbourhoods

Social

- Assists elderly homeowners to remain in their homes
- Tenants may be able to assist elderly homeowners –with home maintenance or by improving security

Second Unit Provisions

Implications for the Building Code

Second units must comply with all applicable laws including:

- Building Code
- Fire Code and
- Property standards by-law requirements

Amendments to second unit provisions do **not**:

- Automatically legalize existing second units or permit new ones (approvals are still subject to municipal planning requirements)
- Remove the need for owners of any new units to obtain building permits (if renovation is contemplated)



Second Unit Implementation

Case Study – City of Barrie

- Barrie has proposed to amend its OP to reflect recent changes to the Planning Act and the 2014 PPS.
- The proposed OP, if passed, will among other measures allow second units in single, semi, row housing as well as ancillary buildings
- Compared with the current policies and regulation the proposal is more permissive.
- The proposed ZBL however could further be improved by addressing parking and maximum size provisions:
 - The proposed amendment requires large setbacks from the street to accommodate long driveways for extra vehicles,
 - Maximum size of the second unit could be increased to allow for more than one bedroom.

Second Unit Implementation

Case Study – City of Mississauga

- Mississauga's Affordable Housing Strategy includes measures to comply with Bill 140, Strong Communities through Affordable Housing Act, 2011, which include:
 - Allowing second units in detached, semi-detached, and row housing
 - licensing requirements;
 - public education program.
- Under the proposed OPA, the second unit in principal residence of the owner, (City contemplates second units could also be in dwellings that are not the principal residences of owners through minor variance)
- Other aspects of the OPA include
 - Mandatory parking space for a second unit
 - Maximum size of second units
 - Licence second units to ensure Building Code, Fire Code, and Property Standards by-law requirements.

Second Unit Implementation

Case Study – City of Ottawa

- Ottawa's OP has been amended to allow a second unit in a detached, semi-detached or townhouse as of June 25, 2008
- Standards to be determined by the Zoning By-law
- The implementation of second Units is more permissive
- Some of the standards include:
 - the second unit cannot be greater than to 40% of the gross floor area (GFA) of the principal dwelling. If in a basement, it may occupy the entire basement
 - Where an attached garage is converted to create the second unit or a portion of it, then the attached garage is included in the GFA calculation
 - The principal and second units must share parking and yards and no new driveway may be created
 - If a second unit is in a duplex since July 17, 2013, no parking is required for a secondary dwelling unit, but where provided, it must not be located in the front yard
 - The creation of the second unit must not eliminate a required parking space for the principal dwelling

Second Unit Implementation

Case Study – Town of Greater Napanee

- Second Unit policies are incorporated in the Town's OP to reflect changes to the Planning Act and the 2014 PPS.
- Permitted in single detached, semi-detached and row houses in both Rural and Urban areas.
- Must be subordinate to the principle dwelling;
- Must not substantially altered the principal dwelling and street façade such as the construction of a private entrance for the second unit
- Must conform to Town's Zoning By-law, the Building and Fire Codes;
- Municipal services (water, sewers, drainage, roads, etc.) are adequate or can be made adequate; and
- Parking can be accommodated for the second unit in compliance with the Town's Zoning By-law.

Questions?

Thank You