

Subject: 2019 Property Tax Policy, Ratios and Rates

Report to: Corporate Services Committee

Report date: Wednesday, April 17, 2019

Recommendations

1. That Regional Council **APPROVE** the following tax ratios and sub-class reductions for the 2019 taxation year:

Property Classification	Tax Ratio	Sub-Class Reduction
Residential	1.000000	
New Multi-Residential	1.000000	
Multi-Residential	1.970000	
Commercial	1.734900	
Commercial – Excess Land	1.734900	30%
Commercial – Vacant Land	1.734900	30%
Industrial	2.630000	
Industrial – Excess Land	2.630000	30%
Industrial – Vacant Land	2.630000	30%
Pipeline	1.702100	
Farmland	0.250000	
Managed Forest	0.250000	
Farmland Awaiting Development 1	1.000000	25%
Farmland Awaiting Development 2	Class Ratio	
Landfill Sites	2.940261	

2. That by having no properties eligible for capping in the industrial class, Regional Council **OPT OUT** of the capping program for the industrial tax class for the 2019 and subsequent taxation years.
3. That the 2019 tax capping program for the commercial class reflecting the following criteria **BE APPROVED**:
 - a. An annual cap **BE SET** at the greater of:
 - i. An amount representing an increase of 10% of the previous year's annualized tax, or
 - ii. An amount representing an increase of 10% of the previous year's Current Value Assessment (CVA) tax.
 - b. That, following the application of the capping program, all increasing properties within \$500 threshold and decreasing properties within \$50 threshold of the CVA taxes **BE MOVED** directly to CVA taxation.
 - c. Properties at CVA tax in 2018 **BE EXCLUDED** from the capping program.
 - d. Properties that would cross over CVA tax in 2019 **BE EXCLUDED** from the capping program.

4. That the phase-out of the capping program over four years for the Commercial property class with 2019 being year three of the four years **BE ADOPTED**.
5. That the option to limit capping protection only to reassessment-related changes prior to 2019 **BE ADOPTED**.
6. That the 2019 capping program **BE FUNDED** by claw back from within respective classes pursuant to section 330 of the Municipal Act.
7. That the Region **BE DIRECTED** to act as a banker, under section 330(6) of the Municipal Act for the 2019 municipal tax adjustments.
8. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration and **CIRCULATED** to the Councils of the local area municipalities for information.
9. That this report **BE APPROVED** and **CIRCULATED** to the Councils of the local area municipalities for information.

Key Facts

- The purpose of this report is to set the 2019 tax policy which sets the tax ratio and tax capping program details. Tax policy accounts for property assessment changes and impacts the actual taxes paid by property owners. These tax policy changes may shift the distribution of taxes between property classes.
- The recommended tax policy for 2019 is status quo based on the tax policy decision adopted for the 2018 taxation year and is being recommended by Regional staff and Area Treasurers.
- 2019 is the third year of the four year reassessment phase-in period ending 2020.
- In order for the local area municipalities to complete final tax billings in June, Regional bylaws should be established no later than April.
- The Region approved a levy increase of 3.83%. Local area municipal increases are projected to range from 0% to 9.28%.
- Under the status quo tax policy the residential class in aggregate will see an increase of 3.55% over 2018 as a result of a negative reassessment shift of 0.28% (see table 1).
- The reassessment impacts, proposed tax policy and approved Regional tax levy will result in an increase of approximately \$51 (3.5%) to the typical residential property with a CVA of \$267,711 in 2019 for an annual Regional property tax of \$1,516.
- As of the date of this report, the Province has not released the 2019 education tax rates.

- The Region continues strategies to exit the capping program. The commercial class is projected to have 0 capped properties and 0 clawed back properties for 2019 (eligible to exit 2020). The multi-residential tax class was exited fully in 2017 and the industrial class will be exited fully in 2019.

Financial Considerations

There are no direct costs to the Region as a result of setting 2019 tax policy. There are taxpayer impacts as a result of tax shifts between property classes due to re-assessment phase-in, assessment growth and tax ratio decisions. Detailed analysis of assessment growth, reassessment and phase-in changes and tax ratios is included in the Tax Policy Study attached as Appendix 1.

The recommendations related to capping protection for the commercial property class are funded through a clawing back of tax reductions within the same class. The recommendations will have implications to those existing property owners whose properties are capped and those whose properties are subject to claw back. However, for 2019 it is projected that there will not be any capped properties.

As will be discussed under the Other Policy Consideration section of this report, Council approved the phase-out of the commercial/industrial vacant unit rebate program starting in 2019 through CSD 3-2019. Included as part of the 2019 levy supported operating budget, was a budgeted reduction of approximately \$300,000 for the vacant unit program. Also as part of Report CSD 3-2019, Council approved the phase-out of the vacant/excess land subclass discount which does not have an impact on tax policy until 2022.

Analysis

The Municipal Act provides the Region with the responsibility to establish tax policy to raise levy requirements. These tax policy decisions are reviewed and discussed with local Area Treasurers. Regional staff met with the local Area Treasurers and discussed options for the 2019 tax policy and all Area Treasurers strongly support the recommendation in this report.

Due to the 2016 reassessment, assessment growth and provincial legislation, tax shifts will occur across all property classes. These factors are outside the control of Niagara Regional Council and the budget process. The only opportunity to affect these is through the thorough analysis of options available for ratios and resulting impacts. Staff with the use of a third party consultant undertook analysis of a number of options to arrive at the recommendations presented in this report.

The Region has several tax related performance metrics that are being measured and are reported in Appendix 2. These metrics as well as BMA relative tax burden metrics

were considered in the evaluation of tax policy options identified in this report. Policy decisions proposed have been made with the following considerations in mind:

- Residential taxpayer - The residential class is responsible for 73% of the overall tax levy. Under the status quo tax policy the residential class in aggregate will see an increase of 3.55% over 2018 as a result of a negative reassessment shift of 0.28% (see table 1). This decrease in the residential class' proportionate share of taxes will continue for the balance of the reassessment cycle (2020). In previous years, the Region utilized the negative shift away from the residential class to provide relief to multi-residential and commercial tax classes through reduced tax ratios. As identified in the most recent BMA study, the weighted average residential property taxes payable as a percentage of household income is above the BMA study average (i.e., Niagara 4.9% [5.2% weighted average] versus BMA average 4.8%). The negative shift from the reassessment will assist with narrowing the gap between Niagara and the BMA average.

As can also be seen in Appendix 2 to this report, all three categories of residential developments have average property taxes per unit above the BMA survey average for 2018. The residential categories included in the BMA study are detached bungalow, two-storey homes and senior executive homes.

- Job creation/growth – per Table 2, Industrial properties pay 3.24% of Regional taxes. Due to significant reassessment and appeal reductions in the property class in the recent past, the Industrial class represents 3.24% in taxation which is down from 3.61% in 2016 and remains below or at the BMA relative tax burden averages provided in Appendix 2.
- Commercial properties pay the second largest share (after residential) of Regional taxes at 18.38%. Appendix 2 illustrates that Niagara taxation of shopping centres and hotels are moderately above the BMA average while office buildings and motels are below. It should be noted that significant hotel appeals outstanding may reduce the overall tax burden for this property type if the appeals are successful (\$907 million in CVA). The current assessment practice for hotels is the net rental income approach. A higher potential income per night from a higher concentration of hotels in Niagara Falls tourist areas (51 out of 80 hotels) helps explain the higher Niagara hotel taxes relative to neighbouring municipalities. For the 2018 taxation year Council approved a reduction in the commercial tax ratio from 1.7586 to 1.7349. Under the status quo tax policy for 2019, this reduction in the tax ratio will be retained.

Basis for Policy Recommendations

1. Assessment Growth

The overall real assessment growth that occurred in 2019 was 1.65% (as included in the approved 2019 operating budget), equivalent to \$5,705,152 in tax dollars. Table 1 summarizes the overall assessment growth that occurred in 2018 as well as the impacts affecting each of the tax classes based on maintaining the status quo tax ratios for 2019.

Table 1 – 2019 Tax Levy Impacts by Property Class (Status Quo Policy)

Property Class	2018 Levy	Impacts			2019 Levy	Avg % Increase
		Growth	Phase-In	Levy		
Residential	\$ 250,722,218	\$ 5,647,400	\$ (726,422)	\$ 9,626,725	\$ 265,269,921	3.55%
New Multi-Residential	766,871	13,926	5,500	29,609	\$ 815,906	4.58%
Multi-Residential	14,913,471	(366,364)	(66,918)	545,286	\$ 15,025,475	3.21%
Farm	2,832,219	(30,642)	198,501	112,985	\$ 3,113,063	11.00%
Management Forest	16,253	1,952	770	715	\$ 19,690	9.14%
Commercial	63,691,226	439,228	666,478	2,440,106	\$ 67,237,038	4.88%
Industrial	11,497,293	(14,706)	(48,010)	430,586	\$ 11,865,163	3.33%
Pipelines	2,250,941	14,358	(28,998)	84,212	\$ 2,320,513	2.45%
Landfill	57,780	-	(1,034)	2,137	\$ 58,883	1.91%
Total	\$ 346,748,272	\$ 5,705,152	\$ (133)	\$ 13,272,361	\$ 365,725,652	3.83%
% Increase		1.65%	0%	3.83%	5.47%	

2. Re-Assessment Phase-In and Tax Shifts

Reassessments of all properties is mandated by the Province every four years across Ontario to ensure that current value assessments (CVA) relied upon for property tax purposes are reflective of current market conditions. The 2017 taxation year represented the first phase-in year of the current four year reassessment cycle based on the January 1, 2016 valuation date. This reassessment cycle applies to the taxation years 2017 to 2020. Any assessment related decreases are implemented in the first year of the four year cycle with any increases being phased-in equally over the four years. As a result of decreases coming into effect in the 2017 tax year, the tax shifts across property classes are most significant in year one of the phase-in period which is what occurred with the Industrial property class reduction in 2017. These factors are as a result of MPAC assessment and outside of the control of Niagara Regional Council and the budget process

As mentioned above, this decrease in the residential class' proportionate share of taxes will continue for the balance of the reassessment cycle (2020) as seen in Table 2. This redistribution will shift taxes to commercial and farm properties. The 2019 amounts in Table 2 are based on the proposed status quo rates from 2018. The table represents a starting point for the ratio analysis. This will assist with the residential tax payer affordability.

Table 2 – Multi-Year Tax Distribution by Tax Class

Realty Tax Class	2018 Year End (As Revised)	Share	2019 Levy (As Returned)	Share
Taxable				
Residential	\$ 256,369,618	72.74%	\$ 265,269,922	72.53%
Farm	2,801,577	0.79%	3,113,064	0.85%
Managed Forest	18,205	0.01%	19,689	0.01%
New Multi-Residential	780,797	0.22%	815,906	0.22%
Multi-Residential	14,547,107	4.13%	15,025,476	4.11%
Commercial	64,130,454	18.20%	67,237,038	18.38%
Industrial	11,482,587	3.26%	11,865,164	3.24%
Landfill	57,780	0.02%	58,884	0.02%
Pipeline	2,265,299	0.64%	2,320,512	0.63%
Total Taxable	\$ 352,453,424	100%	\$ 365,725,655	100%

3. Education Rates

At this time, the Province has not released the 2019 education tax rates. It is anticipated that the rates will be established with the Provincial budget in April. In previous years, the Province has maintained a revenue neutral approach for the residential property class meaning that the residential class typically will see a reduction in the education tax rate from year to year. We expect the same for 2019. The education tax “room” that is created as a result of the revenue neutral education approach assists in offsetting municipal tax increases. Table 3 summarizes the historical education tax rates for all property classes.

Table 3 – Historic Education Tax Rates

Realty Tax Class	Education Rates			
	2015	2016	2017	2018
Residential	0.00195000	0.00188000	0.00179000	0.0017000
Farm	0.00048750	0.00047000	0.00044750	0.0004250
Managed Forest	0.00048750	0.00047000	0.00044750	0.0004250
Multi-Residential	0.00195000	0.00188000	0.00179000	0.0017000
New Multi-Residential	0.00195000	0.00188000	0.00179000	0.0017000
Commercial	0.01190000	0.01180000	0.01140000	0.0109000
Landfill	N/A	N/A	0.01822671	0.0178518
Industrial	0.01530000	0.01500000	0.01390000	0.0134000
New Industrial	0.01190000	0.01180000	0.01140000	0.0109000
Pipeline	0.01190000	0.01180000	0.01140000	0.0109000

4. Waste Management Rates

Waste management tax rates are also set based on the Regional tax ratios. The waste management requisition by municipality was already approved through report CSD 7-2019; however the by-law setting for the waste management rates for the 2019 requisitions will be brought forward with the general tax levy by-law as the rates are based on each municipality's assessment and are dependent on the tax ratios (with the exception of Niagara-on-the-Lake). Overall, the waste management levy requirements increased by \$725,976 from \$34,602,337 in 2018 to \$35,328,313 in 2019, an increase of 2.1% before assessment growth. As discussed as part of CSD 7-2019 2019 Budget-Waste Management Services Operating Budget and Requisition, assessment growth in aggregate for the Region is 1.65% for 2018, resulting in the net requisition changes by local area municipality ranging from a decrease of 1.24% to an increase of 1.94% (total net requisition after growth of 0.45%). Therefore the combined waste management levy and general levy increase will result in a residential tax class increase of less than the Regional levy impact noted above.

Tax Policy Considerations

A number of scenarios were reviewed for the 2019 tax policy. All scenarios considered utilizing the negative tax shift away from the residential class to benefit other tax classes (i.e., commercial, multi-residential).

Despite the additional scenarios considered, staff are recommending a status quo scenario for 2019 for the reasons outlined in the Residential Taxpayer Affordability section. Specifically, keeping the negative shift with the residential class will mitigate the residential Regional tax levy increase to 3.55% from 3.83%. Further to this, the BMA study has shown that all residential categories are above the BMA study average. This position has been supported by the Treasurers of the local area municipalities as they are also projecting levy increase ranging from 0 to 9.28%.

Further to this, in previous years, the Region has utilized the negative tax shift away from the residential class to benefit commercial and multi-residential property owners. In addition, the Region also created a New Multi-Residential tax class in 2003 which carries the same ratio as residential properties which provides greater relief to newly constructed multi-residential buildings. See appendix 4 for historical Regional tax ratios.

Consideration was given to reduce the commercial tax burden as the hotel category is above BMA average (as discussed above). However as there are also a number of incentive programs that are available to this segment (including Tax Increment Grants, Development Charge exemptions/grants) this was not recommended. No consideration was given to adjusting the industrial ratio as the industrial tax class allocation is decreasing as noted in Table 2 as well as the fact that the Region is at or below the BMA average for this segment.

2019 Property Tax Levy Impacts

Table 4 shows the Regional tax increases for status quo tax policy. As per Appendix 1, reassessment impacts increased the overall Region taxable assessment by an average of 4.05% for all tax classes. Properties that are reassessed with increases greater than the average will see tax increases greater than the Region's budget increase of 3.83% and conversely properties reassessed less than the 4.05% average will see increases (or decreases) of less than 3.83%.

Table 4 – Regional Tax Increases for Status Quo Tax Policy

Taxation Class	2018 Final		2019	2019 - Status Quo		
	Avg CVA*	Regional Taxes	Avg CVA	Regional Taxes	\$ Increase	% Increase
Residential	258,361	1,465	267,711	1,516	51	3.5%
Multi-Res.	2,449,215	27,361	2,533,468	28,262	901	3.3%
Commercial	735,600	7,237	772,380	7,588	351	4.8%
Industrial	708,763	10,571	735,909	10,960	389	3.7%
Farmland	326,484	463	363,311	514	51	11.1%

Municipal Impacts

As part of the 2019 tax policy review, the background documentation and scenario analysis was distributed to and discussed with the local Area Treasurers. Appendix 1 shows the municipal tax levy impacts of status quo tax policy recommendations in addition to an alternative scenario to be discussed further in the alternatives section. Under this option the relative tax impact on the residential class will be lower than the 2019 general levy increase as a result of the shift away from the residential class due to reassessment impacts.

While the tax shift away from the residential class for the Region as a whole is -0.28% it ranges from -1.55% to 1.73% for each area municipality based on localized assessment trends and is summarized below in Table 5 (Region portion only).

Table 5 – Regional Tax Levy Shifts (2018 Revised to 2019 Notional)

Area Municipality	Assessment Impacts by Tax Class	
	Residential	Total (Includes All Tax Classes)
Fort Erie	-1.55%	-1.58%
Grimsby	1.73%	2.05%
Lincoln	0.75%	0.72%
Niagara Falls	0.07%	0.22%
Niagara-on-the-Lake	0.13%	0.77%
Pelham	-0.86%	-0.73%
Port Colborne	-1.24%	-0.98%
St. Catharines	-0.79%	-0.26%
Thorold	-1.03%	-0.88%
Wainfleet	0.04%	0.53%
Welland	-1.06%	-0.94%
West Lincoln	0.98%	1.13%
Region Average	-0.28%	0.00%

- Six Municipalities (Fort Erie, Port Colborne, Welland, Lincoln, Pelham and St. Catharines) see a tax shift away from the residential class above the Region average of 0.28% under the status quo scenario due to the residential reassessment increase being below the average increase for other municipalities.
- The remaining six municipalities will still see a positive tax shift on the residential class under a status quo scenario ranging from 0.04% to 1.73%.
- Overall (when considering all tax classes) Fort Erie tax payers will incur a reduced share of the Region levy for 2019 in comparison to 2018 under the status quo scenario (-1.58%) with Grimsby tax payers incurring an increased share (2.05%). Any municipality, class or other group of properties subject to a rate of phase-in change around 4.05% would likely carry a similar share of the Regional levy in 2019 as in 2018. Representative property groupings (class, municipality, ward, etc.) experiencing higher rates of change will attract a greater share of the overall levy; and vice-versa for those increasing at rates below the aggregate.

Other Policy Consideration

- Optional Sub-class to Facilitate Reduced Tax Rates for Small-Scale Value-Added Industrial & Commercial Activities on Farms.

The Province announced a new optional subclass for commercial and industrial improvements on farm properties. If a municipality adopts this new optional tax

class, the first \$50,000 of commercial and industrial assessment attached to a farm property will be taxed at 25% of the rate that otherwise would have applied for that specific property. The purpose of this new policy is to support small-scale agri-food enterprises with not more than \$1,000,000 in CVA. MPAC has recently processed and identified all properties eligible for this reduction across Ontario. In total, 250 eligible properties have been identified across the Province with 45 being within the Region. The Province has legislated that eligible properties must receive the benefit on the education portion of property taxes. Upper-tier municipalities have the option of adopting the subclasses which would provide the same reduction of 75% for both area municipal and Regional taxes.

Of the 45 properties identified, the majority are located in NOTL and Lincoln and have been identified by MPAC as wineries. The maximum benefit that these properties could experience is approximately \$500 on education taxes and approximately \$675 to \$1,000 on Region/LAM taxes combined (if adopted).

Staff is not recommending the subclass be adopted which is supported by the Area Treasurers. Existing Provincial legislation has already set the maximum farm property tax ratio at 0.25, meaning that farm properties already benefit from a reduced tax rate when compared to the residential rate. Also, with over 6,000 farm properties located in Niagara, only a select portion have been identified as eligible for the new subclass, meaning if the policy was adopted by the Region, only a small fraction of properties would receive any benefit. Further to this and as outlined on pages 47 and 48 of Appendix 1, additional farm property analysis shows that the combined impact for a typical farm property (when including house/secondary assessments) results in only a 2.78% tax related shift which is less than the 7.40% when only considering the actual farm portion of the typical property. Meaning that the reassessment related impacts on Farm properties may be less overall.

- Changes in discounts to commercial and industrial classes for excess and vacant land.

In 2017, the Province enacted legislation to allow municipalities increased flexibility to create a vacant and excess land reduction program that would better meet the needs of individual municipalities. During early 2019, Regional Council reviewed and approved report CSD 3-2019 which recommended the elimination of this discount over a 4 year phase-out starting 2021. As per the Council approved phase-out schedule, there are no impacts for 2019 for the commercial/industrial subclass property discounts. As part of report CSD 3-2019, Council also approved the phase-out of the vacant unit tax rebate for commercial and industrial properties. This revision to the vacant unit program does not have an impact on the annual tax policy process.

The revisions for both programs have been submitted to Ontario's Minister of Finance in early 2019. Regional staff have been advised by the Province that the program revisions will be presented to the Minister in April 2019 and become legislation in June 2019.

Tax Capping Program

Business tax capping was introduced by the Province in 1998 to ensure the impact of CVA reform was manageable for taxpayers in the Multi-Residential, Commercial and Industrial property classes. The system was originally intended to last just 3 years, with increases on these classes limited to 10% in 1998, 15% in 1999 and 20% in 2000 (referred to as 10-5-5). In 2005 there were over 4,000 properties impacted by capping (1,111 capped, 3,212 subject to claw back) in the amount of \$9,398,541. Appendix 3 shows the number of capped properties by class since 2005. For 2019, there are no capped properties projected. The Region opted out of the capping program for multi-residential properties in 2017 and is eligible for opting out the industrial tax class in 2019. It is being recommended that the necessary steps be completed to fully opt out the industrial tax class from the capping program. While there are no commercial properties projected to be effected by capping in 2019, this class cannot be opted out of until the 2020 taxation year.

Despite there being no projected properties to capped in 2019, staff are recommending that the CVA tax threshold for clawed back properties be maintained at \$50 for 2019 for the commercial property class in the event that a property does become eligible. The claw back threshold was reduced in 2018 from the 2017 level of \$500. The reduced claw back threshold eliminated the potential for a higher contribution being borne by very few properties.

Alternatives Reviewed

As identified above, staff explored numerous options. Given the strong emphasis on affordable housing an alternative analyzed was utilizing half of the negative residential tax shift (0.14% of 0.28%) to reduce the tax ratio of the Multi-Residential tax class from 1.97 (status-quo) to 1.902. As per section 131 of the Residential Tenancy Act, tenants are entitled to an automatic rent reduction when landlord's property taxes have been reduced by more than 2.49% from one year to the next. This alternative is **NOT RECOMMENDED**. Based on current levy requirements for the Region and the anticipated levy requirements for the area municipalities, it is not anticipated that a significant number of properties (if any) would be eligible for the mandatory rent reduction as outlined in the Act, meaning that there would be no legislated requirement for the landlords to pass any of the property tax savings as a result of a ratio reduction to the tenant.

Further to this, Regional Council approved a multi-residential tax class ratio reduction for 2018 which also utilized the negative residential shift from 2018.

Important to note as well, is that the New-multi-residential tax class has a legislated tax ratio of 1 (same as residential tax class). The intent behind the new class as legislated in 2017 (adopted by Region in 2003) is to assist in rental affordability of newly constructed multi-residential properties.

Relationship to Council Strategic Priorities

This tax policy was developed with Residential affordability in mind.

Other Pertinent Reports

- CSD 7-2019 - 2019 Budget-Waste Management Services Operating Budget and Requisition
- CSD 3-2019 - Vacancy Program Revisions Submission to Ministry of Finance

Prepared by:

Rob Fleming, MBA
Senior Tax & Revenue Analyst
Enterprise Resource Management
Services

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Enterprise Resource Management
Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Margaret Murphy, Associate Director, Budget Planning & Strategy and reviewed by Helen Chamberlain, Director, Financial Management & Planning /Deputy Treasurer.

Appendices

Appendix 1	2019 Tax Policy Study
Appendix 2	Performance Measures
Appendix 3	Number of Properties Impacted by Capping
Appendix 4	History of Regional Tax Ratios