



# Memo

**TO:** Mayor and Council

**SUBJECT:** Bill 44 and Affordable Housing

**DATE:** April 5, 2024

**FROM:** Chief Administrative Officer

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## **BACKGROUND**

The Town is well on its way to satisfying Bill 44 requirements and should in fact exceed them for communities under 5,000. In municipalities having populations of more than 5,000 people, the legislation will be required to allow the following:

- three to four units on single-family zoned or duplex use lots;
- six units on larger single-family zoned or duplex use lots near transit stops with frequent service.

Under the Bill we must revise zoning to permit accessory dwellings in all single and detached zones by June 30. APC has reviewed detailed analysis of the issues and a draft bylaw outlining this requirement should be presented to council by April or May.

The exempted lands under Bill 44 would be those protected under the *Heritage Conservation Act* or have a heritage designation and any land that is not connected to water or sewer.

Bill 44 requires a preliminary housing needs assessment to be completed by Jan 1, 2025. The Province has yet to release the required methodology for this. This assessment will have to address attainable and affordable housing needs.

We will also analyse and implement rental only zoning on selected parcels of land. There is a commitment to providing 15% of additional affordable units under the Housing Accelerator Fund to meet the Housing Supply Growth Target.

Small-Scale Multi-Unit Housing (SSMUH) on any lots currently zoned for a single-family home or duplex can occur as outlined in the attachment.

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Joseph A. Fernandez

# Small-scale, Multi-unit Housing

Secondary Suites &  
Accessory Dwellings



Local Government Webinar Series  
January 16, 2024  
Ministry of Housing



# What We Will Cover

## GOAL

Help local governments understand the legislative changes introduced in late 2023 related to small-scale, multi-unit housing (SSMUH).

## TOPICS

- What is the SSMUH legislation?
- Summary of the legislative requirements
- Other considerations
- Site Standards Packages
- Working toward compliance: how to get started



# Bill 44 - Highlights

Legislation applies to all municipalities and regional districts in the province

Allows SSMUH development without undergoing a rezoning process

Changes allow a minimum of 2-6 units in zones currently restricted to single-family (and duplex in some cases)

June 30, 2024  
Zoning bylaws must comply with SSMUH (unless extensions are granted)

The Policy Manual and Site Standards must be considered when bylaws are amended

As soon as zoning bylaws are updated, provide written notice and identify land where exemptions apply

# Requirements for compliance

Local governments *must* update Zoning Bylaws by **June 30, 2024**, to permit small-scale, multi-unit housing in single-family and duplex zones.

Local governments *must* consider the Policy Manual and Site Standards and any additional technical guidance issued by the Province.

Local governments *must not* use their authorities in such a way that unreasonably prohibits or restricts the use or density of use required to be permitted under the legislation

Local governments *may* request extensions for specific areas or lots within their jurisdiction

# Legislated Requirements



# SSMUH at a Glance

Unit details	Secondary Suites & ADUs	Min. 3 units for lots $\leq 280 \text{ m}^2$ Min. 4 units for lots $> 280 \text{ m}^2$	Min. 6 units for lots $\geq 281 \text{ m}^2$
Must be permitted where?	Lots in <b>single-detached</b> residential zones in all municipalities and regional district electoral areas	Lots in <b>single-family and duplex</b> zones that are: <ul style="list-style-type: none"><li>• Within UCBs identified in RGS</li><li>• In municipalities with pop <math>&gt; 5,000</math>:<ul style="list-style-type: none"><li>○ Inside an UCB established in OCP;</li><li><b>or</b></li><li>○ If no UCB, all single-detached and duplex zones</li></ul></li></ul>	<b>Same areas as for 3 to 4 units and:</b> <ul style="list-style-type: none"><li>• within 400m of a prescribed bus stop, <b>and</b></li><li>• At least <math>281 \text{ m}^2</math> in size</li></ul>



# Secondary suites & ADUs

Unit details	Min. 1 Secondary Suite and/or ADU allowed
Must be permitted where?	On lots restricted to single-family use in all municipalities & regional district electoral areas
Exempt lots	Lands subject to: <ul style="list-style-type: none"><li>• a rural land use bylaw</li><li>• the <i>Islands Trust Act</i></li><li>• certain hazardous conditions</li></ul>

Local governments may choose to do any\* of the following for these lots:

- permit only one secondary suite,
- permit only one ADU,
- allow landowners to choose either a secondary suite **or** an ADU, or
- permit the construction of both a secondary suite **and** an ADU.

*\* Only secondary suites (not ADUs) should be permitted on lots <1 hectare without a wastewater collection service operated by a local government*

# 3 – 6 Units

Must be allowed:

Inside a RGS UCB

Municipality population  
>5,000 and no UCB

Municipality population  
>5,000 and inside an OCP- UCB

Y  
E  
S

3-6 units  
allowed

## ADDITIONAL EXEMPTIONS

- Certain heritage designation
- Not connect to LG water & sewer
- Lot size > 4050 m<sup>2</sup>
- Minimum lot size for subdivision > 4050 m<sup>2</sup>
- Within a Transit Oriented Area

# Exemptions

## Hazardous Conditions

- Lands subject to a hazardous condition can be exempted providing the local government has obtained a report in which a qualified professional certifies that:
  - increasing the density would significantly increase the threat or risk from the hazardous condition; and
  - the threat or risk from the hazardous condition cannot be practically mitigated.



# Process for exempted lots

After updating zoning bylaws to comply with SSMUH requirements, local governments must provide written notice of exempted lots to the Minister of Housing identifying:

1. the land to which the exemption applies, and
2. the section(s) of the legislation relevant to the purpose of the exemption.



# Extensions

One or more extensions may be granted by the Minister of Housing at the Minister's discretion, if:

- LG is **in the process of upgrading infrastructure** that services the specific area or lots for which the extension is being requested;
- the infrastructure that services the area where SSMUH would apply is such that compliance by June 30, 2024, **is likely to increase a risk to health, public safety, or the environment in that area**; or
- **extraordinary circumstances exist** that otherwise prevent compliance in relation to the area.



# Local government responsibilities

- **Update zoning bylaws** to comply with Bill 44 by June 30, 2024
- Local governments **must not hold a public hearing** on a zoning bylaw update proposed for the sole purpose of complying with Bill 44.
- Local governments **must not** use authorities in such a way that **unreasonably prohibits or restricts the use or density of use required** to be permitted under the legislation. E.g.,
  - Do not use DPAs, heritage conservation areas or alteration permits to restrict use or density required by Bill 44
  - Do not require on-site parking on lots required to permit a min. of 6 homes
  - Do not use density bonusing as a condition of approvals for the minimum densities required (\*exception for 6-units)
  - Do not create zoning bylaw regulations that impede the viability of the minimum densities required



# Guidance for Zoning Bylaw Updates



# Density and intensity

## Common approach

Density regulations in Residential zones

- Maximum number of dwelling units = 1
- Maximum number of dwelling units = 2
- Maximum density is: 50 units per hectare

Intensity regulations in Residential zones

- Maximum Floor Area Ratio: 0.5
- Maximum lot coverage: 40% - 50%
- Floor plate shall not exceed: X m<sup>2</sup>

## Alternative approaches

- Use setbacks and height restrictions to place limits on buildable area instead of FAR to improve flexibility and viability
- Restrict the size of buildings on large lots by limits on building footprint rather than FAR

### *Considerations*

- FAR limits can undermine the viability of new SSMUH units (especially single-family zone FARs)
- FAR regulations may be needed to facilitate density bonusing (beyond required SSMUH density)
- Reducing FAR limits for single-family dwellings may help improve the relative viability of SSMUH

# Setbacks

## Common regulations

Setback regulations in residential zones

- Minimum front yard setback: 4.5 - 6 m
- Minimum side yard setback: 1.5 m
- The sum of both side yards:  $\geq 4.5$  m
- Minimum rear yard setback: 6 – 7.5 m

## Recommended approaches

- Reduce lot line setbacks in restricted zones (see site standards)
- Setbacks for lots required to have a min. of 6 units need minimal setbacks for viability

### *Considerations*

- Building code requirements often set a reasonable floor for rear and side-yard setbacks
- Front yard setbacks may vary based on future infrastructure needs (e.g., sidewalks)

# Building heights

## Common regulations

- Maximum Building Height: 2 storeys
- Shall not exceed height of 6.5 – 8 m

## *Considerations*

- Restrictive height limits can limit viability and variety of form, and increase site coverage
- Many trade-offs (e.g., site permeability, open/canopy space, livability, affordability)

## Recommended approaches to secondary suites and accessory dwelling unit Restricted Zones

- Allow at least three storeys and a height of 11 m to mid-point of a peaked roof in *Restricted Zones*
- Allow a height of at least 8 metres for accessory dwellings

# Lot coverage limits

## Common regulations

- In most single-family and duplex zones, lot coverage ranges between 25 – 40% for all structures

## Recommended approach

- Adopt different lot coverage limits for each type of lot subject to different density requirements, as per the Site Standards:
  - E.g., 30% on lots for which only suites and/or ADUs must be permitted.

# Parking

## Common regulations

- Many zoning bylaws require 1 to 2 parking stalls per unit with additional location rules
- This often results in overbuilding of parking and/or adds significant costs to projects

## Alternative approaches

- Reduce or remove minimum parking requirements for SSMUH zones

### *Benefits of low or no parking*

- Improved **affordability** and **equity**
- **More permeable space** on site for landscaping or recreating
- **Supports modal shifts** that help climate-change mitigation efforts

# Site Standards



# Site Standard packages

- **Specific technical guidance for zoning bylaw amendments to:**
  - help enable compliance with SSMUH legislation and
  - set provincial expectations for how local governments enable financially viable SSMUH developments by providing flexibility for builders and developers
- Four site standard packages are provided for different scenarios\*
- Each consists of:
  - a description of the types of lots to which it applies,
  - policy objectives, and
  - recommended technical specifications for common parameters in zoning bylaws (e.g., height, setbacks)

*\* Deviations from the recommended technical guidance may be warranted to account for local conditions.*



# Package A

## A

For lots in *Restricted Zones* that are required to permit a secondary suite and/or an accessory dwelling unit in addition to the principal residence.

Zoning Bylaw Parameter	Recommended Regulation
Front Lot Line Setback	Minimum of 5 – 6 metres
Rear Lot Line Setback	Minimum of 6 metres for principal buildings Minimum of 1.5 metres for ADUs
Side Lot Line Setbacks	Minimum of 1.2 metres
Maximum Height	Maximum building height of 11 metres to the mid-point of a pitched roof or highest point of a flat roof on principal buildings At least 8 metres for accessory dwelling units
Maximum Number of Storeys	3 storeys for principal dwellings 2 storeys for accessory dwelling units
Maximum Lot Coverage	25-40%
Off-Street Parking Requirements	One space per dwelling unit

# Other Considerations



# BC Building Code & Secondary Suites

- Size restrictions removed from the BC Building Code
- Secondary suites now allowed in more building types, including side by side duplexes and row housing.
- A principal dwelling and secondary suite must be the same real estate entity
- Further information can be found in the Building & Safety Standards Branch Technical Bulletin Number B19-04.



# Agricultural Land Reserve

- SSMUH applies to **Restricted Zones** in the ALR
- The Agricultural Land Reserve Use Regulation allows:
  - A secondary suite in a principal dwelling
  - One accessory dwelling unit subject to conditions
- See Agricultural Land Commission website for permitted uses:  
<https://www.alc.gov.bc.ca/permitted-uses-in-the-alr/>



# Potable Water and Sewerage

## **Drinking Water Protection Act**

- Single-family residences containing a secondary suite may be considered exempt
- Lots with a detached ADU, in addition to a single-family residence, meet the definition of a water system

## **Sewerage System Regulation**

- On properties less than one hectare, only secondary suites, not ADUs, should be allowed



# Development permit areas

- **Local governments may continue to use DPAs**, provided they do not unreasonably restrict the ability to use land at the use or density prescribed by SSMUH
- DPA guidelines may need to be updated after zoning bylaws are updated to align with SSMUH
- Use the correct tool or bylaw for the task and desired outcome



# Heritage conservation

- Archaeological sites (recorded and unrecorded) are granted automatic protection through section 12.1 of the HCA.
- Local governments may update zoning regulations to comply with the SSMUH legislation on land with recorded or unrecorded archaeological sites.
- Local governments are not to use new heritage designations or heritage conservation areas (LGA, s. 614) with the intention of exempting areas of their jurisdiction from the SSMUH legislation.



# Resources

- To view the Provincial Policy Manual and Site Standards, visit:  
[https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/tools-for-government/local-governments-and-housing/ssmuh\\_provincial\\_policy\\_manual.pdf](https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/tools-for-government/local-governments-and-housing/ssmuh_provincial_policy_manual.pdf)
- To view the technical briefing presentation, visit:  
[https://news.gov.bc.ca/files/Housing\\_Tech\\_Brief\\_Nov\\_01\\_2023.pdf](https://news.gov.bc.ca/files/Housing_Tech_Brief_Nov_01_2023.pdf)
- To learn more about local government housing initiatives, visit:  
<https://www2.gov.bc.ca/gov/content/housing-tenancy/local-governments-and-housing/housing-initiatives>
- To read the Homes for People action plan, visit:  
[https://news.gov.bc.ca/files/Homes\\_For\\_People.pdf](https://news.gov.bc.ca/files/Homes_For_People.pdf)
- To view the Homes for People technical briefing presentation, visit:  
<https://news.gov.bc.ca/files/Homes4People.pdf>
- A map showing the location of all announced provincially funded housing projects in BC is available online:  
<https://www.bchousing.org/homes-for-BC>
- For more information about BC legislation, visit:  
<https://workingforyou.gov.bc.ca/legislation>



# Upcoming Webinars

Jan 17- 10:00 to 11:45am : SSMUH

Jan 18 2:00 to 3:45pm : TOD (Municipalities in Metro Vancouver)

Jan 23- 2:00 to 3:45 pm: SSMUH

Jan 25- 2:00 to 3:45 pm: TOD (Municipalities outside of Metro Vancouver)

Resources and further updates will be posted to Local Government Housing Initiatives website:  
<https://www2.gov.bc.ca/gov/content/housing-tenancy/local-governments-and-housing/housing-initiatives>

