

BY-LAW NO. 7380

BEING A BY-LAW of the City of Brandon to establish a downtown market housing incentive program to be known as the “Downtown Housing Incentive By-law” to provide financial assistance to support the construction of new market dwelling units in downtown that align with the vision for downtown as set-forth in the Downtown Brandon Secondary Plan.

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

WHEREAS the Council of The City of Brandon has adopted The Downtown Brandon Secondary Plan By-law and recognized the importance of developing market housing units in Downtown 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 incentive program that will encourage the construction of market housing units in Downtown Brandon;

NOW THEREFORE the Council of The City of Brandon, duly assembled, enacts as follows:

1. DEFINITIONS

- (a) **“BASE YEAR”** means the year prior to the year in which the property is re-assessed as a result of development under the Downtown Market Housing Incentive Program.
- (b) **“DEVELOPMENT”** this term has the same meaning as set out in The Planning Act
- (c) **“DIRECTOR”** means the Director of the Planning and Buildings Department or designate.
- (d) **“DWELLING, MULTIPLE”** means a building containing three (3) or more dwelling units, other than a row house dwelling.
- (e) **“DWELLING UNIT”** means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping unit, with cooking, eating, living, sleeping and sanitary facilities.
- (f) **“DWELLING UNIT-MARKET”** means a dwelling unit with no funding agreement that specifies a maximum rent or income level.
- (g) **“FINANCIAL INCENTIVE”** means either a capital grant, development charges grant, municipal tax credit, or any combination thereof.
- (h) **“MUNICIPALITY”** means the City of Brandon.
- (i) **“MUNICIPAL TAXES”** means the property taxes the municipality imposes for municipal purposes.
- (j) **“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.

- (k) **“RESIDENTIAL USE”** means land, buildings or structures of any kind whatsoever used, designed or intended to be used as living accommodations for one (1) or more individuals.
- (l) **“TAX CREDIT”** means a grant offered to reduce the payable Municipal Taxes.

2. **ELIGIBLE APPLICANTS**

- (a) To be eligible for financial assistance the applicants:
 - i. Must be the property owner(s).
 - ii. Must apply and receive approval for financial assistance prior to development proceeding.
 - iii. Property must be free of any orders, outstanding taxes, and utility charges or other amounts owing to the municipality must be paid.
 - iv. The Property must be located within the Downtown Secondary Plan Area as shown in Schedule “A” to this by-law.

3. **ELIGIBLE PROJECTS**

- (a) All eligible projects must comply with the following:
 - i. Any new dwelling unit creation, including new building construction, additions, and conversions of existing non-residential to residential as permitted in the Zoning By-law.
 - ii. The proposed project must be multiple dwelling unit building that includes 50% residential floor area.
 - iii. Dwelling units within the proposed project must be greater than 500 sq. ft. in floor area.
 - iv. The proposed project must not have received incentives or funding through the affordable housing incentive by-law.
 - v. The proposed project must have all required municipal land use and permitting approvals and comply with all municipal development requirements and standards.

4. **FINANCIAL INCENTIVES**

- (a) Applicants for projects in areas 1, 2, or 3 as shown under Schedule “A” of this by-law qualify for as-of-right financial incentives as set-forth in Sections 5 and 6 of this By-law. Applicants within these areas may make a request to the Director for additional incentives that exceed the incentives contained herein as determined in accordance with the Downtown Market Housing Incentive procedure and subject to City Council’s review and approval.
- (b) Applicants for projects in area 4 as shown under Schedule “A” of this by-law may make a request to the Director for a Tax Credit financial incentive as

determined in accordance with the Downtown Market Housing Incentive procedure and subject to City Council's review and approval.

- (c) Applicants approved for financial incentives will be required to enter into a funding agreement with the Municipality.

5. CAPITAL GRANT AND DEVELOPMENT CHARGE INCENTIVES

- (a) The capital grant incentive is a one-time incentive determined by the area in which the project is developed and the type of dwelling unit constructed under "Schedule B" of this by-law.
- (b) The development charges incentive is a one-time off-setting grant calculated as a percentage of development charges due at the time of building permit. "Schedule C" of this by-law determines the amount of the development charges incentive by the area in which the project is constructed.
- (c) The annual provision of capital grant and development charges incentives shall be limited by the availability of funds in the applicable reserve.
- (d) The Director may administer the capital grant and development charges incentives on a first-come first-serve basis or by application submission date.

6. TAX CREDIT INCENTIVE

- (a) "Schedule D" of this by-law determines the length of time and percentage of the tax credit by the area in which the project is constructed.
- (b) The tax credit shall apply to any increase in the total assessed value of a property from the base year resulting from the development of an eligible project.
- (c) The tax credit does not include special taxes, local improvement levies, or other such charges or fees properly imposed by the municipality on municipal taxes.

7. SCHEDULES

- (a) The following schedules of this by-law form an integral part thereof:
 - Schedule "A" Map of Downtown Market Incentive Areas
 - Schedule "B" Downtown Capital Grant Incentive
 - Schedule "C" Development Charges Incentive
 - Schedule "D" Tax Off-Setting Incentive

8. ENACTMENT AND REVIEW

- (a) The Director shall prepare and adopt an administrative procedure to provide direction on how to administer the by-law, including application submission requirements and the approval process.
- (b) Projects will be eligible for the financial incentives prescribed herein provided the project has commenced prior to the repeal of this by-law.
- (c) The Director shall review the incentives in this by-law every five (5) years.

- (d) This by-law shall come into full force and take effect on the day following its passage.

DONE AND PASSED by the Council of The City of Brandon duly assembled this 21st day of May, A.D. 2024.

“J. FAWCETT”

MAYOR

“R. SIGURDSON”

CITY CLERK

READ A FIRST TIME THIS 20TH DAY OF FEBRUARY A.D. 2024

READ A SECOND TIME THIS 4 TH DAY OF MARCH A.D. 2024

READ A THIRD TIME THIS 21ST DAY OF MAY A.D. 2024

I, Renee Sigurdson, Clerk of the City of Brandon, DO HEREBY CERTIFY the above within to be a true and correct copy of By-law No. 7380.



*Original Signed by
R. Sigurdson*

R. Sigurdson, City Clerk

SCHEDULE "A"

OF DOWNTOWN MARKET HOUSING BY-LAW NO. 7380

MAP OF DOWNTOWN MARKET HOUSING INCENTIVE AREAS

