



BILL 21 MODERNIZED MUNICIPAL GOVERNMENT ACT UDI ALBERTA RESPONSE

1. **FUNDING NEW DEVELOPMENTS (OFFSITE LEVIES):** What municipal purposes and infrastructure should offsite levies be collected and used for? How should offsite levies be calculated?

AMENDMENT

Expand the scope of offsite levies to include land and buildings for community recreation facilities, fire halls, police stations and libraries where at least 30% of the benefit of the facility accrues to the new development. Where this threshold is met, developers would contribute according to proportional benefit.

UDI RESPONSE:

We are disappointed in this amendment, and caution that these costs will directly increase housing costs. Further, the introduction of new levies as written may not distribute costs and corresponding benefits in a fair and equitable manner.

Some significant challenges are evident, such as in the current definition of community recreation facilities, which is vague and will trigger numerous implementation challenges – including the development of regulations. This levy, if applied, will require clear definition within the Act, not simply determined per the regulations. Similar considerations should be made for defining other terms such as capital costs.

The spirit of the amendment that was conveyed by Municipal Affairs, which is, “developers would contribute costs based on proportional benefit,” is not addressed in proposed wording found in the Act, and requires additional work to ensure that the intent is conveyed.

2. **CONSERVATION (ENVIRONMENTAL RESERVE):** How should ER be defined? When should ER land be determined? Should the purpose of ER be expanded?

AMENDMENT

Provide clarity in the definitions and purposes of Environmental Reserve land, and enable flexibility to determine Environmental Reserve earlier in the planning process. Create a new type of reserve, Conservation Reserve, to protect environmentally significant lands, subject to compensation for the landowner.

UDI RESPONSE:

On Conservation Reserves (CR):

We are encouraged that Conservation Reserve (CR) requires landowner compensation. However, we believe clarification and improved wording is required for this amendment to be effective. We recommend that the compensation value be clearly stated as market value of developable land, and amend current proposed wording to clarify how this new reserve will fit into various calculations on levies, limits on the taking of roads/reserves, and impacts on municipal reserve calculations.

We appreciate the flexibility offered for parties to come to an early agreement on ER and we recommend that CR be included as part of that agreement.

On Environmental Reserves (ER)

We are encouraged by the intent of this amendment and ER - that it is largely intended to apply to lands not suitable for development. This proposed amendment was intended to clarify ER, but the wording as proposed does not align with provincial messaging, nor have the intended effect of providing greater clarity. We request specifically addressing the intent of ER lands as 'lands not suitable for development'.

Clear definitions are also critical for items such as swamp, gully, ravine, coulee, natural drainage course, land that is subject to flooding, and others. We request that clear definitions for these terms be provided within the legislative framework.

3. AFFORDABLE HOUSING (INCLUSIONARY ZONING): How can Municipal Affairs support improvement in the affordable housing supply in Alberta?

AMENDMENT

Enable inclusionary zoning as an optional matter within municipal land use bylaws.

UDI RESPONSE:

We are disappointed in this amendment. We do not believe that this tool will address the housing affordability issue and are concerned this tool will actually increase the cost of housing across society. This initiative has the potential to enable ineffective policy, thereby creating new barriers to housing for the entire market.

UDIA believes that inclusionary housing unfairly and disproportionately loads the cost and responsibility for affordable and social housing onto a very narrow segment of new home owners. This issue is a public concern that involves all citizens and therefore, we believe that the solution should be borne by the whole of society and not only new homeowners.



4. **GROWTH MANAGEMENT BOARDS & INTERMUNICIPAL COLLABORATION: To what degree should the Province determine how municipalities collaborate with one another?**

AMENDMENT

Require Growth Management Boards for Edmonton and Calgary regions, with an expanding mandate to address land use planning and planning, delivery and funding of regional services.

AMENDMENT

Implement mandatory intermunicipal mechanisms for land use planning, and for the planning, delivery and funding of regional services.

UDI RESPONSE:

UDIA supports cooperative initiatives that lead to proactive planning, development and service delivery. However, we are concerned that implementation of this amendment will create obstacles or barriers to development through an additional level of review, extended approval timelines, and therefore further erode home affordability. We request that clear expectations be provided and that government includes industry stakeholders in developing the regulatory framework associated with this amendment.

5. **DECISION MAKING TIMELINES FOR DEVELOPMENT PERMITS: What should the timelines be for the review, decision, and approval of subdivision and development permit applications in the MGA?**

AMENDMENT

Maintain existing decision making timelines for most municipalities, but allow additional time to determine whether an application is complete. Allow cities and larger specialized municipalities to set their own timelines by bylaw.

UDI RESPONSE:

We are generally supportive of the amendment. We will further review to ensure that the structure laid out in the Act must be adopted by municipalities that are permitted to set their own timelines.

6. **ROLES AND RESPONSIBILITIES OF THE PROVINCE AND MUNICIPALITIES: Should the Province legislate municipal and provincial roles and responsibilities?**

AMENDMENT

A preamble will be incorporated into the MGA to describe the partnership relationship between the province and municipalities.

UDI RESPONSE:

The new preamble proposed does not provide clarity on roles and responsibilities of municipalities. UDIA believes the preamble should clearly state provincial expectations as to how growth and property rights will be applied by municipalities through application of the Act.



- 7. PROVINCIAL OVERSIGHT OF MUNICIPALITIES: Should the existing mechanisms for oversight of municipalities be maintained or should some other legislated mechanism be introduced?**

AMENDMENT

Expand the mandate of the Alberta Ombudsman to include oversight of municipalities and to respond to complaints about municipalities.

UDI RESPONSE:

We support the addition of municipalities to the mandate of the Ombudsman. However, we request that a specific time bound process be developed for municipal oversight issues pertaining to development.

Without this addition, the uncertainty of time, process and decisions could significantly increase costs and erode housing affordability.

- 8. MUNICIPALLY CONTROLLED CORPORATIONS: What role, if any, should Municipal Affairs have in the establishment of municipally controlled corporations? Should the MGA include parameters for potential uses, ongoing operation, service area restrictions, and oversight?**

AMENDMENT

Allow municipalities to establish municipally controlled for-profit corporations without specific permission, but legislate requirements regarding the allowable scope of those corporations and the transparency of their formation and operation.

UDI RESPONSE:

UDIA is concerned that municipalities could use subsidiaries to directly compete in the private development market, which would affect competition on the open market and negatively skew market conditions.

- 9. ELECTED OFFICIALS TRAINING: Should the MGA establish minimum standards for council orientation and training of elected officials?**

AMENDMENT

Require all municipalities to offer elected officials orientation training following each municipal election, including by-elections.

UDI RESPONSE:

We support the establishment of minimum standards for council orientation and training of elected officials. UDIA also encourages a curriculum for training that includes material on business and economics.



10. STRENGTHENING IMPARTIALITY OF APPEAL BOARDS: What requirements, if any, should the Province place on municipal appeal board members through legislation to reduce bias or perception of bias?

AMENDMENT

Prohibit municipal councilors from forming the majority of MGA referenced appeal boards or individual hearing panels. Specify the Chair of the MGB will be appointed by Cabinet and report to the Minister of Municipal Affairs.

UDI RESPONSE:

We support the amendment as proposed.

11. INCENTING BROWNFIELD DEVELOPMENT (TAX TOOLS): Should the MGA allow municipalities to grant special tax considerations to brownfield properties for multiple years to encourage their redevelopment?

AMENDMENT

Allow a municipal council to provide conditional property tax cancellations, deferrals or reductions for multiple years to identify and promote redevelopment of brownfield (contaminated) properties.

UDI RESPONSE:

We support this amendment.

12. ASSESSMENT OF FARMLAND INTENDED FOR DEVELOPMENT: How should farm land intended for development be assessed and taxed?

AMENDMENT

Farmland will be assessed at market value once the land is no longer used for farming operations. The definition of farming operations will be updated through regulation to include the triggers that indicate when land is no longer farmed.

UDI RESPONSE:

We support this amendment.

