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**To:** Mayor and Councillors  
**From:** John Hopkins  
Director, Policy Planning  
**Date:** November 16, 2023  
**File:** 08-4040-01/2023-Vol 01  
**Re:** **Richmond Response: Provincial Housing Legislation (Bill 44, 46 & 47)**

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## Background

In November 2023, the Province recently introduced three new bills that would implement the 'Homes for People' housing strategy including:

- Bill 44 – 2023 Housing Statutes (Residential Development) Amendment Act, 2023
- Bill 46 – 2023 Housing Statutes (Development Financing) Amendment Act, 2023
- Bill 47 – 2023 Housing Statutes (Transit-Oriented Areas) Amendment Act, 2023

At the November 7, 2023 Planning Committee meeting, following a discussion with staff on the newly introduced housing legislation, a resolution was carried that requested staff to research and provide analysis and recommendations and report back regarding the recently announced Provincial housing bills, in order that Council consider appropriate correspondence with the Provincial government.

This memo responds to that referral, provides a summary of the three new bills and some early feedback on how the proposed legislation could impact Richmond. This memo also recommends that Council request a meeting with the Minister of Housing and local MLAs to discuss the implications of the proposed legislation.

## Findings of Fact

**Bill 44:** On November 1, 2023, the provincial legislative assembly gave first reading to Bill 44, also known as the Housing Statutes (Residential Development) Amendment Act, 2023. Second reading was given November 8, 2023. This legislation proposes the following:

- Require all single-family/duplex zones across the province to permit secondary suites and/or a laneway home.
- For communities with over 5,000 residents, require all single-family/duplex zones (designated heritage properties, lots that are zoned for a minimum lot size of 1 acre, or lots that are larger than 1 acre are exempted) to allow:
  - 3 units per lot if the lot is less than 280 m<sup>2</sup> (3,014 ft<sup>2</sup>);
  - 4 units per lot if the lot is greater than 280 m<sup>2</sup> (3,014 ft<sup>2</sup>); and
  - 6 units per lot if the lot is close to transit stops with frequent service, which zoning must not require off-street parking or loading for any of the residential uses on the lot.

- Effective when the bill is adopted, a local government cannot hold a public hearing on a proposed zoning bylaw if the zoning amendment is:
  - consistent with the OCP; and
  - for residential uses comprising of at least half of the overall floor area.
- By June 30, 2024, all affected local governments are to update their zoning bylaws to amend their single-family and duplex zones to accommodate the small scale, multi-unit requirements as noted above and in accordance with regulations, if any, on setback, height, and lot coverage.
  - Public hearings are not permitted for these required zoning amendments and these amendments are permitted regardless of what is in the current OCP.
- By December 31, 2024, all affected local governments must revise and update their Housing Needs Report.
  - Housing Needs Report will use a standardized method set out in Provincial regulations, and will extend over the next 20 years.
- By December 31, 2025, all affected local government must complete their update to the OCP and Zoning Bylaw to provide use and density required to accommodate their 20 year housing needs. Density bonusing for amenities and affordable housing may only be used for housing in excess of that shown in the 20 year Housing Needs Report.
- OCPs to be updated every 5 years with public engagement as the primary source for public input into land use planning.
- Housing Needs Report must be updated every 5 years. Following every update the OCP and Zoning Bylaw is required to be updated to reflect any changes.
- If a community fails to comply with the requirements by the deadlines, and any Provincial order, the Province may enact bylaws to permit the small-scale multi-family housing.

Following royal assent of Bill 44, a policy manual will be released with expectations on site standards, building designs (e.g., setbacks, height, parking and lot coverage), and proximity to transit. It is anticipated that the policy manual would be released in December 2023. Any amendments to the Zoning Bylaw are required to consider the Provincial Policy Guidelines for small-scale multi-family housing.

**Bill 46:** On November 7, 2023, the provincial legislative assembly gave first reading to Bill 46, also known as the Housing Statues (Development Financing) Amendment Act, 2023. Second reading was given November 9, 2023. This legislation proposes the following:

- Allow local governments to collect development cost charges (DCCs) on items such as fire-protection facilities, police facilities, and solid-waste facilities. Also, it would allow local government to collect DCCs for provincial highway infrastructure projects under certain conditions.
- Provide local governments the legislative authority to apply an amenity cost charge (ACC) which would be used in the subdivision or building process rather than the zoning stage. ACCs are to be used to assist in paying for the capital costs of community amenities (e.g., community centres, recreation centres, libraries, a daycare facilities, and public squares) in geographic areas where the local government is planning for increased population growth and housing supply.

A couple of things to note with Bill 46 (Development Financing):

- affordable housing is not identified as an amenity in the proposed legislation; however, local governments would have the ability to waive an ACC by bylaw for affordable rental housing, similar to DCC waivers; and
- to implement an ACC, local governments would need to:
  - identify areas where more housing supply is planned (based on official community plans and other planning documents) and what amenities are needed to support that supply;
  - determine the ACC amounts following the rules set out in legislation (for example, the capital costs must be allocated between existing users and new users and local governments must consider if the charges will deter or discourage the development of reasonably priced housing);
  - consult on the development of the amenities and charge rates; and
  - pass a bylaw that implements the charges (note: a developer can contribute land or facilities to offset their payable ACCs, but this would require a specific agreement entered into by bylaw).

**Bill 47:** On November 8, 2023, the provincial legislative assembly gave first reading to Bill 47, also known as the Housing Statues (Transit-Oriented Areas) Amendment Act, 2023. As of the date of this memo second reading has not yet been given. This legislation proposes the following:

- Require local government to designate Transit Oriented Development Areas (TOD areas) near transit stations, which are planned or built bus stops, bus exchanges, passenger rail stations or other transit facilities as prescribed by Provincial regulation.
- In addition to designating the relevant transit stations, the future Provincial regulations will set the TOD distances, zoning standards, and exemptions.
- Advanced Provincial guidance (Attachment 1) state these TOD areas are defined as land within 800m metres of a rapid transit station (e.g., Canada Line station) and within 400m of a bus exchange (e.g., Steveston interchange).
- Local governments must adopt a bylaw designating its TOD areas, including any areas specifically designated by the Province by regulation.
- In these TOD areas, local government will be required to:
  - permit housing developments that meet provincial standards for allowable height and density on any property that is zoned for any residential use. The minimum allowable height and density is based on tiers – at its highest in the centre of the TOD area – and will differ based on the type of transit hub (SkyTrain stop/bus exchange) and a municipality’s size, population and location (see Attachment 1);
  - remove residential parking minimums other than accessible parking and allow for parking to be determined by the developer based on market need and demand on a project-by-project basis (note: non-residential parking standards and loading requirements would still apply); and
  - consider Provincial TOD guidelines in all zoning amendments.

Following royal assent of Bill 47, a policy manual will be released that would provide standards and details which is anticipated to be released in December 2023.

## Analysis

Bills 44, 46 and 47 take a more centralized, prescriptive approach to planning which also comes with risks and potential unintended consequences. Concerns include:

- the impacts to neighbourhoods, servicing and existing infrastructure;
- the lack of detail on the standards and details for single-family and duplex zones to incorporate multi-plexes (i.e., floor area, building height, setbacks, parking);
- lack of detail on the qualifications of transit stations and distances for TODs and the required allowable heights and densities of residential use;
- pre-zoning large amounts of housing through the 20 year housing needs and TODs removing the City's ability to negotiate a wide variety of amenities such as transportation demand management measures, public art, and turn key facilities;
- how local governments secure road dedications, statutory right-of-ways and infrastructure servicing upgrades through the development permit process (most of this would be deferred to the building permit process);
- the need for a legislative framework for affordable housing and tenant relocation requirements and other requirements to be applied at the development permit or building permit phase rather than being tied to rezonings;
- removing the public hearing requirement for residential rezonings that are consistent with the OCP and implementing the small-scale multi family zoning throughout the City which provides residents a meaningful opportunity to address members of Council directly and only adds an additional 3 to 5 weeks to the rezoning process; and
- the potential loss of density bonusing to achieve required minimum densities which would impact measures in the affordable housing strategy.

Further, the lack of meaningful consultation with affected local governments is of concern considering the fundamental changes in planning responsibility. The 'one size fits all' approach does not take into account Richmond's context (e.g., floodplain, height and noise restrictions due to proximity to YVR) or achievements in affordable housing (e.g., LEMR).

Of significant concern is Bill 47 (Transit-Oriented Areas) which conflicts with the Richmond context. The City Centre Area Plan (CCAP) incorporates transit-oriented development principles, in particular around Richmond's Canada Line stations. However, based on the way Bill 47 (Transit-Oriented Areas) is drafted and the accompanying policy guide (Attachment 1), there are several compromising factors including the proximity to the Vancouver International Airport (YVR) which impacts maximum building heights established through federal regulations. Also, in collaboration with YVR, two key areas of the City Centre which are located under the north and south runway flight paths prohibit residential uses, although some areas are currently zoned for residential (primarily single-family). Bill 47 (Transit-Oriented Areas) is written in a way that would require properties that are zoned for residential uses adjacent to transit stations to be zoned for high density residential which would undermine the City's CCAP, employment lands strategy, industrial land intensification initiative, and aircraft noise management policies.

In discussions through online consultation with staff from the Ministry of Housing, there has been confirmation that there will be exclusions for federal air restrictions and that specific details will be outlined in an upcoming policy manual in December following royal assent of Bill 47 (Transit-Oriented Areas).

Another significant concern is the proposed legislation does not directly address how to increase the supply of affordable housing. Rather, the focus is more on increasing housing supply in general. In particular, Bill 47 (Transit-Oriented Areas) would require local governments to set a prescriptive minimum density for housing within defined transit-oriented development areas without any consideration for a density bonus for affordable housing. This has the potential to compromise Richmond's low-end market rental (LEMR) program in the City Centre as LEMR units are achieved through density bonusing.

As indicated earlier, policy manual(s) will be released following royal assent likely in December 2023 which may address some of the outlined concerns.

## Conclusion

In early November 2023, the Province introduced three bills which would introduce:

- new requirements to allow increased density in areas currently zoned for single-family or duplex use (Bill 44);
- a changed framework used by local governments to pay for infrastructure and community amenities related to new development (Bill 46); and
- allowing the Province to establish minimum allowable height and density for Transit Oriented Development Areas (Bill 47).

Combined, these bills would bring about significant changes to the local planning and housing supply framework. Although there are good intentions with these legislative changes, a 'one size fits all' approach glosses over the achievements that Richmond has made in affordable housing and does not take into account some of the limitations in urban growth such as building on a floodplain and in close proximity to an international airport. The lack of meaningful consultation with local government is reflected in this approach. Further details are to be released in December 2023 through a policy manual which may address some concerns. Staff will provide further details when they are released.

At this time, staff would recommend that Council request a meeting with the Minister of Housing, along with all local MLAs, as soon as possible to discuss the implications of the proposed legislation.



John Hopkins  
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Att. 1: Bill 47 – Transit Oriented Development Areas – Policy Framework

## Bill 47 (Transit-Oriented Areas)

**Transit Oriented Development Areas – Policy Framework**

TOA Type	Transit Hub Type	Prescribed Distance	Minimum Allowable Density (FAR)	Minimum Allowable Height (Storeys)	Type of Building
TOA Type 1 (Metro Vancouver)	1A) Rapid Transit	200m or less	Up to 5.0	Up to 20	Condo Tower
		201m – 400m	Up to 4.0	Up to 12	High Rise, Mid-rise
		401m – 800m	Up to 3.0	Up to 8	Mid-rise
	1B) Bus Exchange	200m or less	Up to 4.0	Up to 12	High Rise, Mid Rise
		201m – 400m	Up to 3.0	Up to 8	Low-rise, Townhouse
TOA Type 2 (Victoria/Kelowna/Other Medium-Sized Munis)	Bus Exchange	200m or less	Up to 3.5	Up to 10	Mid-rise
		201m – 400m	Up to 2.5	Up to 6	Low-rise/Townhouse
TOA Type 3 Other qualifying areas	Bus Exchange	200m or less	Up to 2.5	Up to 6	Low-rise
		201m – 400m	Up to 1.5	Up to 4	Townhouse