

BY-LAW NO. 6917

BEING A BY-LAW of the City of Brandon to create a Multi-Family Affordable Housing Program to provide financial assistance for housing projects which incorporate three (3) or more rental units as a means to support the new construction of multi-family affordable housing in the City of Brandon.

WHEREAS Section 261.2 (1) of The Municipal Act, R.S.M. 1996, c. M225 authorizes the Council of a municipality to establish by by-law financial assistance programs;

AND WHEREAS the Council of The City of Brandon has recognized the importance of creating affordable multi-family rental housing units in the City of Brandon;

AND WHEREAS the Council of The City of Brandon has deemed it necessary and expedient to pass a by-law for the purpose of establishing the terms and conditions for a financial assistance program that would encourage the construction of such rental units;

NOW THEREFORE the Council of The City of Brandon, in open session assembled, enacts as follows:

1. In this by-law,
 - (a) **ADMINISTRATION** means the City of Brandon Affordable Housing Review Team comprised of the City of Brandon's Economic Development Officer or designate, the Brandon Neighbourhood Renewal Corporation General Manager and the Brandon Neighbourhood Renewal Corporation Housing Coordinator.
 - (b) **ELIGIBLE UNIT** means a rental residential unit contained within a building of three (3) or more rental units and renting for a maximum of median market rent (established annually by Canada Mortgage and Housing Corporation);
 - (c) **FINANCIAL ASSISTANCE** means a grant and tax credit for municipal taxes;
 - (d) **MULTI-FAMILY HOUSING** means three (3) or more residential rental units contained within a single building;
 - (e) **MUNICIPALITY** means the City of Brandon;
 - (f) **MUNICIPAL TAXES** means the property taxes imposed for municipal purposes by the municipality;
 - (g) **PROPERTY OWNER** means a person who is the registered owner under The Real Property Act of land on which a building is located, or the granted thereof of a valid conveyance registered under The Registry Act, or an agent of either such owner;
 - (h) **QUALIFYING UNIT** means an eligible unit that is rented by a tenant whose annual household income does not exceed the current upper second quintile established by Statistics Canada or the terms set forth in funding programs utilized by the property owner and offered by higher levels of Government, whichever is the lower.
 - (i) **RESIDENTIAL UNIT** means a dwelling unit in a building where the unit is used solely for residential occupation;
2. That a financial assistance program comprised of the two categories be established for newly constructed housing projects with three (3) or more rental units whereby eligible property owners shall receive the outlined financial assistance:
 - 2.1) One Time Grant - a one time grant earned over a minimum five year period.
 - 2.2) A tax credit equal to 50% of the municipal portion of the tax levy for all qualifying units that create affordable housing in Brandon for a period of twenty (20) years, commencing in the year the building is first assessed for taxation purposes. The tax credit shall be calculated by dividing the number of qualifying units by the total number of rental units in the multi family housing project times the prevailing tax levy.
3. In order for the grant cited in Section 2 to be provided:
 - (a) the applicant must be the property owner(s);
 - (b) the construction project must be located within the boundaries of the City of Brandon and must be new construction and not completed at the time of application;
 - (c) the eligible units being developed shall be a minimum of 1 bedroom units;
 - (d) the monthly rent of the eligible residential housing unit must not exceed the median Brandon market rent inclusive of all utilities, published annually by Canada Mortgage and Housing;

- (e) the gross annual household income of the tenant shall not exceed the current upper limit second quintile established by Statistics Canada;
 - (f) the property owner must be free of any City of Brandon Building and Safety Maintenance Orders, and all outstanding taxes, utility charges or other amounts owing to the municipal government by the property owner must be paid.
 - (g) if the project is eligible for federal / provincial funding this funding must be accessed first, in order to qualifying for funding under section 2.1.
4. The proposed construction project must conform with all applicable provisions of the municipality's zoning and building by-laws, and with any applicable design approval process.
 5. When the applicant enters into a five year contract with the City of Brandon or designate, the maximum capital grant available per eligible unit through the City of Brandon Multi-Family Affordable Housing Financial Assistance Program when provincial or federal funding is utilized to fund the eligible residential units, shall be \$2,000 per eligible 1 bedroom unit, \$4,000 per eligible 2 bedroom unit and \$7,000 per 3+ bedroom units, earned over a minimum five (5) year period.

When the applicant enters into a five year contract with the City of Brandon or designate, the maximum capital grant available per eligible unit through the City of Brandon Multi-Family Affordable Housing Financial Assistance Program when eligible units do not qualify for provincial or federal funding, shall be \$12,000 for 1 bedroom units, \$14,000 for two bedroom units and \$17,000 for 3 or bedroom units, earned over a minimum five (5) year period.

6. Applications will be received on a first-come, first-served basis and shall be submitted to the Brandon Neighbourhood Renewal Corporation Housing Coordinator or designate in the form prescribed by the Administration. Applications meeting the necessary criteria shall be approved provided there are sufficient budgeted funds to do so.
7. The applicant shall be required to provide to Administration annual proof in the form of a signed tenant / rent declaration, as prescribed by the Administration, that the eligible rental units continue to meet the rent and income thresholds set out in Sections 3. (d) and (e) of this by-law.

Should the information supplied to Administration prove to be false or inaccurate, resulting in ineligibility for the Multi-Family Affordable Housing financial incentive in part or in whole, the capital grant and tax credit must be repaid for all ineligible rental units over the period of time of the agreement.

8. The property owner shall agree to enter into a five (5) year agreement with the City of Brandon or designate.
9. For newly constructed qualifying residential units that are not recorded on the annual assessment roll of the City of Brandon, application for the real property tax credit must be made to the Brandon Neighbourhood Renewal Corporation or designate along with the required tenant income / rent declarations no later than 30 days from the date of issue of their supplemental tax bill.
10. The Affordable Housing Financial Assistance tax credit shall be applied against the taxes due in each qualifying year.
11. That By-law No. 6870 and By-law No 6879 are hereby repealed.
12. This by-law shall come into force and take effect on the day following its passage.

DONE AND PASSED by the Council of The City of Brandon in a meeting duly assembled this 8th day of September A.D. 2008.

"D. K. Burgess"
MAYOR

"C. R. Arvisais"
CITY CLERK

Read a first time this	18 th	day of	August	A.D. 2008
Read a second time this	8 th	day of	September	A.D. 2008
Read a third time this	8 th	day of	September	A.D. 2008

I, Conrad Robert Arvisais, Clerk of the City of Brandon DO HEREBY CERTIFY the above to be a true and correct copy of By-law No. 6917.


C. R. Arvisais, City Clerk