TO: Mayor and Members of Council  
FROM: Terry Willing, Acting Commissioner, Community Development Services Group  
RESOURCE STAFF: Jim de Hoop, Director, Community and Family Services  
DATE OF MEETING: May 18, 2010  
SUBJECT: A By-Law to Permit Council to Enter Into a Municipal Contribution Agreement with John Howard Society of Kingston and District for the Provision of Affordable Housing at 771 Montreal Street.

EXECUTIVE SUMMARY:

On May 19, 2009 Council passed a resolution (Clause (5), Report No. 34, approving funding under the DOOR component of the Canada-Ontario Affordable Housing Program for John Howard Society of Kingston and District for a total of 9 units and total funding of $859,914.00.

Section 7 of O. Reg. 603/06, which became effective January 1, 2007, requires that the municipality enact a general by-law which allows Council to pass a specific by-law to enter into a Municipal Contribution Agreement with each housing proponent. On June 3, 2008, Council passed amendments to By-Law No. 2006-61, “A By-Law to Permit Council to Enter into Agreements for the Provision of Affordable Housing” to meet the requirements of a general by-law.

The purpose of this report is to obtain Council approval of the Draft By-Law (attached as Exhibit A) which permits the Corporation of the City of Kingston to enter into a Municipal Contribution Agreement with John Howard Society of Kingston and District for the provision of affordable housing at 771 Montreal Street in Kingston and authorizes the Mayor and City Clerk to execute the required agreements in a form satisfactory to the Director of Legal Services.

RECOMMENDATION:

THAT Council approve the By-Law (Exhibit A) “A By-Law to Permit Council to Enter into a Municipal Contribution Agreement with John Howard Society of Kingston and District for the Provision of Affordable Housing at 771 Montreal Street” as attached.
AUTHORIZING SIGNATURES:

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<tr>
<th>ORIGINAL SIGNED BY COMMISSIONER</th>
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<td>Terry Willing, Acting Commissioner, Community Development Services</td>
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<th>ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER</th>
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<td>Gerard Hunt, Chief Administrative Officer</td>
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CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

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<th>Name</th>
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<tr>
<td>Cynthia Beach</td>
<td>Sustainability &amp; Growth</td>
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<td>Denis Leger</td>
<td>Corporate Services</td>
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<td>Jim Keech</td>
<td>President and CEO, Utilities Kingston</td>
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(N/R indicates consultation not required)
On December 16, 2008, Council approved a resolution Clause d), Report No. 9 to issue an RFP for the creation and construction of new low and moderate income housing using the capital funding received under the DOOR (Delivering Opportunities for Ontario Renters) component of the Canada-Ontario Affordable Housing Program. RFP No. F31-CDS-CFS-2009-01 was released on February 6, 2009 and closed on April 15, 2009. Eight proposals were received including a proposal from John Howard Society of Kingston and District (JHSK) for 9 units totalling $859,914.00.

On May 19, 2009 Council passed a resolution Clause (5), Report No. 34 to allocate the DOOR funding to JHSK conditional on the approval of any required planning applications and pending a comprehensive financial investigation and review to confirm the financial viability of their proposal and completion of a building condition assessment: where existing structures are part of the submission to confirm structural stability for the duration of the 35 year term of the agreement. The same resolution authorized the Mayor and Clerk to execute the required agreements for provision of the DOOR funding to the approved proponents in a form satisfactory to the Director of Legal Services.

The proponent has provided a comprehensive financial report which has been reviewed and approved by the Financial Analyst. As well, JHSK provided a report from a structural engineer which confirmed the building’s structural stability for the duration of the 35 year term. At the time of writing this report, JHSK is in the final stages of obtaining the necessary planning approvals. Council passed By-Laws No. 2010-51 and 2010-52 on March 2, 2010 approving the Official Plan and Zoning By-Law Amendments for the property at 771 Montreal Street. As there were no appeals filed within the appeal period, the amendments are in force. The required Site Plan Control Application has been submitted by JHSK but has not yet been finalized.

O. Reg. 603.06 of the Municipal Act, 2001, was introduced and became effective January 1, 2007. It required that, prior to entering into a Municipal Contribution Agreement (MCA) with an affordable housing proponent, the municipality must establish a general by-law which defines affordable housing, includes policies for eligibility, provides a summary of provisions to be included in the MCA and allows for a specific by-law for each MCA to be signed. By-Law No. 2006-61, “A By-Law To Permit Council To Enter Into Agreements For The Provision Of Affordable Housing” was amended and approved by Council on June 3, 2008 to meet the criteria of a general by-law. Attached as Exhibit A is Draft By-Law - “A By-Law To Permit Council To Enter Into A Municipal Contribution Agreement With John Howard Society of Kingston and District For The Provision Of Affordable Housing at 771 Montreal Street” which meets the criteria of the specific by-law required to authorize the Mayor and Clerk to execute the MCA.

The purpose of this report is to obtain Council approval of the attached By-Law so the Mayor and City Clerk are able to execute the required agreements in a form satisfactory to the Director of Legal Services as soon as the final planning approvals are received.

**EXISTING POLICY/BY LAW:**

By-Law 2003-61 “A By-Law To Permit Council To Enter Into Agreements For The Provision Of Affordable Housing”

By-Law 2010-51 “A By-Law To Amend the Official Plan for the City of Kingston Planning Area (Amendment No. 1 – To Re-designate the Property known municipally as 771 Montreal Street from ‘Residential’ to a ‘Site Specific Residential’ land use designation)”

By-Law 2010-52 “A By-Law To Amend By-Law No. 8499, “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston” (Zone Change from Industrial “M7” Zone to Multiple Family Dwelling “B1.390” Zone, 771 Montreal Street)”

**NOTICE PROVISIONS:**

There are no existing notice requirements under the Municipal Act concerning this subject, on record, to date.
ACCESSIBILITY CONSIDERATIONS:
Copies of reports may be available in alternative formats.

FINANCIAL CONSIDERATIONS:
DOOR funds from the DOOR capital reserve have been allocated for this project by Council on May 19, 2009

CONTACTS:
Jim de Hoop, Director, Community and Family Services Department x4957
Mary McIntyre, Housing Programs Administrator, Community and Family Services x4948

OTHER CITY OF KINGSTON STAFF CONSULTED:
Alan Mcleod, Senior Legal Counsel, Legal Services
Katie Clarke, Financial Analyst, Community and Family Services
George Wallace, Director, Planning & Development Department

EXHIBITS ATTACHED:
A. Draft By-Law - “A By-Law To Permit Council To Enter Into A Municipal Contribution Agreement With John Howard Society of Kingston and District For The Provision Of Affordable Housing at 771 Montreal Street”
BY-LAW NO. 2010-XXX

A BY-LAW TO PERMIT COUNCIL TO ENTER INTO A MUNICIPAL CONTRIBUTION AGREEMENT WITH JOHN HOWARD SOCIETY OF KINGSTON AND DISTRICT FOR THE PROVISION OF AFFORDABLE HOUSING AT 771 MONTREAL STREET IN KINGSTON.

PASSED: Date

AND WHEREAS the Corporation of the City of Kingston has passed a Municipal Housing Facilities By-Law in accordance with subsection 7(2) of Ontario Regulation 603/06;

AND WHEREAS the municipality has determined that all the housing units to be provided as part of the municipal capital facilities fall within the definition of “affordable housing” contained in the municipal housing facility by-law;

BE IT RESOLVED that Council enter into a Municipal Contribution Agreement with John Howard Society of Kingston and District for the provision of 9 Affordable Housing Units at 771 Montreal Street, in Kingston.

AND FURTHER THAT Council authorizes the Mayor and City Clerk to execute the required agreements for the provision of an Affordable Housing grant to John Howard Society of Kingston and District in a form satisfactory to the Director of Legal Services.

GIVEN FIRST AND SECOND READING

GIVEN THIRD READING AND PASSED

CITY CLERK

MAYOR