



Policy Title: Non-Market Housing Land Disposition Policy
Policy Number: CP2019-02
Report Number: USC2019-0505, CD2023-0205
Adopted by/Date: 2023 April 25
Effective Date: 2019 May 27
Last Amended: 2023 April 25
Policy Owner: Housing Solutions

1. POLICY STATEMENT

- 1.1. Government alone cannot meet the growing need for Non-Market Housing; however, The City can increase the amount of Non-Market Housing which can be produced by partnering with experienced Non-Profit Housing Providers who are well positioned to deliver and operate quality Non-Market Housing on behalf of the government. One of the greatest contributions The City can make to further this goal is to dispose of City-owned land at Below-Market Value to Non-Profit Housing Providers, building assets and increasing their capacity to leverage funding and provide new Non-Market Housing units within Calgary. These efforts support The City's goal to increase the Non-Market Housing supply sufficient to provide homes to a minimum of 6 per cent of households in Calgary, consistent with the national average.
- 1.2. The City recognizes its land holdings are a valuable public asset. The City stewards land and seeks to leverage the value in its City-owned lands to maximize long-term benefits for The City and its citizens. The City strategically manages its land assets in a portfolio-based approach within a financially self-sustaining business program where the proceeds of surplus land dispositions are returned to fund future acquisitions of land required to deliver new city services and infrastructure. Balanced with this approach, The City also leverages City-owned lands to deliver broader corporate objectives including: economic diversification, supporting social and community needs, increasing the assessment base, and environmental management and remediation.
- 1.3. The City is committed to Reconciliation at an organizational level. The City of Calgary recognizes Indigenous people; defined by Section 35 of the 1982 Constitution Act as rights bearing people; distinctly different from other equity seeking groups. Reconciliation requires fundamental changes, co-creation and the paralleling of programs, services, and policies at all levels. The CD2022-0706 Affordable Housing for Urban Indigenous Calgarians Report, from May 2022 clearly identified that Indigenous People Living in Calgary

struggle with homelessness and it is increasingly difficult for them to find affordable housing options that are culturally developed, constructed, and operated. The City is committed to recognizing the land holdings and the cultural relevance of Indigenous People through this policy and supporting Indigenous Non-Profit Housing Providers.

2. PURPOSE

2.1. The purpose of this policy is to:

Scale-up experienced Non-Profit Housing Providers by:

- a) Identifying affordable housing demands and opportunities that focus City resources on expanding the supply of Non-Market Housing units required to keep pace with the city's growing population.
 - b) Strategically managing the City-owned land portfolio to assess and promote appropriate development sites which balance the identified Non-Profit Housing Providers' demands and considers the financial sustainability of The City's Revolving Fund Reserve;
 - c) Monitoring and sustaining the development capacity of the Non-Profit Housing Providers through a predictable and transparent process, ensuring The City's housing objectives are met; and
 - d) Scaling-up experienced Indigenous Non-Profit Housing Providers through ensuring culturally relevant land to be disposed of be sold at Below Market Value to Indigenous Non-Profit Housing Providers which includes consideration to be sold a nominal value, ensuring The City's commitment to supporting the delivery of affordable housing for Indigenous People Living in Calgary.
- 2.1.2. Reduce ad-hoc requests for City-owned land by Non-Profit Housing Providers by offering a more predictable supply of City-owned lands to ensure that land is being matched with the Non-Profit Housing Providers development capacity, capital and programs.
- 2.1.3. Work with other orders of government to:
- a) Develop confidentiality agreements so that applications are coordinated, and information is shared between governmental jurisdictions;
 - b) Align selection criteria of Non-Profit Housing Providers with program criteria from other orders of government to encourage continued collaboration to streamline and accelerate approvals

for funding from other orders of government, building a more efficient and effective housing finance model; and

- c) Develop Housing Agreements with Indigenous Non-Profit Housing Providers, First Nations and Metis Nation governments to secure funding when requested.

2.2. Establish clear and consistent procedures which will:

2.2.1. Clarify how The City will assess appropriate sites and value of surplus City- owned land to be made available for disposition to Non-Profit Housing Providers and Indigenous Non-Profit Housing Providers.

- a) With the assistance of a Housing Solutions Elders Advisory group, identify appropriate sites from the availability of City owned land that are culturally relevant and free of negative cultural significance and appropriate for the development of Indigenous Affordable Housing.

2.2.2. Outline the roles and responsibilities of Administration in identifying surplus City- owned lands and other opportunities for development by the Non-Profit Housing Providers, seeking Council approval to market/sell such lands to Non-Profit Housing Providers and the general requirements for Non-Profit Housing Providers that wish to acquire land for Non-Market Housing development.

2.2.3. Define that "land banking" or holding onto land without a development program by Non-Profit Housing Providers and Indigenous Non-Profit Housing Providers is not in alignment with the goals of the Non-Market Housing Land Disposition program.

2.2.4. Encourage long-term availability and affordability of Non-Market Housing by ensuring projects are developed according to submission, supported by sale terms/conditions and other City resources, such as the registration of housing agreements on title.

2.2.5. Identify different opportunities such as strata transfers, leasing City land as part of large infrastructure projects, including Integrated Civic Facilities and Transit- Oriented Development and/or partnerships with private for-profit developers in which Non-Profit Housing Providers may assist The City with the municipal goal of providing Non-Market Housing development.

3. DEFINITIONS

3.1. In this Council policy:

- a) "Affordable Housing" means housing for people who, because of financial or other circumstances, need assistance to cover their housing costs. It

may take a number of forms on the housing spectrum from non-market rental units to attainable homeownership. In order to exclude discretionary overspending, The City targets affordable housing to households earning 65% or less of Calgary median income. For information purposes Canada Mortgage and Housing Corporation housing is considered to be affordable when a household spends less than 30% of its pre-tax income on adequate shelter.

- b) "Below-Market Value" means sale prices of the properties are to be marketed for sale to Non-Profit Housing Providers to develop Non-Market Housing under this policy. This shall mean the sale is less than current market value, but may include the cost of the property incurred by The City plus costs of sale (e.g. road plan registrations, environmental assessments as needed, etc.).
- c) "The City" means The City of Calgary, a municipal corporation pursuant to the *Municipal Government Act* (Alberta).
- d) "City-owned land" means a titled land parcel, or parcels, owned by The City that has been declared as surplus to The City's service and operational needs, and is available for Land Disposition.
- e) "Council" means the Council for The City constituted pursuant to the *Municipal Government Act* (Alberta).
- f) "Council Policy" means a policy passed by resolution of Council.
- g) "Corporate Land Committee (CLC)" means an Administrative Committee defined by CLMF to provide directional oversight and formal decision making on land management policy, standards and processes for the sustainment of the CLMF. The goal of CLC is to foster and sustain a corporate-wide lens and a business- oriented direction to corporate land management.
- h) "Corporate Land Management Framework (CLMF)" means the approved Administrative Framework of The City, as may be amended from time to time.
- i) "Culturally Relevant Land" cannot be uniformly described and will be unique to each Nation; understood through a comprehensive historic consideration of oral stories, ceremonies and western technologies.
- j) "Housing Agreements" means an agreement as provided for under Section 651.3 of The Municipal Government Act (Alberta), as modified by The City of Calgary Charter, 2018 Regulation.
- k) "Housing Solutions Elders Advisory Council" means a representative group of 5 respected and recognized Elders or Knowledge keepers from the

Calgary urban community, Treaty 7 and Métis Nation of Alberta.

- l) "Indigenous Affordable Housing" means housing units that are created specifically for the Indigenous people living in Calgary as aligned with the boundaries of the MGA (Municipal Government Act).
- m) "Indigenous Non-Profit Housing Provider" means a non-profit, charitable organization or Indigenous government with an explicit mandate to serve, support and deliver housing and programs for Indigenous by Indigenous. In the context of this policy Indigenous Non-Profit Housing Providers demonstrate experience in delivering Indigenous specific affordable housing in urban settings, an understanding of the culturally relevant housing and support needs of Indigenous people in the urban setting, evidence of co-creation of the project and relevant connections to Indigenous service providers, Elders, and other supports. Signators of Treaty 7, Metis Nation of Alberta, Calgary offices and/or Indigenous urban social or housing organization who are planning affordable housing in Calgary and will be prioritized.
- n) "Indigenous People Living in Calgary" means those people identified as rights-bearing Indigenous peoples within Section 35 (1) and (2) of the Constitution Act, 1982, which includes the Indian (First Nations), Inuit and Metis peoples of Canada.
- o) "Land Disposition" means the sale or long-term lease of City-owned land parcel to a registered Non-Profit Housing Provider and Indigenous Non-Profit Housing Provider for the purpose of providing and maintaining Non-Market Housing units.
- p) "Market Value" means the fair market price, rent, fee or other consideration that would be paid by willing parties to a transaction as established by:
 - i. an external appraisal performed by an independent appraiser accredited by the Appraisal Institute of Canada; or
 - ii. an internal valuation performed by a City employee and reviewed and verified by the Valuation Review Committee.
- q) "Non-Market Housing" means rental or for-sale housing provided for low and moderate-income groups not traditionally served by the private market. It is typically made affordable through public and/or non-profit ownership of housing units or through rent supplements that allow low-income households to access housing in the private market.
- r) "Non-Profit Housing Provider" means a charity, society, or other not-for-profit entity, including Indigenous Non-Profit Housing Providers whose mandate includes, but is not necessarily limited to, the supply and management of Non-Market Housing. Other models may include non-profit subsidiary organizations of for-profit housing developers who may partner with other social service organizations with the goal of

supporting/developing Non- Market Housing.

- s) "Policy" means this Non-Market Housing Land Disposition policy.
- t) "Revolving Fund Reserve" means a fund created in 1998 by commissioners Report FB98-43 and later amended by LAS2008-173 and PFC2016-0796. The purpose of the reserve is to acquire land required for City use in a timely manner for projects beyond the four-year budget cycle, improvements to City-owned land and program administration and as further defined in the Funding Standard of the Corporate Land Management Framework.

4. APPLICABILITY

- 4.1. This Policy applies to any sale or lease of surplus Land Disposition of City-owned land at Below Market Value to a qualified Non-Profit Housing Provider and Indigenous Non-Profit Housing Providers who is supporting the Council-identified goal of increasing the Non-Market Housing supply in The City of Calgary.
- 4.2. This Policy does not prohibit any Non-Profit Housing Provider and Indigenous Non-Profit Housing Provider from bidding on other City-owned land sales offered at market value through public sale to the highest bidder.
- 4.3. The City has sole discretion to exclude agencies, representatives and organizations not in good standing with the Non-Market Housing Land Disposition program, from future participation in the program.

5. LEGISLATIVE AUTHORITY

- 5.1. This Policy complies and is aligned with requirements under the *Municipal Government Act* (Alberta).

6. PROCEDURE

- 6.1. Roles and Responsibilities
 - 6.1.1. City Council is responsible for:
 - a) approving the Non-Market Housing Land Disposition Policy and future amendments;
 - b) receiving reports on the progress of the Non-Market Housing Land Disposition Program through either annual updates or other mechanisms;

- c) assessing and providing guidance regarding The City's contribution to activities undertaken as part of this Policy during any business cycle and over time; and
- d) approving the Method of Disposition reports and recommendations regarding the sale of surplus City land to Non-Profit Housing Providers and Indigenous Non-Profit Housing Providers.

6.1.2. City of Calgary Administration is responsible for:

- a) adhering to this Policy;
- b) identifying the land needed for development within the Non-Profit Housing Provider and Indigenous Non-Profit Housing Provider community and managing The City's portfolio of surplus land to identify parcels that meet the identified demand.
- c) committing a minimum of one parcel of land that has been identified as culturally relevant, if available, to be sold to an Indigenous Non-Profit Housing Provider. Markers for Indigenous Non-Profit Housing Provider include but are not limited to: Indigenous board of directors, staffing, working worldview/epistemology and a desire to work with Indigenous Elders to offer a culturally relevant and supportive housing environment. This will contribute to economic reconciliation and The City's commitment to recognizing the land by ensuring culturally relevant land disposed of through the non-market housing land sale process is for urban Indigenous Calgarians to increase Indigenous-specific non-market housing units in Calgary.
 - i. Identifying land needed for development with the support of the Housing Elders Advisory Group as it pertains to Indigenous Non-Market Housing.
- d) assessing and recommending City-owned lands to be sold at Below-Market Value;
- e) reviewing proposed Below-Market Value of a parcel against Market Value and impact on the Revolving Fund Reserve;
- f) partnering with Non-Profit Housing Providers and Indigenous Non-Profit Housing Providers in the development of Non-Market Housing throughout the city by providing City-owned land at Below-Market Value in order to:
 - i. leverage Provincial and Federal affordable housing resources, reducing the amount of direct City funding

- needed to develop Non-Market Housing; and
 - ii. expand the capacity of Non-Profit Housing Providers and Indigenous Non-Profit Housing Providers to support The City in the development and management of Non-Market Housing units, increasing the supply of these units in the city;
 - iii. demonstrate cultural capacity to design and operate Indigenous Affordable Housing in Calgary if appropriate.
- g) establishing a competitive process for selecting Non-Profit Housing Providers and Indigenous Non-Profit Housing Providers with clear criteria to meet The City's Housing objectives, including:
 - i. financial capacity to undertake timely development and construction of Non-Market Housing units on land disposed of by The City; and
 - ii. administrative capacity to operate and maintain the constructed units as Non-Market Housing units for a time period as determined by The City;
- h) completing all Land Disposition procedures and transactions in alignment with the Real Property Bylaw 49M2022, as may be amended or replaced from time to time or as otherwise approved by Council through a Method of Disposition;
- i) registering appropriate instruments or encumbrances on the title of land to be disposed of, as necessary, to protect The City's interests on the land as a condition of the transaction;
- j) assuring compliance of Non-Profit Housing Providers and Indigenous Non-Profit Housing Providers and any private partners with the terms of the disposition and conditions of housing agreements and/or other contractual agreements; and
- k) preparing reports on the impact of the Non-Market Housing Land Disposition Program, both in the creation of new Non-Market Housing units and the program's impact on the sustainability of the Revolving Fund Reserve.

6.2 Process

- 6.2.1 The process for implementation of this policy will be outlined in an administrative framework.

6.3 Evaluation

6.3.1 An evaluation model and reporting procedures will be developed in alignment with the goals and principles within this Policy. Full policy evaluation will take place every four years and reports will be submitted to Council.

7. AMENDMENT(S)

Date of Council Decision	Report/By-Law	Description
2023 April 25	CD2023-0205	Amended to reinforce the City's commitment to Reconciliation and to support the development of affordable housing specifically for Indigenous people.

8. REVIEW(S)

Date of Policy Owner's Review	Description