

BILL 44 – 2023

**HOUSING STATUTES (RESIDENTIAL DEVELOPMENT)
AMENDMENT ACT, 2023**

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Local Government Act

1 *Section 455 of the Local Government Act, R.S.B.C. 2015, c. 1, is amended by adding the following definition:*

“housing unit” means a self-contained dwelling unit; .

2 *Section 457 (3) is repealed and the following substituted:*

(3) The following provisions do not apply to a rural land use bylaw:

- (a) section 472 (2) (a) [*bylaw to adopt official community plan*];
- (b) section 481.3 [*zoning bylaws and small-scale multi-family housing*].

3 *Section 457 (3) is amended by adding the following paragraphs:*

- (a.1) section 473.1 [*official community plan and housing needs report*];
- (c) section 481.7 [*zoning bylaws and housing needs report*].

4 *The following section is added:*

Limits on use of this Part and Part 15

457.1 The following powers must not be exercised in a manner that unreasonably prohibits or restricts the use or density of use required to be permitted under section 481.3 [*zoning bylaws and small-scale multi-family housing*]:

- (a) a power under section 488 [*designation of development permit areas*];
- (b) a power in relation to a land use regulation bylaw or land use permit;
- (c) a power in relation to a heritage alteration permit, as defined in section 586 [*definitions in relation to Part 15*];
- (d) a power under section 614 [*designation of heritage conservation areas*].

5 Section 464 is amended

(a) in subsection (1) by striking out “Subject to subsection (2)” and substituting “Subject to this section”,

(b) in subsection (2) by striking out “A local government” and substituting “Subject to this section, a local government”, and

(c) by adding the following subsection:

(3) A local government must not hold a public hearing on a proposed zoning bylaw if

(a) an official community plan is in effect for the area that is the subject of the zoning bylaw,

(b) the bylaw is consistent with the official community plan,

(c) the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development, and

(d) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.

6 Section 464 is amended by adding the following subsection:

(4) A local government must not hold a public hearing on a zoning bylaw proposed for the sole purpose of complying with section 481.3 [*zoning bylaws and small-scale multi-family housing*].

7 Section 467 (1) is repealed and the following substituted:

(1) If a local government decides not to hold, or is prohibited from holding, a public hearing referred to in section 464 (2) or (3) [*public hearing not required, or prohibited, for certain zoning bylaws*] on a proposed zoning bylaw, it must give notice in accordance with this section.

8 Section 467 (1) is amended by striking out “section 464 (2) or (3)” and substituting “section 464 (2), (3) or (4)”.

9 Section 472 is amended by adding the following subsection:

(1.1) Despite subsection (1), the following must adopt one or more official community plans:

(a) the council of a municipality;

(b) a prescribed board of a regional district or a board in a prescribed class of regional districts.

10 Section 473 is amended

- (a) in subsection (1) (a) by striking out “at least 5 years” and substituting “at least 20 years”, and**
- (b) by repealing subsection (2.1).**

11 The following section is added:

Official community plan and housing needs report

- 473.1**
- (1) This section applies to a local government other than a local government that is exempted, or a local government in a class of local governments that is exempted, under this section or section 585.11 [*application of Division 22*].
 - (2) A local government must consider the most recent housing needs report received by the local government under section 585.31 [*when and how housing needs report must be received*], and the housing information on which the report is based,
 - (a) when developing an official community plan,
 - (b) when amending an official community plan in relation to statements and map designations under section 473 (1) (a), or
 - (c) when amending an official community plan in relation to housing policies under section 473 (2) or subsection (4) of this section.
 - (3) Without limiting section 473 (1) (a), the statements and map designations included in an official community plan of the council of a municipality must provide for at least the 20-year total number of housing units required to meet anticipated housing needs, which total number is included in the most recent housing needs report that is
 - (a) received by the local government under section 585.31, and
 - (b) applicable to the area covered by the plan.
 - (4) Without limiting section 473 (2), an official community plan of a local government must include housing policies of the local government respecting each class of housing needs required to be addressed in the most recent housing needs report that is
 - (a) received by the local government under section 585.31, and
 - (b) applicable to the area covered by the plan.
 - (5) The council of a municipality must, within the prescribed period after December 31 of the year in which the council received the most recent housing needs report, review and, if necessary, adopt an official community plan that includes statements, maps and housing policies in accordance with subsections (3) and (4).

- (6) The Lieutenant Governor in Council may make regulations exempting a local government or a class of local governments from all or part of this section.

12 The following sections are added:

Zoning bylaws and small-scale multi-family housing

481.3 (1) In this section:

“**manufactured home zone**” means a zone in respect of which the only permitted residential use is for manufactured homes as defined in section 673 [definitions in relation to Part 17];

“**restricted zone**” means,

- (a) for the purposes of subsection (3), a zone in respect of which the permitted residential use would, but for this section, be restricted to detached single-family dwellings, and
- (b) for the purposes of subsections (4) and (5), a zone in respect of which the permitted residential use would, but for this section, be restricted to
 - (i) detached single-family dwellings,
 - (ii) detached single-family dwellings with one additional housing unit located within the detached single-family dwelling or on the same parcel or parcels of land on which the detached single-family dwelling is located,
 - (iii) duplexes, or
 - (iv) duplexes with one additional housing unit located within each dwelling comprising the duplex or no more than 2 additional housing units on the same parcel or parcels of land on which the duplex is located,

but does not include a manufactured home zone.

- (2) Subject to an exemption under section 481.4 or set out in the regulations, a zoning bylaw adopted on or after June 30, 2024 must permit the use of land, buildings and other structures, and the density of use, required under this section to be permitted.
- (3) A local government must exercise the powers under section 479 to permit the use and density of use necessary to accommodate one or both of the following on land within a restricted zone:
 - (a) at least one additional housing unit within a detached dwelling that would otherwise be a single-family dwelling;
 - (b) at least one additional housing unit within another building on the same parcel or parcels of land on which a detached single-family dwelling is located.

- (4) A local government must exercise the powers under section 479 to permit the use and density of use necessary to accommodate at least the prescribed number of housing units on the following land within a restricted zone:
 - (a) each parcel of land wholly or partly within an urban containment boundary established by a regional growth strategy applicable to the municipality or regional district, as the case may be;
 - (b) if paragraph (a) does not apply, each parcel of land that is
 - (i) within a municipality the population of which is greater than the prescribed population, and
 - (ii) wholly or partly within an urban containment boundary established by an official community plan of the local government;
 - (c) if neither paragraph (a) nor paragraph (b) applies, each parcel of land within a municipality the population of which is greater than the prescribed population.
- (5) Despite subsection (4), the minimum number of housing units that must be permitted by the council of a municipality on a parcel of land referred to in paragraph (a), (b) or (c) of that subsection is the greater number prescribed for the purposes of this subsection if the parcel of land is
 - (a) wholly or partly within a prescribed distance from a bus stop in relation to which the prescribed requirements are met, and
 - (b) at least the prescribed size.
- (6) If the Lieutenant Governor in Council makes regulations respecting the siting, size, dimension, location or type of housing unit required to be permitted under this section, a local government must exercise the powers under section 479 in accordance with those regulations.
- (7) In developing or adopting a zoning bylaw to permit the use and density of use required under this section to be permitted, a local government must consider applicable guidelines, if any, under section 582.1 [*provincial policy guidelines related to small-scale multi-family housing*].

Exemptions related to small-scale multi-family housing

- 481.4** (1) Section 481.3 (4) and (5) does not apply in relation to any of the following land:
- (a) land that is protected under section 12.1 (2) of the *Heritage Conservation Act*;
 - (b) land that is, on the date this section comes into force, designated as protected under a bylaw made under section 611 [*heritage designation protection*] of this Act;
 - (c) land that is not connected to a water or sewer system provided as a service by a municipality or regional district;

- (d) land within a zone in respect of which the minimum lot size that may be created by subdivision is 4 050 m²;
 - (e) a parcel of land that is larger than 4 050 m².
- (2) As soon as practicable after a local government adopts a zoning bylaw in respect of which an exemption under this section or the regulations applies, the local government must give to the minister a written notice that identifies
- (a) the land in respect of which the exemption applies, and
 - (b) the provision under which the exemption is exercised.

Density benefits related to small-scale multi-family housing

- 481.5** (1) In this section, “**conditional density rule**” means a density rule established under section 482 (1) [*density benefits for amenities, affordable housing and special needs housing*] to apply for a zone only on applicable conditions being met.
- (2) Despite section 482 (1) but subject to subsection (3) of this section, a zoning bylaw must not establish conditional density rules for the purpose of achieving the minimum number of housing units required to be permitted under section 481.3 (4) or (5).
- (3) A zoning bylaw may, under section 482 (1), establish conditional density rules for only one of the minimum number of housing units required to be permitted under section 481.3 (5) but, despite section 482 (1) (b), may establish applicable conditions in relation to that single housing unit only in accordance with section 482 (2) (b) and (c).
- (4) This section does not prohibit a zoning bylaw from establishing, under section 482, conditional density rules, or applicable conditions, in relation to any number of housing units in excess of the minimum number of housing units required to be permitted under section 481.3 (4) or (5).

Regulations related to small-scale multi-family housing

- 481.6** The Lieutenant Governor in Council may make regulations as follows:
- (a) for the purposes of paragraph (b) (iii) and (iv) of the definition of “restricted zone” in section 481.3 (1) [*zoning bylaws and small-scale multi-family housing*], respecting what constitutes a duplex;
 - (b) respecting exemptions from all or part of section 481.3;
 - (c) for the purposes of section 481.3 (4), respecting what constitutes an urban containment boundary;
 - (d) for the purposes of section 481.3 (5) (a), respecting requirements in relation to bus stops;
 - (e) for the purposes of section 481.3 (6), respecting the siting, size, dimension, location or type of housing units;

- (f) respecting any other matter for which regulations are contemplated by section 481.3.

13 The following sections are added:

Zoning bylaws and housing needs report

- 481.7** (1) A council of a municipality that is subject to section 473.1 (3) *[official community plan and housing needs report]* must exercise the powers under section 479 *[zoning bylaws]* to permit the use and density of use necessary to accommodate at least the 20-year total number of housing units required to meet anticipated housing needs, which total number is included in the most recent housing needs report received under section 585.31 *[when and how housing needs report must be received]* by the council.
- (2) The council of a municipality must, within the prescribed period after December 31 of the year in which the council received the most recent housing needs report, review and, if necessary, adopt a zoning bylaw to permit the use and density of use required to be permitted under this section.

Density benefits and housing needs report

- 481.8** (1) In this section, “**conditional density rule**” means a density rule established under section 482 (1) *[density benefits for amenities, affordable housing and special needs housing]* to apply for a zone only on applicable conditions being met.
- (2) Despite section 482 (1), a zoning bylaw must not establish conditional density rules for the purpose of achieving the minimum number of housing units required to be permitted under section 481.7 (1).
- (3) This section does not prohibit a zoning bylaw from establishing, under section 482, conditional density rules in relation to any number of housing units in excess of the minimum number of housing units required to be permitted under section 481.7 (1).

14 Section 525 is amended by adding the following subsections:

- (1.1) Despite subsection (1), the council of a municipality must not, on or after June 30, 2024, require an owner or occupier of any land, or of any building or other structure, to provide off-street parking or loading spaces for the residential use of a housing unit required to be permitted under section 481.3 (5) *[zoning bylaws and small-scale multi-family housing]*.
- (1.2) In developing or adopting a bylaw under this section, a local government must consider applicable guidelines, if any, under section 582.1 *[provincial policy guidelines related to small-scale multi-family housing]*.

15 *The following section is added:*

Provincial policy guidelines related to small-scale multi-family housing

582.1 The minister may, after consulting with the minister responsible for the administration of the *Community Charter*, establish policy guidelines regarding the following:

- (a) the process of developing and adopting, by a municipality or regional district, a zoning bylaw for the purpose of permitting the use or density of use required to be permitted under section 481.3 [*zoning bylaws and small-scale multi-family housing*] of this Act;
- (b) the process of developing and adopting, by a municipality, a bylaw under section 525 [*off-street parking and loading space requirements*] of this Act to the extent that the bylaw relates to the residential use of housing units required to be permitted under section 481.3 (5) of this Act;
- (c) the content of a bylaw referred to in paragraph (a) or (b) of this section.

16 *Section 585.3 (c) (i) and (ii) is repealed and the following substituted:*

- (i) the total number of housing units required to meet anticipated housing needs for the next 5 years;
- (ii) the total number of housing units required to meet anticipated housing needs for the next 20 years; .

17 *Section 585.31 (3) is repealed and the following substituted:*

- (3) A local government must receive a housing needs report on or before December 31, 2028 and on or before December 31 in every fifth year after that date.

18 *Section 585.41 (2) is amended by adding the following paragraphs:*

- (h) respecting the information that must be included in a housing needs report;
- (i) respecting the methods for calculating a number of housing units, including, without limitation, establishing formulas, rules or principles for the calculation, and respecting criteria on which the methods are based;
- (j) requiring a local government or a class of local governments to use a method established under paragraph (i).

19 Section 588 is amended by adding the following subsection:

(2.1) Despite subsection (2) (a), a heritage designation bylaw must not be used to prevent a use of real property, or the development of land to a density of use, permitted under the applicable zoning bylaw to the extent that the use or density of use is required to be permitted under section 481.3 [*zoning bylaws and small-scale multi-family housing*].

20 Section 610 is amended

(a) in subsection (2) (b) by striking out “vary or supplement” and substituting “subject to subsection (2.1), vary or supplement”, and

(b) by adding the following subsection:

(2.1) A heritage revitalization agreement must not vary the use or density of use authorized by the applicable zoning bylaw to the extent that the use or density of use is required to be permitted under section 481.3 [*zoning bylaws and small-scale multi-family housing*].

21 Section 783 (3) is amended

(a) in paragraph (a) by adding “local governments,” after “regional districts,” and by adding “, things” after “circumstances”, and

(b) in paragraph (c) by adding “different local governments,” after “different regional districts,”, by striking out “different parts of municipalities” and substituting “different areas or different parts of areas of municipalities” and by adding “, things” after “different circumstances”.

22 The following Part is added:

PART 20 – TRANSITIONAL PROVISION

Transition – public hearings

784 Section 464 (3) [*when public hearing required*] does not apply in relation to a proposed zoning bylaw that, on the date this section comes into force, has been given first reading.

23 The heading to Part 20 is repealed and the following substituted:

PART 20 – TRANSITIONAL AND INTERIM PROVISIONS .

24 *The following heading is added to Part 20 before section 784:*

Division 1 – Public Hearings .

25 *The following Division is added to Part 20:*

Division 2 – Small-Scale Multi-Family Housing

**Transition – extended compliance period for
small-scale multi-family housing**

- 785 (1) Despite section 481.3 (2) [*zoning bylaws and small-scale multi-family housing*], if a local government applies under section 786 for an extension of time in relation to an area, the local government must adopt a zoning bylaw that complies with section 481.3, in relation to the area, as follows:
- (a) if the extension is granted, on or before the date set out in the notice of extension;
 - (b) if the extension is refused, within 90 days after the date set out in the notice of refusal.
- (2) A local government must give to the minister written notice as soon as practicable after the local government has adopted the last zoning bylaw necessary to comply with section 481.3, other than a zoning bylaw necessary to comply with section 481.3 in relation to an area for which an extension of time is granted under section 786 to the local government.
- (3) If an extension of time is granted under section 786 to a local government in relation to an area, the local government must give to the minister written notice as soon as practicable after the local government has adopted a zoning bylaw that complies with section 481.3 in relation to the area.

**Transition – extension process for
small-scale multi-family housing**

- 786 (1) A local government may apply for an extension of time for the purposes of complying with section 481.3 [*zoning bylaws and small-scale multi-family housing*] in relation to an area that is subject to that section.
- (2) An application under subsection (1) must contain the information required by the minister and must be submitted to the minister as follows:
- (a) unless paragraph (b) applies, on or before June 1, 2024;
 - (b) in the case of extraordinary circumstances, on or before June 30, 2024.

- (3) The minister may grant one or more extensions of time to the local government in relation to an area if the minister is satisfied that the local government is unable, by June 30, 2024, to comply with section 481.3 in relation to the area for any of the following reasons:
 - (a) the local government is in the process of upgrading infrastructure that services the area;
 - (b) the infrastructure that services the area is such that compliance by June 30, 2024 is likely to increase a risk to health, public safety or the environment in the area;
 - (c) there exist extraordinary circumstances that otherwise prevent compliance in relation to the area.
- (4) The minister must give to the local government written notice of a refusal or an extension that includes,
 - (a) in the case of a refusal, the date of the refusal, and
 - (b) in the case of an extension, the date, which may not be later than December 31, 2030, by which compliance with section 481.3 is required in relation to the area.

**Transition – ministerial order related to
small-scale multi-family housing**

- 787**
- (1) This section applies in relation to a local government if the minister is satisfied that the local government has failed, within the time required under this Act, to adopt a zoning bylaw that complies with section 481.3 [*zoning bylaws and small-scale multi-family housing*].
 - (2) The minister may give to the local government a notice that
 - (a) sets out the minister’s objections to the local government’s zoning bylaw, and
 - (b) states that the local government must, within 30 days after receipt of the notice, alter the zoning bylaw accordingly.
 - (3) If the local government does not alter the zoning bylaw in accordance with the notice under subsection (2), the minister may, with the prior approval of the Lieutenant Governor in Council, make an order that enacts or amends a bylaw referred to in section 479 [*zoning bylaws*] to
 - (a) permit, in relation to an area, the use and minimum density of use required to be permitted under section 481.3 and
 - (b) establish the siting, size, dimension, location or type of housing units required to be permitted under section 481.3 in the area.

- (4) In making an order under subsection (3), the minister may
 - (a) establish different classes of persons, property, circumstances, things and other matters,
 - (b) make different provisions, including exceptions, for different classes referred to in paragraph (a), and
 - (c) make different provisions, including exceptions, for different areas or different parts of areas of municipalities or regional districts or different persons, property, circumstances, things and other matters.
- (5) On the date specified in an order made under subsection (3), the bylaw enacted or amended under the order is conclusively deemed to be enacted or amended by the local government in accordance with the order.
- (6) An order may not be made under subsection (3) after December 31, 2031.
- (7) For the purposes of this section, the minister has the powers of a local government under section 479 (1) (c).

Transition – effect of official community plan

- 788** Section 478 (2) [*effect of official community plan*] does not apply, before the prescribed date, in relation to a zoning bylaw adopted by a local government for the purpose of permitting the use or density of use required to be permitted under section 481.3 [*zoning bylaws and small-scale multi-family housing*].

Transition – heritage revitalization agreements

- 789** Section 610 (2.1) [*heritage revitalization agreements*] does not apply to a heritage revitalization agreement, as defined in section 586 [*definitions in relation to Part 15*], entered into before the date this section comes into force.

26 *The following Division is added to Part 20:*

Division 3 – Interim Report on Housing Needs

Transition – interim report on housing needs

- 790** (1) In this section:
- “**housing unit**” has the same meaning as in section 455 [*definitions in relation to Part 14*];
 - “**local government**” includes a local trust committee as defined in section 1 of the *Islands Trust Act*;
 - “**most recent housing needs report**” means the housing needs report most recently received by a local government under section 585.31 (3) [*when and how housing needs report must be received*].
- (2) Without limiting section 585.31 (3), a local government must, on or before the prescribed date, receive an interim report on housing needs.

- (3) The requirement in subsection (2) is satisfied if, on or before the prescribed date, the local government receives one of the following:
 - (a) a new housing needs report;
 - (b) the local government's most recent housing needs report amended to the extent necessary to do the following:
 - (i) reflect the total number of housing units, calculated in accordance with an applicable method set out in the regulations, required to meet the anticipated housing needs of the local government for the next 5 years and for the next 20 years;
 - (ii) include a description of the actions taken by the local government, since receiving the most recent housing needs report, to reduce housing needs in the applicable area of the local government;
 - (iii) include 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.
- (4) An interim report on housing needs under subsection (2) is a housing needs report received under section 585.31 for the purposes of the following provisions of the Act:
 - (a) section 429 (2.1) [*content of regional growth strategy*];
 - (b) section 473.1 [*official community plan and housing needs report*];
 - (c) section 481.7 [*zoning bylaws and housing needs report*].
- (5) As soon as practicable after a local government receives an interim report on housing needs under subsection (2), the local government must publish the report on an internet site that is
 - (a) maintained by the local government or authorized by the local government to be used for publishing the report, and
 - (b) publicly and freely accessible.
- (6) Despite section 473.1 (5), the council of a municipality must review and, if necessary, adopt an official community plan as contemplated by that section by December 31 of the year in which the council receives an interim report on housing needs under subsection (2) of this section.
- (7) Despite section 481.7 (2), the council of a municipality must review and, if necessary, adopt a zoning bylaw as contemplated by that section by December 31 of the year in which the council receives an interim report on housing needs under subsection (2) of this section.

Vancouver Charter

27 *Section 306 of the Vancouver Charter, S.B.C. 1953, c. 55, is amended by adding the following subsections:*

- (1.1) Despite subsection (1) (r), the Council must not, on or after June 30, 2024, require an owner or occupier of any land or building to provide off-street parking or loading spaces for the residential use of a housing unit required to be permitted under section 565.03 (5) [*zoning by-laws and small-scale multi-family housing*].
- (1.2) In developing or adopting a by-law under subsection (1) (r), the Council must consider applicable guidelines, if any, under section 565.07 [*provincial policy guidelines related to small-scale multi-family housing*].

28 *The following section is added to Division (1) of Part XXVII:*

Limits on use of this Part and Part XXVIII

559.01 The following powers must not be exercised in a manner that unreasonably prohibits or restricts the use or density of use required to be permitted under section 565.03 [*zoning by-laws and small-scale multi-family housing*]:

- (a) a power in relation to a by-law or permit under Division (3) [*Zoning*] of this Part;
- (b) a power in relation to a heritage alteration permit, as defined in section 575 [*definitions*];
- (c) a power under section 596A [*designation of heritage conservation areas*].

29 *Section 561 (3.1) (a) and (b) is repealed and the following substituted:*

- (a) when developing a development plan relating to the whole city, or to any particular area of the city, that the Council intends to adopt under section 562 as an official development plan, or
- (b) when amending, in relation to housing policies under subsection (3), a development plan relating to the whole city, or to any particular area of the city, that has been adopted under section 562 as an official development plan.

30 *The following sections are added:*

Zoning by-laws and small-scale multi-family housing

565.03 (1) In this section:

“**manufactured home zone**” means a district or zone in respect of which the only permitted residential use is for manufactured homes as defined in section 673 [*definitions in relation to Part 17*] of the *Local Government Act*;

“**restricted zone**” means,

- (a) for the purposes of subsection (3), a district or zone in respect of which the permitted residential use would, but for this section, be restricted to detached one-family dwellings, and
- (b) for the purposes of subsections (4) and (5), a district or zone in respect of which the permitted residential use would, but for this section, be restricted to
 - (i) detached one-family dwellings,
 - (ii) detached one-family dwellings with one additional housing unit located within the detached one-family dwelling or on the same parcel or parcels of land on which the detached one-family dwelling is located,
 - (iii) duplexes, or
 - (iv) duplexes with one additional housing unit located within each dwelling comprising the duplex or no more than 2 additional housing units on the same parcel or parcels of land on which the duplex is located,

but does not include a manufactured home zone.

- (2) Subject to an exemption under section 565.04 or set out in the regulations, a zoning by-law adopted on or after June 30, 2024 must permit the use of land, the use of land covered by water and the use of buildings, and the density of use, required under this section to be permitted.
- (3) The Council must exercise the powers referred to in section 565 [*zoning by-law*] to permit the use and density of use necessary to accommodate one or both of the following on land within a restricted zone:
 - (a) at least one additional housing unit within a detached dwelling that would otherwise be a one-family dwelling;
 - (b) at least one additional housing unit within another building on the same parcel or parcels of land on which a detached one-family dwelling is located.

- (4) The Council must exercise the powers referred to in section 565 to permit the use and density of use necessary to accommodate at least the prescribed number of housing units on the following land within a restricted zone:
 - (a) each parcel of land wholly or partly within an urban containment boundary established by a regional growth strategy applicable to the city;
 - (b) if paragraph (a) does not apply, each parcel of land wholly or partly within an urban containment boundary established by a development plan.
- (5) Despite subsection (4), the minimum number of housing units that must be permitted by the Council on a parcel of land referred to in paragraph (a) or (b) of subsection (4) is the greater number prescribed for the purposes of this subsection if the parcel of land is
 - (a) wholly or partly within a prescribed distance from a bus stop in relation to which the prescribed requirements are met, and
 - (b) at least the prescribed size.
- (6) If the Lieutenant Governor in Council makes regulations respecting the siting, height, bulk, location, size or type of housing unit required to be permitted under this section, the Council must exercise the powers referred to in section 565 in accordance with those regulations.
- (7) In developing or adopting a zoning by-law to permit the use and density of use required under this section to be permitted, the Council must consider applicable guidelines, if any, under section 565.07 [*provincial policy guidelines related to small-scale multi-family housing*].

Exemptions related to small-scale multi-family housing

- 565.04** (1) Section 565.03 (4) and (5) does not apply in relation to any of the following land:
- (a) land that is protected under section 12.1 (2) of the *Heritage Conservation Act*;
 - (b) land that is, on the date this section comes into force, designated as protected under a by-law made under section 593 [*heritage designation protection*] of this Act;
 - (c) land that is not connected to a water or sewer system provided as a service by the city or the Metro Vancouver Regional District;
 - (d) land within a district or zone in respect of which the minimum lot size that may be created by subdivision is 4 050 m²;
 - (e) a parcel of land that is larger than 4 050 m².

- (2) As soon as practicable after the Council adopts a zoning by-law in respect of which an exemption under this section or the regulations applies, the Council must give to the minister a written notice that identifies
 - (a) the land in respect of which the exemption applies, and
 - (b) the provision under which the exemption is exercised.

Density benefits related to small-scale multi-family housing

- 565.05** (1) In this section, “**conditional density rule**” means a density regulation established under section 565.1 (1) [*zoning for amenities and affordable housing*] to apply for a district or zone only on applicable conditions being met.
- (2) Despite section 565.1 (1) but subject to subsection (3) of this section, a zoning by-law must not establish conditional density rules for the purpose of achieving the minimum number of housing units required to be permitted under section 565.03 (4) or (5).
 - (3) A zoning by-law may, under section 565.1 (1), establish conditional density rules for only one of the minimum number of housing units required to be permitted under section 565.03 (5) but, despite section 565.1 (1) (b), may establish applicable conditions in relation to that single housing unit only in accordance with section 565.1 (2) (b) and (c).
 - (4) This section does not prohibit a zoning by-law from establishing, under section 565.1, conditional density rules, or applicable conditions, in relation to any number of housing units in excess of the minimum number of housing units required to be permitted under section 565.03 (4) or (5).

Regulations related to small-scale multi-family housing

- 565.06** The Lieutenant Governor in Council may make regulations as follows:
- (a) for the purposes of paragraph (b) (iii) and (iv) of the definition of “restricted zone” in section 565.03 (1) [*zoning by-laws and small-scale multi-family housing*], respecting what constitutes a duplex;
 - (b) respecting exemptions from all or part of section 565.03;
 - (c) for the purposes of section 565.03 (4), respecting what constitutes an urban containment boundary;
 - (d) for the purposes of section 565.03 (5) (a), respecting requirements in relation to bus stops;
 - (e) for the purposes of section 565.03 (6), respecting the siting, height, bulk, location, size or type of housing units;
 - (f) respecting any other matter for which regulations are contemplated by section 565.03.

31 Section 565.06 is amended

(a) by renumbering the section as section 565.06 (1), and

(b) by adding the following subsection:

- (2) A regulation under this section may do any of the following:
- (a) establish different classes of parts or areas of the city, persons, property, circumstances, things and other matters;
 - (b) make different provisions, including exceptions, for different classes referred to in paragraph (a);
 - (c) make different provisions, including exceptions, for different parts or different areas of the city or different persons, property, circumstances, things and other matters.

32 The following section is added:

Provincial policy guidelines related to small-scale multi-family housing

565.07 The minister may, after consulting with the minister responsible for the *Community Charter*, establish policy guidelines regarding the following:

- (a) the process of developing and adopting, by the Council, a zoning by-law, for the purpose of permitting the use or density of use required to be permitted under section 565.03 [*zoning by-laws and small-scale multi-family housing*] of this Act;
- (b) the process of developing and adopting, by the Council, a by-law under section 306 (1) (r) [*off-street parking and loading space requirements*] of this Act to the extent that the by-law relates to the residential use of housing units required to be permitted under section 565.03 (5) of this Act;
- (c) the content of a by-law referred to in paragraph (a) or (b) of this section.

33 The following sections are added to Division (3):

Zoning by-laws and housing needs reports

565.08 (1) The Council must exercise the powers referred to in section 565 to permit the use and density of use necessary to accommodate at least the 20-year total number of housing units required to meet the anticipated housing needs, which total number is included in the most recent housing needs report received under section 574.4 [*when and how housing needs report must be received*] by the Council.

- (2) The Council must, within the prescribed period after December 31 of the year in which the Council received the most recent housing needs report, review and, if necessary, amend or adopt a zoning by-law to permit the use and density of use required to be permitted under this section.
- (3) The Lieutenant Governor in Council may make regulations prescribing a period for the purposes of subsection (2).

Density benefits and housing needs report

- 565.09** (1) In this section, “**conditional density rule**” means a density regulation established under section 565.1 [*zoning for amenities and affordable housing*] to apply for a district or zone only on applicable conditions being met.
- (2) Despite section 565.1 (1), a zoning by-law must not establish conditional density rules for the purpose of achieving the minimum number of housing units required to be permitted under section 565.08 (1).
 - (3) This section does not prohibit a zoning by-law from establishing, under section 565.1, conditional density rules in relation to any number of housing units in excess of the minimum number of housing units required to be permitted under section 565.08 (1).

34 *Section 565A (e) is amended by striking out everything after “April 1, 1977;”.*

35 *Sections 565B and 565C are repealed.*

36 *Section 566 is amended*

(a) in subsection (1) by striking out “The Council” and substituting “Subject to subsection (1.3), the Council”, and

(b) by adding the following subsection:

- (1.3) The Council must not hold a public hearing on a zoning by-law proposed for the sole purpose of complying with section 565.03 [*zoning by-laws and small-scale multi-family housing*].

37 *The following section is added:*

Notice if public hearing not held

- 566.1** (1) In this section, “**relevant Council meeting**”, in relation to a proposed zoning by-law, means the Council meeting at which the proposed zoning by-law is read for the first time for the purposes of potential adoption.
- (2) If the Council is prohibited from holding a public hearing on a proposed zoning by-law, the Council must give notice in accordance with this section.

- (3) The notice must state the following:
 - (a) in general terms, the purpose of the by-law;
 - (b) the land or lands that are the subject of the by-law;
 - (c) the date of the relevant Council meeting;
 - (d) the place and the times that a copy of the by-law may be inspected.
- (4) Section 566 (3.1) and (3.2) applies to a notice under this section, except that a reference in that section to a hearing is to be read as a reference to the relevant Council meeting.

38 Section 574.3 (c) (i) and (ii) is repealed and the following substituted:

- (i) the total number of housing units required to meet anticipated housing needs for the next 5 years;
- (ii) the total number of housing units required to meet anticipated housing needs for the next 20 years; .

39 Section 574.4 is amended

(a) by repealing subsection (3) and substituting the following:

- (3) The Council must receive a housing needs report on or before December 31, 2028 and on or before December 31 in every fifth year after that date. , **and**

(b) by repealing subsection (4).

40 Section 574.6 (2) is amended by adding the following paragraphs:

- (d) respecting the information that must be included in a housing needs report;
- (e) respecting the methods for calculating a number of housing units, including, without limitation, establishing formulas, rules or principles for the calculation, and respecting criteria on which the methods are based;
- (f) requiring the Council to use a method established under paragraph (e).

41 Section 576 is amended by adding the following subsection:

- (2.1) Despite subsection (2) (a), a heritage designation by-law must not be used to prevent a use of real property, or the development of land to a density of use, permitted under the applicable zoning by-law to the extent that the use or density of use is required to be permitted under section 565.03 [*zoning by-laws and small-scale multi-family housing*].

42 Section 592 is amended

(a) in subsection (2) (b) by striking out “vary or supplement” and substituting “subject to subsection (2.1), vary or supplement”, and

(b) by adding the following subsection:

- (2.1) A heritage revitalization agreement must not vary the use or density of use authorized by the applicable zoning by-law to the extent that the use or density of use is required to be permitted under section 565.03 [*zoning by-laws and small-scale multi-family housing*].

43 The following Part is added:

**PART XXXI —
TRANSITIONAL AND INTERIM PROVISIONS**

Transition – definition for this Part

623. In this Part, “**zoning by-law**” has the same meaning as in section 559 [*definitions for Part XXVII*].

Transition – extended compliance period for small-scale multi-family housing

- 624.** (1) Despite section 565.03 (2) [*zoning by-laws and small-scale multi-family housing*], if the Council applies under section 625 for an extension of time in relation to an area, the Council must adopt a zoning by-law that complies with section 565.03, in relation to the area, as follows:
- (a) if the extension is granted, on or before the date set out in the notice of extension;
 - (b) if the extension is refused, within 90 days after the date set out in the notice of refusal.
- (2) The Council must give to the minister written notice as soon as practicable after the Council has adopted the last zoning by-law necessary to comply with section 565.03, other than a zoning by-law necessary to comply with section 565.03 in relation to an area for which an extension of time is granted under section 625 to the Council.
- (3) If an extension of time is granted under section 625 to the Council in relation to an area, the Council must give to the minister written notice as soon as practicable after the Council has adopted a zoning by-law that complies with section 565.03 in relation to the area.

**Transition – extension process for
small-scale multi-family housing**

- 625.** (1) The Council may apply for an extension of time for the purposes of complying with section 565.03 [*zoning by-laws and small-scale multi-family housing*] in relation to an area that is subject to that section.
- (2) An application under subsection (1) must contain the information required by the minister and must be submitted to the minister as follows:
- (a) unless paragraph (b) applies, on or before June 1, 2024;
 - (b) in the case of extraordinary circumstances, on or after June 30, 2024.
- (3) The minister may grant one or more extensions of time to the Council in relation to an area if the minister is satisfied that the Council is unable, by June 30, 2024, to comply with section 565.03 in relation to the area for any of the following reasons:
- (a) the Council is in the process of upgrading infrastructure that services the area;
 - (b) the infrastructure that services the area is such that compliance by June 30, 2024 is likely to increase a risk to health, public safety or the environment in the area;
 - (c) there exist extraordinary circumstances that otherwise prevent compliance in relation to the area.
- (4) The minister must give to the Council written notice of a refusal or an extension that includes, as applicable,
- (a) in the case of a refusal, the date of the refusal, and
 - (b) in the case of an extension, the date, which may not be later than December 31, 2030, by which compliance with section 565.03 is required in relation to the area.

**Transition – ministerial order related to
small-scale multi-family housing**

- 626.** (1) This section applies in relation to the Council if the minister is satisfied that the Council has failed, within the time required under this Act, to adopt a zoning by-law that complies with section 565.03 [*zoning by-laws and small-scale multi-family housing*].
- (2) The minister may give to the Council a notice that
- (a) sets out the minister’s objections to the Council’s zoning by-law, and
 - (b) states that the Council must, within 30 days after receipt of the notice, alter the zoning by-law accordingly.

- (3) If the Council does not alter the zoning by-law in accordance with the notice under subsection (2), the minister may, with the prior approval of the Lieutenant Governor in Council, make an order that enacts or amends a by-law referred to in section 565 [*zoning by-law*] to
 - (a) permit, in relation to an area, the use and minimum density of use required to be permitted under section 565.03, and
 - (b) establish the siting, height, bulk, location, size or type of housing units required to be permitted under section 565.03 in the area.
- (4) In making an order under subsection (3), the minister may
 - (a) establish different classes of persons, property, circumstances, things and other matters,
 - (b) make different provisions, including exceptions, for different classes referred to in paragraph (a), and
 - (c) make different provisions, including exceptions, for different parts or different areas of the city or different persons, property, circumstances, things and other matters.
- (5) On the date specified in an order made under subsection (3), the by-law enacted or amended under the order is conclusively deemed to be enacted or amended by the Council in accordance with the order.
- (6) An order may not be made under subsection (3) after December 31, 2031.
- (7) For the purposes of this section, the minister has the powers of the Council under section 565 (1) (b), (c) and (d) and (2).

Transition – heritage revitalization agreements

- 627. Section 592 (2.1) [*heritage revitalization agreements*] does not apply to a heritage revitalization agreement, as defined in section 575 [*definitions*], entered into before the date this section comes into force.

44 *The following heading is added to Part XXXI before section 623:*

Division (1) — Interpretation .

45 *The following heading is added before section 624:*

Division (2) — Small-Scale Multi-Family Housing .

46 *The following Division is added to Part XXXI:*

Division (3) — Interim Report on Housing Needs

Transition – interim report on housing needs

628. (1) In this section, “**most recent housing needs report**” means the housing needs report most recently received by the Council under section 574.4 (3) [*when and how housing needs report must be received*] or under section 574.4 (4), as that section read immediately before its repeal.
- (2) Without limiting section 574.4 (3), the Council must, on or before the prescribed date, receive an interim report on housing needs.
- (3) The requirement in subsection (2) is satisfied if, on or before the prescribed date, the Council receives one of the following:
- (a) a new housing needs report;
 - (b) the Council’s most recent housing needs report amended to the extent necessary to do the following:
 - (i) reflect the total number of housing units, calculated in accordance with an applicable method set out in the regulations, required to meet the anticipated housing needs of the local government for the next 5 years and for the next 20 years;
 - (ii) include a description of the actions taken by the Council, since receiving the most recent housing needs report, to reduce housing needs in the city;
 - (iii) include 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.
- (4) An interim report on housing needs under subsection (2) is a housing needs report received under section 574.4 for the purposes of section 561 (3.1) [*development plans*].
- (5) As soon as practicable after the Council receives an interim report on housing needs under subsection (2), the Council must publish the report on an internet site that is publicly and freely accessible.
- (6) Despite section 565.08 (2) [*zoning by-laws and housing needs reports*], the Council must review and, if necessary, adopt a zoning by-law as contemplated by that section by December 31 of the year in which the Council receives an interim report on housing needs under subsection (2) of this section.
- (7) The Lieutenant Governor in Council may make regulations prescribing a date for the purposes of subsection (2).

Consequential Amendments

Islands Trust Act

47 *Section 29 (1) (b) of the Islands Trust Act, R.S.B.C. 1996, c. 239, is amended*

(a) by renumbering subparagraph (i) as subparagraph (i.1), and

(b) by adding the following subparagraph:

(i) section 481.3 [zoning bylaws and small-scale multi-family housing]; .

Commencement

48 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 2 to 4	By regulation of the Lieutenant Governor in Council
3	Section 6	By regulation of the Lieutenant Governor in Council
4	Section 8	By regulation of the Lieutenant Governor in Council
5	Sections 10 to 16	By regulation of the Lieutenant Governor in Council
6	Sections 18 to 20	By regulation of the Lieutenant Governor in Council
7	Sections 23 to 28	By regulation of the Lieutenant Governor in Council
8	Sections 30 to 38	By regulation of the Lieutenant Governor in Council
9	Sections 40 to 47	By regulation of the Lieutenant Governor in Council