



Local Government Housing Initiatives **Frequently Asked Questions for Bill 44 (Pro-active Planning)**

Version: February 28, 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 they become available. 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?

The Province is exploring additional tools for local governments to secure key outcomes related to things like affordability and complete communities that currently cannot be secured outside rezonings.

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 applicable method set out in the regulations, required to meet the anticipated housing needs of the local government for the next five years and for the next 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 in close proximity to transportation infrastructure that supports walking, bicycling, public transit, or other alternative forms of transportation.

Local governments will have to complete a full HNR in 2028, and every five years thereafter. Only municipalities will have to amend their zoning bylaw and official community plan based on their HNRs.

The changes to public hearings also apply to all local governments, including regional districts. Following the fall legislation, local governments are prohibited from holding a public hearing for proposed zoning bylaws 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.

Public Hearings

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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 on, during the OCP update process, which will now be occurring on a regular basis (every 5 years).

10. 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.

Housing Needs Reports

11. When will HNR guidance be released? And what will be in it?

The prescribed methodology will be released in early 2024, along with accompanying guidance to support local governments.

12. If we just completed a Housing Needs Report, do we need to do another one?

Local governments will be required to complete an Interim Housing Needs Report by January 1, 2025.

Local governments can use their most recent Housing Needs Report as a basis for their Interim Housing Needs Report, as long as it is updated to reflect the new requirements by including the following *additional* content:

- The total number of housing units, calculated in accordance with the applicable method set out in the regulations, required to meet the anticipated housing needs of the local government for the next five years and for the next 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 in close proximity to transportation infrastructure that supports walking, bicycling, public transit, or other alternative forms of transportation.

After this Interim Housing Needs Report, the next Housing Needs Report will be due in 2028, and then every 5 years subsequently.