

# A DEEPER DIVE INTO ONTARIO'S PROPOSED INCLUSIONARY ZONING REGIME

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Cohen Highley  
LAWYERS

Joe Hoffer  
Cohen Highley LLP  
[hoffer@cohenhighley.com](mailto:hoffer@cohenhighley.com)  
519-672-9330

# What is “Inclusionary Zoning”

- Housing Policy
- Concepts of Affordability
- Infill policy
- Land Use Policy



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# What Legislative Powers Will Be Exercised?

- Provincial Powers: Bill 204 "*Promoting Affordable Housing Act, 2016*"
- Municipal Powers: Official Plan and Zoning By-law Amendments
- Mandatory Affordable Housing Units: New Development and Re-Development
- Defining "Affordable"
- Restrictive Covenants on Title
- Prohibition on right of appeal of affordable housing policies to OMB



# What About Existing “Affordable Housing Policies”?

- Generally prohibits use of “section 37 agreements” to impose affordable housing obligations
- Requires municipalities to regulate strategies to ensure dedicated “affordable” housing units remain affordable over time
- Prohibits municipalities from using “cash in lieu” or substitute affordable units on other lands as a means to avoid “inclusion” of affordable units



# Has Inclusionary Zoning Been Successful in Other Jurisdictions?

- The “**Toronto Experience**” to date....
- **New York City**. It works if there is: density bonusing; an expedited approval process; development charge relief; and, “flexibility” in the form of “cash in *lieu*” and other developer opt-outs (donation of land). Compliance is voluntary.
- **Chicago**. Compliance is mandatory. Cash in *lieu*, density bonuses are permitted, but not off-site construction of affordable units.
- In **U.S.A. generally**: hundreds of jurisdictions have adopted inclusionary zoning
- Inclusionary zoning is most effective at achieving success in high demand markets but only if there is “flexibility”
- Ontario’s proposal is not “flexible”.

