



Local Government Housing Initiatives

Frequently Asked Questions for Bill 44 (Pro-active Planning)

Version: September 20, 2024

The following frequently asked questions have been collated from correspondence received from local governments and questions asked during recent webinars. This document will be updated with new questions and answers as needed. Check the Version Date to confirm if new questions have been added.

This document contains general information only and should not be construed as legal advice. Local governments should obtain legal advice on the application of their legislative authorities and to ensure that their procedures and policies comply with legislation.

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Bill 44: Pro-active Planning

1. How do local governments secure key outcomes such as road dedications and affordable housing without rezonings?

Legislative changes in April 2024 provide local governments with a range of new tools to secure key outcomes related to things like affordability and complete communities that previously could not be secured outside rezonings.

Specifically, the new/expanded authorities relate to:

- Inclusionary zoning
- Tenant protection
- Site-level infrastructure (including works and services and road dedication)
- Transportation demand management

More information is available at: [New local government tools - Province of British Columbia](#)

It's also important to note that rezonings can still take place for projects that fall outside of pre-zoned densities/requirements.

2. When pre-zoning lands, is it possible to include tenure (rental) requirements?

Yes, this can be done through pre-existing authorities that allow local governments to zone for residential rental tenure in areas where multifamily residential use is permitted. Local governments may enact zoning bylaws that require new housing in residential areas be rental units and ensure that existing areas of rental housing are preserved.

3. Which requirements apply to Regional Districts?

All local governments, including regional districts, must complete an interim [housing needs report](#) (HNR) by January 1, 2025. As some local governments may have recently completed an HNR, the interim HNR may be an entirely new report or an update to the most recently completed HNR. Either way, the interim HNR must include the following additional content:

- The total number of housing units, calculated in accordance with the HNR Method, as set out in the regulations, required to meet the anticipated housing needs of the local government over 5 and 20 years;
- A description of the actions taken by the local government, since completing the most recent HNR, to reduce housing needs; and,
- A statement about the need for housing close to transportation infrastructure that supports walking, bicycling, public transit, or other alternative forms of transportation.

Regional districts are not subject to the requirements for OCP and zoning bylaw updates. (After the Interim HNR is completed, *municipalities* will have until December 31, 2025, to complete their first OCP and zoning bylaw updates so they allow ('pre-zone') for the number of units identified by the Interim HNR.)

After the Interim HNR is completed, the next "regular" HNR is due by December 31, 2028, and then every five years thereafter. The Corresponding municipal OCP and bylaw updates will then be due by December 31, 2030, and every five years thereafter.

The changes to public hearings also apply to all local governments, **including regional districts** (see below for more information on public hearings).

4. How should municipalities calculate zoned capacity to align with HNRs?

While the legislation requires that the OCP and Zoning Bylaws of a municipality must provide for at least the 20-year total number of housing units required to meet anticipated housing needs, it does not prescribe or require an official method for calculating this "zoned" capacity.

To support municipalities, the *Provincial Policy Manual & Site Standards for Small-Scale Multi-Unit Housing* offers recommended approaches for calculating maximum potential zoned capacity (Appendix D) and then calculating incremental build-out (uptake) of that capacity over time (Appendix E).

For more details, you can access the Provincial Policy Manual & Site Standards for Small-Scale Multi-Unit Housing here: [Provincial Policy Manual & Site Standards: Small-Scale, Multi-Unit Housing \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/soc/housing/policy-manual-site-standards-small-scale-multi-unit-housing)

5. How does the Small-Scale Multi-Unit Housing (SSMUH) legislation impact zoning capacity calculations?

Municipalities that have updated their bylaws to comply with the SSMUH legislation (by June 30, 2024) may have already accounted for some of the capacity needed to meet their 20-year housing needs. Therefore, they should consider how much capacity these recent SSMUH amendments have created when determining whether (and how much) more zoned capacity is needed to complete alignment of their zoning bylaws with the HNR by December 31, 2025.

6. Can municipalities include "bonus" density when calculating zoned capacity?

No, only the "base" density should be included in zoned capacity calculations. "Bonus" density, which is subject to conditions, should be excluded to ensure the analysis reflects zoned development potential.

Public Hearings

7. When are public hearings prohibited?

Local governments are prohibited from holding a public hearing for a proposed zoning bylaw if:

- An official community plan is in effect for the area subject to the property being rezoned;
- The bylaw is consistent with the official community plan;
- The sole purpose of the bylaw is to permit a development that is at least part residential; and,
- The residential component (if it is a mixed-use development) accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.

8. When must the notice be published for zoning bylaw amendments where public hearings are prohibited?

For zoning bylaws for which public hearings are prohibited, notice that the bylaw is moving through the approvals process must be published prior to first reading of bylaw (either Board or Council). The notice must meet legislated requirements in terms of content, timing, and other matters. There is no requirement that the notice highlight the fact that a public hearing is not occurring.

9. Why do we need to give notice even if a public hearing is not being held?

Giving notice prior to first reading helps ensure transparency and awareness. Members of the public continue to have the option of providing feedback to staff and elected officials through other channels, such as email and phone.

10. Does public hearing legislation apply to applications already in-stream?

Rezoning applications that already received first reading on the date that Bill 44 came into force (November 30, 2023) are not subject to the new public hearing requirements.

11. For rezonings without a public hearing, can local governments give all zoning bylaw readings at one meeting following notification?

Generally speaking, yes, however, different bylaws can have different context-specific details, and it is prudent for local governments to seek their own legal advice to ensure that their procedures and policies comply with all legislation.

12. How do we determine whether to hold a public hearing when it is unclear if the proposed zoning bylaws are consistent with an older OCP?

Local governments know their OCPs and proposed zoning bylaws in detail and are best-placed to determine consistency.

13. If a public hearing is prohibited, can Council direct staff to hold a 'public meeting' (or consult through other channels such as open houses, online engagement, etc.)?

There is nothing that prevents a local government from engaging the public on new developments. However, it is recommended that local governments seek their own legal advice as to what other kinds of public engagement are available to them and make sense within their contexts. The spirit of the new legislation is that comprehensive public engagement on land use planning occurs earlier during the OCP update process, which will now be occurring on a regular basis (every 5 years).

14. Could the public just show up at board or Council meetings in the absence of public hearings?

In the absence of a public hearing, members of the public can continue to attend board or Council meetings where rezonings and other matters are being considered. Under existing authorities local governments can set the ground rules and parameters for such meetings, including how many people can be heard, how long they have to speak, and on what topics.