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**Subject:** Affordable Housing Development

**Report to:** Corporate Services Committee

**Report date:** Wednesday, June 12, 2019

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## Recommendations

That staff **BE DIRECTED** to partner with the City of Niagara Falls to develop a public process to solicit competitive bids for a not for profit partner to provide an affordable housing development at 4500 Park Street in the City of Niagara Falls.

## Key Facts

- The purpose of this report is to seek Council approval to partner with the City of Niagara Falls in an affordable housing development at 4500 Park Street similar to that underway at 111 Church Street in the St. Catharines.
- In 2017 Council authorized an agreement with Bethlehem Housing Support Services and Penn Terra Group Limited to undertake a 127 rental unit affordable housing development which was in response to an unsolicited proposal from the above partners and a Request for Proposal as required by the Region's Unsolicited Proposal policy.
- The City of Niagara Falls has approached the Region to participate in a similar program in the City of Niagara Falls which staff is supportive of.

## Financial Considerations

In general the intent of the development proposal is to offer a number of financial incentives in order to incent the private construction of affordable housing rental units at an overall lower or equal cost to that of construction by the Region. The incentives offered by the Region previously are as follows:

- A municipal capital facility designation in accordance with section 110 of the Municipal Act which allows for the exemption from all or part of the taxes (subsection (6)) or development charges (subsection (7)). The designation is established by by-law.
- The DC By-law permits the exemption of DCs on units the proportion of units that are under agreement with Niagara Regional Housing (NRH) (By-law 2017-98, Section 11(f)). This would relate only to the units that are allocated to and under agreement with NRH for wait list tenants and corresponding rent subsidies.

The value of the financial incentives of the proposal will vary depending on the size and configuration of the development. By way of example the Bethlehem/Penn Terra Group development benefited from \$1 million in DC exemption (a full 100% exemption) and

\$3.4 million in property tax incentive over 20 years (Regional portion estimated at \$0.14 M/yr.) for a 127 unit development with 20 units of supportive affordable units subsidized by NRH and the remaining units at or below CMHC average market rent. The level of incentives provided were specific to a not-for-profit provider that would in itself be tax exempt had it owned and operated the property itself which is the case for Bethlehem Housing and Support Services and not true of all not-for-profits.

NRH also committed to entering into an agreement with Bethlehem Housing and Support Services for the funding of 20 units of the development as part of the new Development Housing Allowance Program at monthly rates of \$250/unit for singles and \$300/unit for families for a period of 20 years.

Going forward the Region could establish a procurement process with the similar incentives i.e. full DC and Tax exemption if the discounted net present value of the incentives is less than the cost of Regional construction. Alternatively the process could establish incentives using the lesser of these incentives or the estimated Regional costs using the estimated average unit of construction excluding land of \$159,000 or \$186,000 including land as per recent cost of development at 527 Carlton Street.

On April 26, 2019 the Niagara Regional Housing Board approved a commitment to fund up to 25% of the proposed units in this development project for a Rent Geared to Income or Housing Allowance for 20 years.

Additionally the City of Niagara Falls has offered financial incentives to this partnership in particular they are offering the donation of land at 4500 Park Street for which the Phase 1 and Phase 2 environmental assessments are complete and the city will proceed to finalize the record of site condition and demolition of current structures. The City is also waiving permit and planning fees.

As well the structure of the proposal may deem it eligible for CMHC incentives, including low interest loans, which are currently available for developments offering affordable housing.

## **Analysis**

In January of 2016 staff issued a Request for Proposal (RFP) to pilot a project for the provision of affordable housing through the provision of a municipal capital facility. The designation permitted in the Municipal Act allows for the exemption of the development from property taxes and development charges. No responses were received for that RFP.

In May of 2017 PennTerra Group Limited (PTGL) submitted an unsolicited proposal which was presented to Corporate Services Committee on May 10, 2017, requesting that the development known as 111 Church Street in St. Catharines be considered by

Regional Council for a designation as a Municipal Capital Facility. The request included the MCF designation as well as subsidy of some units from NRH in order to make the project financially viable.

Staff sought direction from Council in relation to the requirement of the Unsolicited Proposals Corporate Policy. Council direction to staff was to:

- Move forwards with the unsolicited proposal and undertake further due diligence on the submission, as well as undertake a competitive procurement process to solicit competing proposals
- Undertake additional analysis or review and report back.

In July 2017, Staff reported to Council on the 111 Church development in accordance requesting authorization to execute the agreement and to develop a public process to solicit other competitive bids for similar developments and to bring this process to Council for approval in the fall. This process did not proceed as it was determined that in order to undertake an effective procurement process for this type of initiative where submissions could and would likely vary considerably from one to the other, a negotiated RFP should be leveraged. The Region's Procurement Policy did not provide for a negotiated RFP process until it was recently amended in Q1 of 2019.

With the Procurement by-law in place staff is now in a position to proceed with the initiative. Having been a criteria of the original RFP that the development must have the support of the Local Area Municipality that it is located in, and having been approached by the City of Niagara Falls it is an appropriate to commence the process with the City.

There are a number of other related initiatives on-going at the Region at this time. Council may wish to limit the use of this procurement initiative beyond that of the City of Niagara Falls until the outcome of these initiatives so that the Region's limited resources can be appropriately allocated to the strategy(ies) most impactful to or based on the below.

<b>Initiative</b>	<b>Purpose</b>	<b>Timing</b>
Council Strategic Plan	To establish Council priorities and financial resources required for implementation	Q2, 2019
Incentive Review	To establish incentive programs that align with council strategic plan and provide the greatest return.	Q3, 2019
5-Year Review of 10-Year Housing and Homelessness Action Plan	To update the Action Plan to reflect changes in policy and/or shifts in local priorities. Action plans play a critical function in setting out how Service Managers are to address housing and homelessness locally, including: housing affordability, the co-ordination of homelessness and related support services,	Q3, 2019

Initiative	Purpose	Timing
	and the prevention of homelessness and chronic homelessness.	
Comprehensive Review of the Niagara Region Official Plan	To develop a housing strategy in conformity with the Provincial Growth Plan for the Greater Golden Horseshoe. The strategy must align with the Housing and Homelessness Action Plan, as well as identify a diverse range and mix of housing options and densities to meet the needs of current and future residents, establish targets for affordable ownership and rental housing, and identify land use planning and financial planning tools to support these measures. The recommendations of the housing strategy will be implemented through policies in the new Niagara Region Official Plan.	Q3/Q4, 2019
Social Housing Partnership	To pilot a joint partnership with a private developer for purpose built rental. Will establish value and feasibility of using limited Regional capital dollars to increase supply of purpose built market rental units.	Q1, 2020

If Council is supportive of the initiative, staff will work with the City to establish roles and responsibilities, timing, development of the RFP document, evaluation criteria and project team etc.

### Alternatives Reviewed

Council may choose to not partner with the City in this proposal and pursue other opportunities to increase the supply of affordable rental housing inclusive of constructing the units ourselves or partnering with private, for profit developers as proposed is CSD 34-2019. These are recommended as strategies to all work together to solve the problem of affordable housing in the Region.

### Relationship to Council Strategic Priorities

Alternative service delivery in affordable housing was a specific strategic priority of the previous Council.

## Other Pertinent Reports

NRH 9-2016            November 18, 2016, New Housing Allowance Program & Funding Request  
CSD 37-2017           May 10, 2017, Unsolicited Proposal for Affordable Housing  
CSD 51-2017           July 20, 2017, Unsolicited Proposal for Housing from Penn Terra Group Limited.

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### Recommended by:

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### Submitted by:

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*This report was prepared in consultation with Cathy Cousins, Director, Homelessness and Community Engagement, Adrienne Jugley, Commissioner, Community Services, and Donna Woiceshyn, Chief Executive Officer, Niagara Regional Housing*

## Appendices

Appendix 1            City of Niagara Falls Report

**REPORT TO:** Mayor James M. Diodati  
and Members of Municipal Council

**SUBMITTED BY:** Chief Administrative Officer

**SUBJECT:** CAO-2019-07  
Affordable Housing Development Partnership

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## RECOMMENDATION

1. That staff be authorized to partner with the Regional Municipality of Niagara to solicit competitive bids from not-for-profit partners for the construction of an affordable housing development at 4500 Park Street.
2. That staff authorized to complete the record of site condition on the subject property.

## EXECUTIVE SUMMARY

The purpose of this report is to seek the approval of Council to allow for the issuance of a joint RFP with the Regional Municipality of Niagara to facilitate the construction of an affordable housing project in the City of Niagara Falls at 4500 Park Street.

Council authorized staff to proceed with discussions and preparation of an RFP related to the construction of an affordable housing project at the Park Street location. Since that time staff have been meeting with the Regional Municipality of Niagara, Niagara Housing and CMHC to put together the details of the RFP.

The Region of Niagara will be presenting a similar report to the Regional Council in May, 2019.

## BACKGROUND

One of the key priorities that have been identified for this term of Council is the provision of a strong and diverse housing market that includes affordable and accessible housing opportunities for all of our residents. This will include there preparation of a comprehensive housing strategy that will establish an integrated and strategic approach to enhance Niagara Falls' capacity to ensure all residents have a safe and secure home. As part of this strategy, it's important that the City work with the private sector, not-for-profit sector and senior levels of government to facilitate the delivery of new affordable housing units on both City owned and third party land.

In order to “jump start” the ability of the City to meet its objective of providing a diverse/affordable housing market, staff is recommending that the City enter into a partnership with the Region of Niagara and Niagara Housing to put forth an RFP to solicit competitive bids from the not-for-profit sector to provide 200-300 affordable housing units in the City.

The following are the highlights of the project:

- Location of the project is 4500 Park Street (currently a City owned parking lot and former market).
- The lands are located within the Downtown Node and Transit Station Secondary Plan area within the Niagara Falls Official Plan. Schedule A-2(a) identifies the maximum height of development as 10 stories. Policies would allow buildings to be designed marginally taller through a site specific zoning application without amendment to the Official Plan where supporting documents are provided which demonstrate there will be no negative impacts on adjacent properties or the public realm. The lands are within the Mixed Use 1 designation of the Transit Station Plan which allows a minimum net density of 50 units per hectare. New development would be subject to the urban design policies of the Plan.
- The lands are currently zoned Central Business (CB) Commercial by Zoning By-law 79-200. The CB zone allows a maximum building height of 12.0 metres. Accordingly, a site specific zone would be needed to implement the Official Plan/Secondary Plan policies and to reflect the nature of the affordable housing project designed for the site. Council would consider a site specific zoning application which would address the various regulations such as setbacks, lot coverage, parking ratios and landscaping. In essence, custom designed zoning provisions would be prepared to reflect the successful project. Such an application would follow the Planning Act requirements, thus the timeframe for any proposal should allow between 16 to 24 weeks for processing.
- The City of Niagara Falls will donate the property for the project in order to assist in the affordability of the project. Safeguards will be built into the agreement to ensure the units remain as affordable units for an extended period (40 plus years).
- The City and Region would enter into agreements whereby the property would be designated as a “Municipal Capital Facility” in accordance with Section 110 of the Municipal Act which allows for the exemption from all or part of the taxes and for development charges, provided the property/units remain affordable units.
- Development Charges, Building Permit Fees, Planning Fees and studies would be waived by both the City and the Region.

- Planning staff have estimated that the site could accommodate a 10 storey building with between 200-300 affordable units. Official Plan designation is currently in place, site specific zoning will be required.
- The apartment units will be geared to market demand. Currently there is a very low vacancy rate for bachelor and one bedroom units.
- The City has already undertaken Phase 1 and 2 environmental assessments and will proceed to finalize a record of site condition for the site which will allow for the construction of residential units on the site. Monies have been allocated in the 2019 Capital Budget of demolition of the current structures on site (former market).
- The structure of the agreement between the City and the Region may also deem it eligible for CMHC incentives, including low interest loans and financing which are currently available for affordable housing projects.
- This project will not be owned or operated by the City or Region, but alternatively will be owned and managed by the not-for-profit/private sector group who is the successful applicant through the RFP process.

## FINANCIAL CONSIDERATIONS

Staff are seeking approval to proceed with the issuance of a competitive, negotiated RFP process in partnership with the Region of Niagara. The City will be responsible for the following items which will have financial implications:

- Designation of the project as a municipal capital facility, therefore foregoing local regional taxes on the site provided the property remains an affordable rental building.
- Donation of the property to the project (estimated property value: \$300,000 - \$400,000)
- Completion of site works, including environmental assessments, demolitions, record or site conditions (estimate: \$150,000)
- Waving of permit fees, planning fees (estimate: \$100,000)
- Development Charges in a C.I.P. area, such as the Park Street site, are already exempt from development charges.

**CITY'S STRAGTEGIC COMMITMENT**

The City is committed to addressing the need for quality and affordable housing as a necessary component of a city that people want to live and invest in. This project helps deliver affordable housing units to the housing market in Niagara Falls.

Respectfully submitted: \_\_\_\_\_  
Ken Todd, Chief Administrative Officer