

City Charter Provisions related to Inclusionary Housing

Inclusionary housing is a new authority provided for within the *City of Edmonton Charter, 2018 Regulation*, as amended. This gives the City the ability to prescribe when inclusionary housing (in the form of dwelling units, land or money) must be provided. This can occur at the subdivision approval or development permit stage. Engagement with a range of stakeholders will be important to determine the best timing for dedicating inclusionary housing contributions and under what scenarios it makes the most sense.

The *Charter* states that if a Zoning Bylaw allows inclusionary housing it must define “Affordable Housing” and at a minimum include provisions for:

- the use, management and operation of affordable housing by the City and the extent (if any) the City may delegate these responsibilities and to whom they may delegate these responsibilities
- the circumstances in which inclusionary housing may be required to be provided as a condition of subdivision or development permit
- the circumstances in which inclusionary housing may or must be provided in the form of money in place of land or dwelling units
- the number of dwelling units, the amount of land or money in place of dwelling units or land that may be required to be provided
- the offsets, if any, that the City may or must provide to an applicant that provides inclusionary housing in the form of dwelling units or land
- the purposes for which inclusionary housing provided in the form of money can be used
- the ownership of inclusionary housing provided in the form of dwelling units or land and the circumstances (if any) in which they can be sold
- a minimum period (if any) that inclusionary housing dwellings or land must be used to provide for affordable housing
- Council’s public reporting requirements regarding the receipt and use of all inclusionary housing

Limitations

- The foregoing inclusionary housing provisions do not apply to a management body under the *Alberta Housing Act* or to the Crown in right of Alberta or Canada.
- The Zoning Bylaw must not allow inclusionary housing to be required as a condition of a development permit where inclusionary housing was provided to meet a condition of subdivision for the same parcel of land or any portion of it, except for a change of density or intensity.
- Inclusionary housing or any proceeds from the disposal of inclusionary housing cannot be used for any purpose other than the provision of affordable housing.