



The mission of OPHA is to provide leadership on issues affecting the public's health and to strengthen the impact of people who are active in public and community health throughout Ontario.

Ontario Public Health Association
l'Association pour la santé publique de l'Ontario
Established/Établi 1949

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Charitable Registration
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To: PlanningConsultation@ontario.ca

ERO 019-6173 – Proposed Amendment to O. Reg 232/18: Inclusionary Zoning

Thank you for the opportunity to comment on proposed changes to the Planning Act as outlined in ERO 019-6173 and as related to Bill 23, the proposed More Homes Built Faster Act.

As noted in our November 16th submission to the Legislative Assembly of Ontario, Standing Committee on Heritage, Infrastructure and Cultural Policy on Bill 23, the Ontario Public Health Association (OPHA) fully supports the need for Ontario to find more affordable housing opportunities for its residents and create healthy, equitable and climate-resilient communities. At the same time, it is vital that these processes, including legislative changes, are undertaken in a manner that reduces the risk of inadvertent harms and inequities to the health, social determinants of health, and climate resiliency of communities.

Public health agencies have long recognized the connections between healthy environments and population health, and thus the importance of healthy public policy across all sectors to strengthen health protection and equity. This includes policies related to housing, the built and natural environment, land-use planning, climate-resiliency including mitigation and adaptation, and ecosystem protection.

OPHA supports action to create more rental and ownership types of housing that prioritizes affordable, healthy and environmentally sustainable housing. Actions such as inclusionary zoning, intensification and equitable transit-oriented development can be health and equity promoting, without compromising other vital attributes required for healthy and equitable communities including: access to and protection provided by parkland and other greenspace, access to sustainable, low-carbon, affordable, and active transportation, and healthy, energy-efficient housing units.

OPHA supports inclusionary zoning (IZ) policies that enable municipalities to implement progressive and flexible zoning by-laws and housing policies with the primary goal of increasing the supply of inclusive and equitable affordable housing. This includes allowing municipalities, based on their IZ assessment report, to

establish the number/percent and types of affordable housing units, and to define affordability based on income percentage rather than ownership/market rental percentage. Requiring inclusionary zoning and prohibiting exclusionary single-family zoning policies are measures that support affordable higher density, including duplexes, triplexes and four-plexes, next to existing density and close to transit and other active transportation routes.

OPHA is concerned that the proposed amendments to Ontario Regulation 232/18 (Inclusionary Zoning) will reduce the amount of affordable housing units that new developments have to provide through inclusionary zoning, it lowers the bar with respect to defining affordable housing (making it more “unaffordable”) and it provide less guarantees for permanent affordable housing over the long term. The proposed amendments to O.Reg. 232/18 would also enforce limits that are well below the targets that some municipalities have already adopted, or are considering, in inclusionary zoning by-laws.

OPHA does not support changes to O.Reg. 232/18 (Inclusionary Zoning) that would restrict the ability of municipalities to increase the percent of affordable housing units provided (e.g. beyond the proposed amendments to O. Reg 232/18 of “5% upper limit on the number of units that would be required to be set aside as affordable”.) This amendment could have the unintended consequence of decreasing, rather than increasing, affordable housing units within the municipality.

OPHA does not support changes to O.Reg. 232/18 that would restrict the ability of municipalities to define housing affordability for inclusionary zoning policies based on income percentage, and that would require municipalities to define affordability at no lower than 80% of the average purchase price or average market rent. The definition of affordable housing being 80 per cent of average market value or purchase price could mean housing that remains unaffordable to most people being eligible for incentives.

OPHA urges the Government of Ontario to allow for a broader use of inclusionary zoning policies beyond the “identified Protected Major Transit Station Areas (PMTSAs) or in Community Planning Permit System (CPPS) areas ordered by the Minister.” Inclusionary zoning should be made further applicable to municipalities without protected major transit stations and development permit systems. Most municipalities in Ontario have no protected major transit station areas and broadening the allowable use would benefit smaller and rural municipalities that want to utilize inclusionary zoning as a tool to increase their affordable housing supply. Going a step further, **OPHA urges the Government of Ontario to amend section 35.2 of the Planning Act, and O.Reg. 232/18 to require municipalities to implement inclusionary zoning across the municipality** in order to create a level playing field.

OPHA recommends that the Government of Ontario use the City of Toronto Inclusionary Zoning By-Law/DRAFT: Inclusionary Zoning Implementation Guidelines, and those developed/proposed by other municipalities, as guides for setting minimum standards for inclusionary zoning (IZ), specifically:

- Creating more inclusive, equitable and livable communities
- Recognizing that IZ is only one of many tools to address municipalities’ affordable housing needs (*“IZ shall complement, rather than replace, existing and future inter-governmental investment in affordable housing.”*) providing for permanent affordability (*“In no event shall a shorter affordability period for IZ affordable housing units be accepted without an Official Plan Amendment and a Zoning By-law*

*Amendment.”) By-law 941-2021 s. 600.30.10. (4) “...must be provided as **affordable rental housing units** or **affordable ownership housing units** for a minimum of 99 years from the date of the first residential occupancy of each **affordable housing unit**”*

- Outlining criteria for requiring higher percent (not maximum percent) of development as affordable. (The City of Toronto by-law requires 5-10 percent of condo development as affordable in 2022, depending on where the development is located, and whether affordable ownership units or affordable rental units are secured; and increasing requirements incrementally to 8 to 22 percent by 2030. The Government of Ontario’s amendment to O. Reg 232/18 is proposing “*an upper limit on the number of units that would be required to be set aside as affordable, set at 5% of the total number of units, or 5% of the total gross floor area of the total residential units, not including common areas.*”)
- Establishing affordable housing ownership and affordable housing rental definitions based on income (e.g., no more than 30% of before-tax income) rather than average purchase price or average market rent (e.g., setting the lowest price/rent that can be required for IZ units at 80% of average resale purchase price/average market rent).
- Creating new affordable housing and not including affordable replacement rental dwelling units or publicly subsidized housing
- Incorporating as many universal design features as possible to create housing that is suitable for individuals and families of all ages and abilities, with no less than 5% of IZ affordable housing units within a development proposal to be fully accessible.

Thank you for considering our concerns and recommendations with respect to proposed changes to the O.Reg 232/18: Inclusionary Zoning as outlined in ERO 019-6173. We would welcome the opportunity to meet with the government to discuss the proposed changes and solutions that address concerns related to this proposed legislative change.

Sincerely



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References

City of Toronto. 2022. Inclusionary Zoning: Consultation Update on Implementation Guidelines

- <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH35.9>

- <https://www.toronto.ca/legdocs/mmis/2022/ph/bgrd/backgroundfile-227640.pdf>

City of Toronto Inclusionary Zoning By-Law/DRAFT: Inclusionary Zoning Implementation Guidelines

- <https://www.toronto.ca/wp-content/uploads/2021/10/8672-CityPlanning-Draft-Inclusionary-Zoning-Implementation-GuidelinesOct2021.pdf>

- <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/inclusionary-zoning-policy/inclusionary-zoning-overview/>

- <https://www.toronto.ca/legdocs/bylaws/2021/law0940.pdf>

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Grey County Council, November 10, 2022. <https://www.grey.ca/news/november-10-meeting-highlights>
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More about the Ontario Public Health Association

OPHA has established a strong record of success as the voice of public health in Ontario. We are a member-based, not-for-profit association that has been advancing the public health agenda since 1949. OPHA provides leadership on issues affecting the public's health and strengthens the impact of those who are active in public and community health throughout Ontario. OPHA does this through a variety of means including advocacy, capacity building, research and knowledge exchange. Our membership represents many disciplines from across multiple sectors.

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