



SAINT JOHN

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<div style="border: 1px solid red; padding: 10px; margin: 20px auto; width: 80%;"><p style="text-align: center;">Common Clerk's Annotation for Official Record</p><p>I certify that the –Insert Title-Policy Statement was adopted by resolution of Common Council on Month-Day-Year.</p><p>I certify that the –Insert Title -Policy was approved by the City Manager on Month-day-Year</p><div style="display: flex; justify-content: space-between; margin-top: 20px;"><div style="text-align: center;"><hr style="width: 200px; border: 0; border-top: 1px solid black; margin: 0;"/> Common Clerk</div><div style="text-align: center;"><hr style="width: 200px; border: 0; border-top: 1px solid black; margin: 0;"/> Date</div></div></div>	
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## POLICY STATEMENT

The City of Saint John (the “City”) supports the revitalization of the Central Peninsula to achieve the growth targets defined in PlanSJ. The purpose of the Urban Development Incentive Policy (the “Policy”) is to establish a financial incentive program to encourage developers and property owners to invest in strategic areas within the Central Peninsula (Uptown, South End, and Waterloo Village), as defined by Schedule 1 in this Policy and the goals and objectives of any future Neighbourhood Plan, by creating residential units through either new construction or the redevelopment of existing buildings.

### 1. DESCRIPTION OF PROGRAM

The purpose of the Urban Development Incentives Program is to provide financial incentives to assist with development of three types of projects that may not have otherwise occurred: (1) infill, (2) vacant buildings, and (3) upper floors. The foundation of the program and requisite for eligibility is the Residential Density Grant, which seeks to catalyze new residential growth by making use of underutilized property. Stacked on top of this grant, there are two additional grants available to assist with the cost of developing on the Central Peninsula: the Construction Challenges Grant and Building Permit Grant. The Residential Density Grant is to be funded through the Development Incentive Reserve Fund. The Construction Challenges Grant and Building Permit Grant will be funded through an annually approved budget to be accessed by eligible projects on a first-come, first-serve basis until funds are exhausted.

The goals of the grants are as follows:

- **The Residential Density Grant** is to increase residential units on the Central Peninsula through strategic types of development.
- **The Construction Challenges Grant** is intended as a supplementary grant for projects to address costs due to the unique challenges of developing on the Central Peninsula.
- **The Building Permit Grant** offers a grant to offset the cost of obtaining a Building Permit for Non-market housing projects undertaken on the Central Peninsula.

#### 1.1 DEVELOPMENT INCENTIVE RESERVE FUND

- (1) A Development Incentive Reserve Fund shall be established to finance the Urban Development Incentives Program and will operate under the following provisions:
  - a) The calculation provided in section 2.1 ***“Amount Contributed to the Development Incentive Reserve Fund”*** from each development project receiving funding through this program will be directed to the Development Incentive Reserve Fund each year to pay for the Residential Density Grant;
  - b) Where a surplus is generated by the Residential Density Grant, the surplus shall be returned to the City’s general operating budget. A surplus will be calculated as the amount remaining in the Development Incentive Reserve Fund for a project that will not be required to be paid out;

- c) Where an approved project will not be completed within the calendar year of application, money owing from the City's general operating budget for the Construction Challenges Grant and Building Permit Grant shall be carried forward into the next year. If a grant agreement is terminated, the grant funding previously committed shall be returned to the City's general operating budget.
- d) Where the estimated costs for the Construction Challenges Grant are less than specified by an approved grant agreement, any residual grant funding not issued for the project will be returned to the City's general operating budget.
- e) For any eligible infill project, where more than 50% of the ground Floor Area of an existing building on a property was demolished by the same property owner within two years of an application, the tax revenue of the building prior to demolition shall be deducted from the amount paid to the Development Incentive Fund.
- f) Payment of grant applications received from January 1, 2016 and September 1, 2018 will be paid out according to executed grant agreements made under the former Urban Development Incentive Policy, approved by Common Council on March 21<sup>st</sup>, 2016.

## 2. THE RESIDENTIAL DENSITY GRANT

The Residential Density Grant is the foundation of the incentive program and requisite to obtaining access to the additional grants within this policy. The grant is intended to strategically reduce financial barriers and leverage new private sector investment by offsetting the cost of improvements to properties. Success of the grant program will be evaluated based on the ability to encourage increased residential density, reinvestment in heritage assets and underutilized building stock, core area beautification; and, positive return on municipal investment.

### 2.1 ELIGIBILITY AMOUNTS

Calculation of the Residential Density Grant is based on the formula described below in Table A. The grant is based on the value of the building permit at the time of application. The formula provides an estimate of what the grant is calculated to be but may vary depending on the Amount Contributed to the Development Incentive Fund, as described in the Table B below.

- (1) Payments will be made over a five (5) year term based on the following formula:

**Grant Base Amount formula=**

**Building permit value x (% of commercial portion of building x 0.025 + % of residential portion of building x 0.015)**

The Grant Base amount calculated is applied to the table below to determine estimated schedule of payments over the 5 year period.

Table A - Estimated Residential Density Grant Payment Schedule		
Grant Year	Percentage of Grant	Estimated Payout
1	90%	Percentage of Grant x Grant Base Amount (calculated annually)
2	80%	
3	60%	
4	40%	
5	20%	

- (2) The amount paid out cannot be more than the amount contributed to the Development Incentive Fund as calculated below:

Table B - Amount Contributed to the Development Incentive Reserve Fund		
Grant Year	Percentage of Grant	Actual Payout
1	90%	Percentage of Grant x Incremental City Taxes (calculated annually)
2	80%	
3	60%	
4	40%	
5	20%	

## 2.2 RESIDENTIAL DENSITY GRANT CRITERIA

### GENERAL REQUIREMENTS

- (1) To be eligible for the Residential Density Grant, projects must meet all criteria (1-5) of one of the three project types (infill, upper floors, vacant building) outlined below within the Specific Requirements section below.
- (2) Projects are subject to the Urban Design Guidelines set out in any future Central Peninsula Neighbourhood Plan.
- (3) Should a project be submitted respecting a property that is in arrears respecting real property tax payments, such property shall be ineligible for consideration for a Residential Density Grant until such arrears are paid in full.

### SPECIFIC REQUIREMENTS

The Specific Requirements Table provides the specific criteria required based on the type of project undertaken. Objectives of each type of project are as follows:

- **Infill Development:** Intended to encourage new construction on vacant lots in the Central Peninsula. These types of projects provide strategically designed grants that help to offset costs and improve the financial return on developing in the Central Peninsula. The City hopes to encourage new development that increases residential density, promotes quality development and adds to the vibrancy of urban neighbourhoods.
- **Upper Floors Redevelopment:** Intended to support reinvestment in the commercial core of the Central Peninsula through residential intensification of vacant or undeveloped upper floor spaces. These types of projects provide strategically designed grants to developers that target the financial challenges of converting the upper floor spaces of the historic mixed use building stock of the Central Peninsula. The City hopes to re-invest in the preservation of its historic building stock and to enhance the vibrancy of the Uptown area as it is defined by Schedule 2 of this Policy.
- **Vacant Building Redevelopment:** Intended to encourage reinvestment in projects that address instances of urban blight and encourage increased residential density. These types of projects provide strategically designed grants that target buildings that have experienced high levels of vacancy resulting in a cycle of financial loss and the deterioration of the building. The City hopes the redevelopment of these buildings will provide quality housing.

<b>Criteria / Project Type</b>	<b>Infill Development</b>	<b>Upper Floors Redevelopment</b>	<b>Vacant Building Redevelopment</b>
1. Eligibility Boundaries	a. Located within the area as shown on Schedule 1.	a. Located within the area as shown on Schedule 2.	a. Located within the area as shown on Schedule 1.
2. Vacant Land and Vacant Buildings	b. The project must be located on a lot that has been vacant for a minimum of one (1) calendar year. <sup>1</sup>	a. The project must meet one of the following criteria:  i. The upper floor is currently used for warehousing or storage; or,  ii. The upper floor is currently vacant and comprised of Uninhabitable Floor Space.	a. The building has been vacant for more than one (1) calendar year.
3. New Residential Units	c. The project must create a minimum of 2 new residential units <sup>2</sup> .	a. The project must create a minimum of 1 new residential unit.	a. The project must create a minimum of 1 new residential unit.
4. Additional Requirements	d. Infill Development projects must be located on their own PID(s), except where the development is an addition to an existing building.	a. A minimum of 20% of the project redeveloped floor space must be residential.	a. The project must meet one of the following criteria:  i. The building has a residential property assessment of less than \$35,000 per unit, or \$70,000 for a single unit dwelling.  ii. The building's prior use or design was for an Institutional Land Use.  iii. The building has a minimum 20% Uninhabitable floor space.
5. Construction Costs	NA	a. The project has a minimum construction cost of \$50,000	a. The project has a minimum construction cost of \$50,000

<sup>1</sup> Subject to the exception that if the building was demolished and redeveloped with multiple PIDs of which a minimum 50% of the PIDs being developed have been vacant for a minimum of 1 calendar year and the PIDs being developed have a minimum lot frontage of 5.5 metres and a minimum lot area of 165 square metres.

<sup>2</sup> Subject to the exception that if the building has a height greater than 4 storeys, the building floor area must be comprised of a minimum of 40% residential floor space.

### 3. CONSTRUCTION CHALLENGES GRANT

The Construction Challenges Grant is intended as an add-on to the Residential Density Grant for projects which incur costs due to key challenges which are above and beyond standard residential construction projects. Applicants may be eligible to receive partial reimbursement of construction cost challenges upon the completion of the project. These challenges must be estimated in advance and evidenced by receipts. Consistent with the project type applied for under the Residential Density Grant, applicants may be eligible for challenges related to infill, upper floors, or vacant building projects.

#### 3.1 ELIGIBILITY AMOUNTS

Projects which involve one or more of the construction challenges as outlined in the Specific Requirements Section are eligible for the Residential Construction Challenges Grant.

- (1) The Residential Construction Challenges Grant will pay 25% of construction challenge costs, to a maximum of \$50,000, or 5% of total construction costs, whichever is less.
- (2) Evidence for construction challenge work shall be provided by the applicant upon the completion of the project and the final grant amount shall be determined at this time.

#### 3.2 CONSTRUCTION CHALLENGES GRANT CRITERIA

##### GENERAL REQUIREMENTS

- (1) To be eligible for the Construction Challenges Grant, projects must be eligible for a Residential Density Grant.
- (2) The project type selected under the Residential Density Grant shall determine any eligible construction challenges (applicants are limited to no more than one project type).
- (3) Eligible Challenges are outlined in the Specific Requirements Table section below.

##### SPECIFIC REQUIREMENTS

The table below provides guidance on specific challenges eligible as per the type of project.

Challenges / Project Type	Infill Development	Upper Floors Redevelopment	Vacant Building Redevelopment
The breaking and removal of rock outcrops as part of site preparation in excess of \$10,000 or 5% of project costs, whichever is higher.	✓	x	x
Remediation of contaminated soils.	✓	x	x
Extension of sewer services where only combined sewers exist.	✓	x	x
Installation of new or full replacement of sprinkler systems for any floor of the building.	x	✓	✓
Construction that will bring the building within Secondary Egress standards of the Building By-law.	x	✓	✓
Installation of a new elevator	x	✓	✓
Construction that will bring building within	x	✓	✓



fire separation standards of the Building By-law. <sup>3</sup>			
Removal of asbestos or lead paint.	x	✓	✓
Cutting of new windows through brick or stone.	x	✓	✓
Structural or foundation repairs in excess of \$20,000.	x	x	✓
Replacement of knob and tube electrical.	x	x	✓

## 4. THE BUILDING PERMIT GRANT

The Building Permit Grant is intended to provide targeted assistance to Non-Market Housing projects, as defined by this Policy, as a means of incentivizing mixed-income properties on the Central Peninsula.

### 4.1 ELIGIBILITY AMOUNTS

- (1) The Building Permit Grant provides a grant equal to 80% of the cost of the building permit fee for the project to a maximum of \$10,000.

### 4.2 GRANT CRITERIA

- (1) The Building Permit Grant is only available for projects eligible for the Residential Density Grant.
- (2) The Building Permit Grant is only available for Non-Market Housing projects.

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<sup>3</sup> Eligible methods may include the following: The construction or upgrading of a service room; the construction of a fire separation greater than 1 hour; the construction of a fire wall; and non-combustible construction.

## 5. APPLICATION REVIEW, APPROVAL AND DISBURSEMENT OF GRANTS

### APPLICATION REQUIREMENTS

- (1) Applications for the Urban Development Incentive Program shall be made by completing Schedule 3, in compliance with all applicable eligibility criteria.
- (2) Applications shall be made prior to the project start date. Should a project commence prior to an application being made, the project will be ineligible for a grant under this Policy.
- (3) Applications shall include a building permit application appended to Schedule 3 – Application Form; however, all other criteria being met, an application may be submitted in advance of a building permit for the purposes of being added to a waiting list for one (1) month, thereby reserving any eligible construction challenges grant and/or building permit grant, after which time the application will be removed from the waiting list.
- (4) Applications must be submitted the same calendar year as a building permit application and the building permit shall be appended to the application form.
- (5) Projects shall generally be completed within two years, in accordance with the building permit. Projects submitted in more than one building permit phase may be allotted more time as per the executed Grant Agreement.
- (6) Legal names of the property owner(s) are required and if an applicant is acting on behalf of the owner, property authorization from the owner of the property.
- (7) All costs associated with the preparation and submission of an application under this Policy is the responsibility of the applicant. The City shall not pay any costs incurred by an applicant in the preparation and submission of an application under this Policy, or any costs incurred in relation to the execution and delivery of a grant agreement.

### REVIEW AND PAYMENT OF GRANTS

- (8) Prior to payment of any grant(s) under this Policy, the City may withhold payment should it be determined that the property taxes and/or water and sewage fees for the property have not been paid in full.
- (9) Construction Challenges Grants and Building Permit Grants will be received, reviewed, and approved on a first-come, first-serve basis until annual budgets approved by Council for this Policy have been exhausted or the Policy has been discontinued as the case may be.
- (10) Construction Challenge Cost estimates shall be evidenced by:
  - a) A cost to construct budget approved by a professional architect, engineer, or project accountant; or
  - b) Where an applicant is completing the approved work themselves and claiming only material costs, 1 set of cost estimates from a building supply store.

(11) Following the completion of the Project, the applicant shall submit evidence confirming the Construction Challenges Costs in the form of receipts for materials and work completed.

(12) The City may request an independent audit of the Construction Challenges Costs at the expense of the applicant.

#### ADMINISTRATION AND EVALUATION OF APPLICATIONS

(13) Growth and Community Development Services shall administer the Urban Development Incentive Program with the support of the Urban Development Incentive Review Committee.

- a) The role of the Development Incentive Review Committee (DIRC) is to confirm eligibility of applications in the context of the Policy criteria contained herein and as demonstrated by Schedule 3 and any supporting attachments such as plans, elevations, and building permits.
- b) The DIRC will consist of five technical staff members from one or more of the following City departments: Growth and Community Development Services, Finance and Administration, and Communications. A representative from DevelopSJ may also be assigned to the Committee.
- c) Technical staff members of the DIRC will be determined by the Commissioner of Growth and Community Development and members of the Committee may be removed or assigned by the Commissioner.

#### GRANT AGREEMENT

(14) Applicants who meet the eligibility requirements must enter into a Grant Agreement in the form as attached in Schedule 4 to this Policy in order to receive the grants contemplated by this Policy. The City's obligation to pay the grants to an applicant is subject to the terms and conditions outlined in the grant agreement.

(15) The Mayor and Clerk of the City are hereby authorized to execute grant agreements with applicants in the form as attached in Schedule 4 to this Policy when it is determined by those administering this Policy that an applicant meets all of the eligibility requirements of a grant program outlined in this Policy.

#### OTHER

(16) For applications that qualify for the Upper Floor Redevelopment or Vacant Building project type, the City may conduct an inspection of the building to confirm eligibility.

(17) The City may terminate this Policy and close the incentive program to all new applications at any point in time and for any reason.

(18) Should an applicant not be capable of meeting any of the criteria outlined in this Policy, a supplementary report, application, and grant agreement may be submitted to Common Council for consideration.

## 6. PROGRAM MONITORING AND REVIEW

- (1) This Policy is intended to be monitored on an annual basis in the form of review, evaluation, and tracking of key performance indicators.
- a. Review will be conducted by the Development Incentive Review Committee and comprise an overview of grants issued, value of construction, new tax revenue, future grant commitments, status of the Development Incentive Fund, and housing assessment of the Central Peninsula. If deemed necessary changes are required, a report will be made to Growth Committee and/or Common Council.

(Year)	\$\$ Paid Out / To be Paid Out	Est. Value of Work	Est. New Annual Tax Revenue (Completed only)
<b>Total Grants</b>			
<b>Vacant Building Grants</b>			
<b>Upper Floor Grants</b>			
<b>Infill Grants</b>			

- b. Evaluation of the program will inform annual budgeting for the program and any changes to the grants and eligibility criteria contemplated by the program.
- c. Annual key performance indicators shall be submitted to the City's dashboard for tracking program performance and consist of Grants Committed, Leveraged Investment, Number of New Residential Units, and Target of Leveraged Investment.

## 7. DEFINITIONS

The following definitions apply to this Policy:

**Basic Facilities:** Facilities as required under sections 7 and 9 of By-law Number M-14 A By- Law Respecting Standards for Maintenance and Occupancy of Buildings and Premises.

**Construction Costs:** Construction costs are the total cost of the construction of the building, including site preparation, mechanical and electrical components. Construction costs do not include:

- a) The cost of any engineering or design work;
- b) The cost of purchase of a building, land or assembly of land;
- c) The cost of demolition of existing structures;
- d) Soft costs such as legal services, financing charges, marketing and any other similar activities;
- e) Fees for municipal applications, approvals & permits;
- f) Provincial or Municipal Taxes paid during planning, construction, sale or operation of the project, including the payment of arrears to render a project eligible for funding under this Policy; and,
- g) The cost of constructing accessory buildings or structures.

**Development Incentive Reserve Fund:** This reserve fund will be used to set aside the funding requirements for the Residential Density Grants based on the *“Amount Contributed to the Development Incentive Reserve Fund” formula*.

**First Storey:** The first building storey above grade.

**Flankage Façade:** The face of a building, with multiple sides fronting onto a street, which does not contain the Main Entrance.

**Floor Area:** The total of all floor areas of a building or structure above and below grade measured between the exterior faces of the exterior walls of the building at each floor level, but does not include any area designed for parking.

**Front Façade:** The face of the building that fronts on a street and contains the Main Entrance.

**Infill Development Projects:** New building developments located on Vacant Lots.

**Institutional Land Use:** Means the following uses listed and defined within By-law Number

C.P. 111, The Zoning By-law of the City:

- Community Arena;
- Community Centre
- Community Policing Office;
- Correctional Services;
- Crisis Care Facility;
- Cultural Establishment;
- Day Care Centre;
- Emergency Services Facility;
- Hospital;
- Library
- Place of Worship;
- Recreation Facility;
- Rehabilitation Centre;
- School (9-12);
- School (K-8);
- Supportive Facility;
- Supportive Housing;
- Technical or Vocational School; and
- University or College.

**Main Building:** The building intended to accommodate the main use or uses permitted on a lot.

**Main Entrance:** The primary entrance used for entering and exiting the building which fronts on the street used for the civic address of the building.

**Market Housing Projects:** Means housing projects undertaken that are not receiving financial assistance under the Affordable Rental Housing Program of the Province of New Brunswick. Market housing projects exclude the following uses:

- A) Rooming houses;
- B) Special care facilities; C) Group homes; And
- D) Projects receiving the Province of New Brunswick's Rental Residential Rehabilitation Assistance Program funding.

**Non-Market Housing Projects:** Means housing projects that are receiving financial assistance under the Affordable Rental Housing Program of the Province of New Brunswick. Non-market housing projects exclude the following uses:

- A) Housing developments where less than 50% of units are subsidized;
- B) Special care facilities;
- C) Group homes;
- D) Rooming houses;
- E) Office space for a not-for-profit corporation.

**Project Floor Area:** The total Floor Area being redeveloped as part of a development project.

**Project Start Date, Infill Development Projects:** For Infill Development Projects, project start date means the date at which the pouring of the footings or foundation has begun.

**Project Start Date, Upper Floors and Vacant Building Redevelopment Projects:** For upper floors and Vacant Building redevelopment projects, project start date means the date at which all interior demolition associated with the proposed redevelopment has been completed and work for which a building permit was required and obtained has commenced. Projects with a construction cost greater than \$1,000,000 may identify project phases for the purpose of determining the Project Start Date. Where phases are identified the Project Start Date means the date which all interior demolition associated with the proposed redevelopment has been completed and work for which a building permit was required and obtained has commenced the first phase of the project. A phase may not be less than 20% of the Project Floor Area.

**Project Type:** Means one of three project types, as defined by the Residential Density Grant: Infill Development, Upper Floors Redevelopment, and Vacant Building Redevelopment. Applications may be eligible for no more than one project type and the project type selected on Schedule 3 shall determine eligible construction challenges for that project type.

**Reconstruct:** To build or make something again where the structural integrity, functionality or physical appearance has been compromised beyond the extent of regular maintenance of the building.

**Substantial and Persistent Vacancy:** When a building experiences vacancy rates at a level and duration of time that threatens its long term financial viability and physical maintenance.

**Townhouse:** A building containing two or more dwelling units arranged side by side each with an independent exterior entrance and separated vertically by a common wall extending from the foundation to the roof.

**Uninhabitable Floor Space:** Floor space proposed for residential conversion or upgrading that lacks Basic Facilities or is substantially damaged to the extent that new facilities must be installed or building components must be replaced or reconstructed to meet the following minimum requirements of By-law Number M-14 A By-Law Respecting Standards for Maintenance and Occupancy of Buildings and Premises:

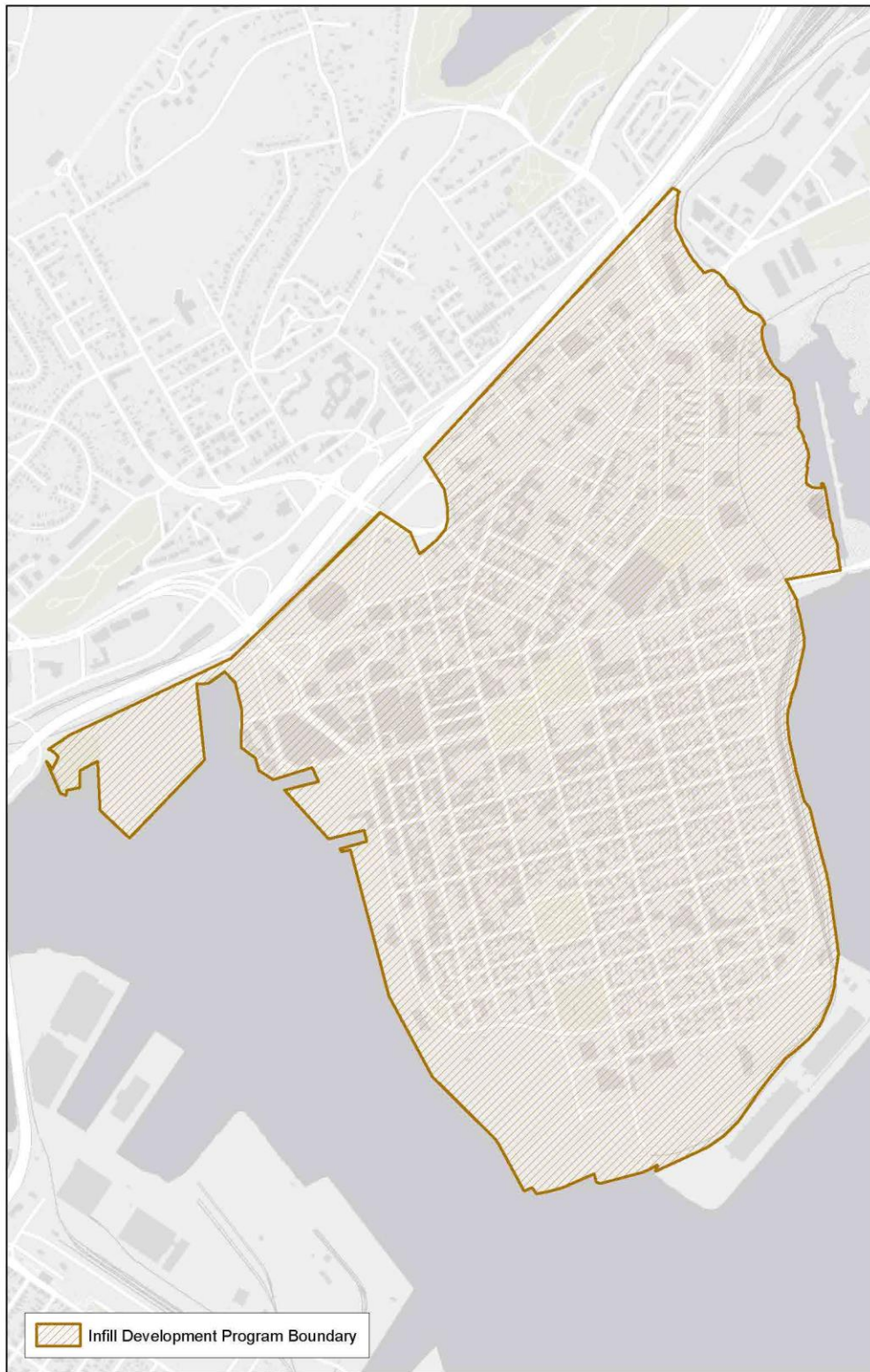
- i) Section 7, Cooking Facilities;
- ii) Section 9, Toilet, Wash and Other Sanitary Facilities;
- iii) Section 11, Fire Protection Measures;
- iv) Section 12, Egress; and
- v) Section 16, Doors and Windows.

**Vacancy Rate:** The sum of all months each residential unit of a building is unoccupied calculated as a percentage of the total number of units multiplied by 12.

**Vacant Building:** A building that is not used or occupied by an owner or tenants of that owner.

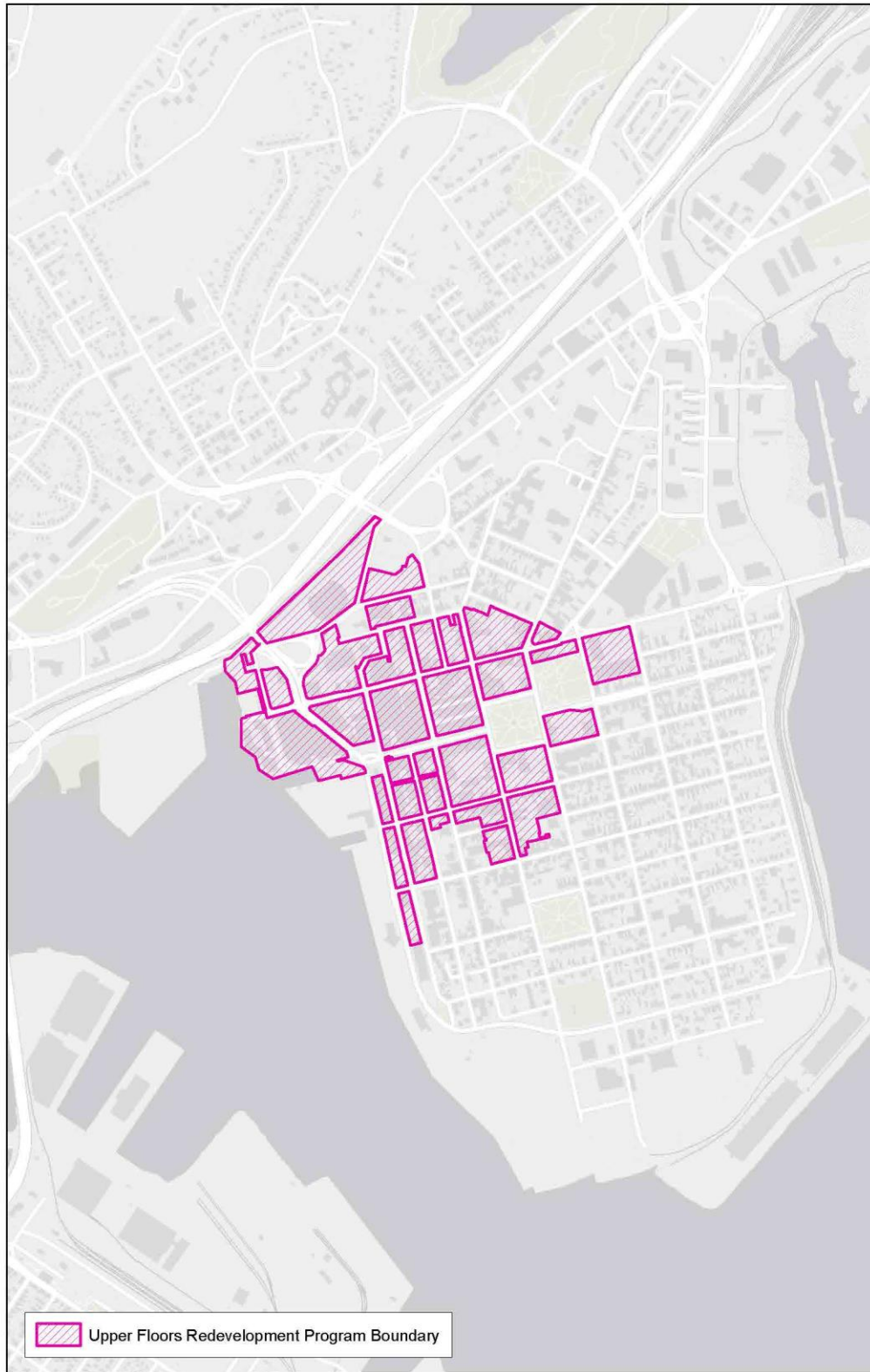
**Vacant Lot:** Land that does not contain a Main Building.

SCHEDULE 1 – ELIGIBILITY BOUNDARY: CENTRAL PENINSULA / INFILL AND VACANT BUILDING PROJECTS





## SCHEDULE 2 – ELIGIBILITY BOUNDARY: UPPER FLOORS REDEVELOPMENT



## SCHEDULE 3 – APPLICATION FORM

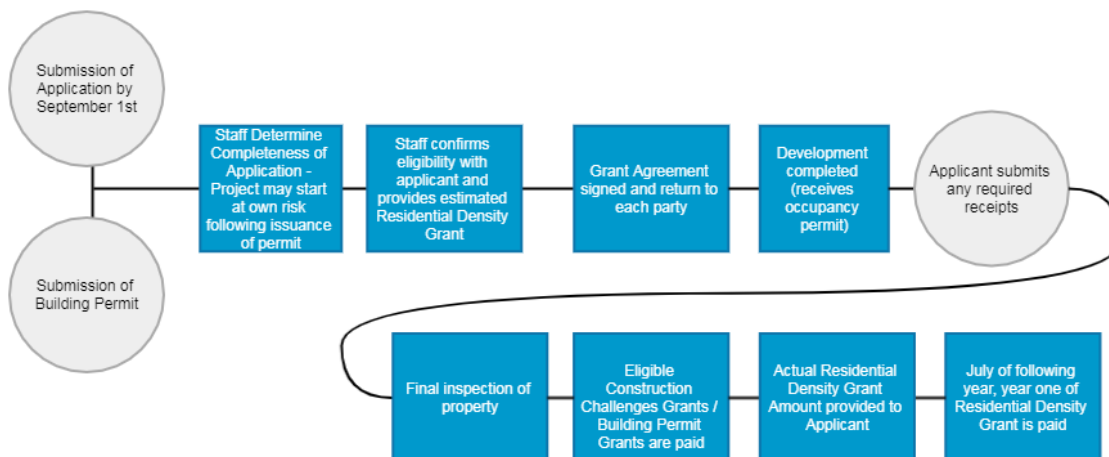
**Please note the following before completing this form:**

- Complete all relevant fields unless marked “If Applicable” or your application will not be considered.
- The following attachments are required to deem the application complete:
  - o Floor Plans and/or Elevation Drawings
  - o Authorization from Property Owner
  - o Construction Challenge Cost estimates (if applicable)
  - o Building Permit Application
  - o Project Schedule
- Legal names of property owners are required.
- All costs associated with the preparation and submission of an application is the responsibility of the applicants.
- Construction Cost Challenges Grants and Building Permit Grants are received, reviewed, and approved on a first-come, first-serve basis until annual budgets are exhausted.
- The City may request an independent audit of the Construction Challenges Costs at the expense of the applicant.
- The City’s acceptance of an application does not guarantee eligibility.
- Once determined eligible, projects are required to enter into a grant agreement with the City.
- For applications that qualify for the Upper Floor Redevelopment or Vacant Building project type, the City may conduct an inspection of the building to confirm eligibility.



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### Application Steps



(aussi disponible en français)

### 1. Grants

- ☐ Residential Density Grant  
☐ Construction Challenges Grant  
☐ Building Permit Grant

### 2. Project Type and Construction Challenges (if applicable)

Choose one project type and check any challenges that apply. Estimates are required in the form of a cost to construct budget approved by a professional architect, engineer, or accountant with attached invoices.

Challenges / Project Type	Infill Development	Upper Floors Redevelopment	Vacant Building Redevelopment
The breaking and removal of rock outcrops as part of site preparation in excess of \$10,000 or 5% of project costs, whichever is higher.	<input type="checkbox"/>		
Remediation of contaminated soils.	<input type="checkbox"/>		
Extension of sewer services where only combined sewers exist.	<input type="checkbox"/>		
Installation of new or full replacement of sprinkler systems for any floor of the building.		<input type="checkbox"/>	<input type="checkbox"/>
Construction that will bring the building within Secondary Egress standards of the Building By-law.		<input type="checkbox"/>	<input type="checkbox"/>
Installation of a new elevator		<input type="checkbox"/>	<input type="checkbox"/>
Construction that will bring building within fire separation standards of the Building By-law. <sup>4</sup>		<input type="checkbox"/>	<input type="checkbox"/>
Removal of asbestos or lead paint.		<input type="checkbox"/>	<input type="checkbox"/>
Cutting of new windows through brick or stone.		<input type="checkbox"/>	<input type="checkbox"/>
Structural or foundation repairs in excess of \$20,000.		<input type="checkbox"/>	<input type="checkbox"/>
Replacement of knob and tube electrical.		<input type="checkbox"/>	<input type="checkbox"/>

### 3. Applicant/Property Owner Information

#### Property Owner

Name of Registered Property Owner

---

Mailing Address (with Postal Code)

---

Home Telephone Number

---

Work Telephone Number

---

Fax Number

---

E-mail

---

<sup>4</sup> Eligible methods may include the following: The construction or upgrading of a service room; the construction of a fire separation greater than 1 hour; the construction of a fire wall; and non-combustible construction.

**Applicant (if Applicable)**

Name of Applicant

---

Mailing Address (with Postal Code)

---

Home Telephone Number

---

Work Telephone Number

---

Fax Number

---

E-mail

---

**4. Property Information**

Location

Civic #	Street	PID
<hr/>	<hr/>	<hr/>

Existing Use

---

Proposed Use

---

**5. Property Tax**

Current annual property tax

---

Estimated property taxes paid following project completion

---

Is this property in tax arrears, if so how much? (if applicable)

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**6. Estimated Cost of Construction**

Estimated Cost of Construction Challenges

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Estimated Cost of Construction

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## 7. Project Description

Describe what you propose to construct and detail the history of the property, including if there have been any demolitions. (Attach additional pages if necessary).

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Are you applying for financial assistance under the Affordable Rental Housing Program of the Province of New Brunswick? Yes ☐ No ☐ If yes, how many units are eligible? \_\_\_\_\_ How many units are not eligible? \_\_\_\_\_

Is your property located within a Heritage Conservation District? Yes ☐ No ☐.

## 8. Project Schedule:

Date of Building Permit Submission: \_\_\_\_\_

Estimated Project Start Date: \_\_\_\_\_

Estimated Project Completion Date: \_\_\_\_\_

## 9. Authorization

NOTE: If the applicant is **NOT** the owner, the Owner's signature or authorization (in writing) to submit this application is required.

Signature of Applicant

\_\_\_\_\_

Signature of Owner

\_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

### For Office Use Only

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Project Number: \_\_\_\_\_ Eligibility Confirmed: Yes ☐ No ☐

Wait List Number: \_\_\_\_\_

**10. Applicant's Checklist**

	<b>Complete Application Form</b>
	- Submit attachments (Floor Plans, Elevations)
	- Authorization from Property Owner
	- Provide estimate of Construction Challenges Cost (if applicable) signed off by Engineer, Accountant or Architect
	- Submit Copy of Building Permit
	- Project Schedule
	<b>Receive Letter confirming Eligibility and Payment Estimates</b>
	<b>Sign Grant Agreement</b>
	<b>Project Completed</b>
	- Submit Occupancy Permit
	- Submit Construction Challenges Receipts (if applicable)

## SCHEDULE 4 – GRANT AGREEMENT TEMPLATE

### GRANT AGREEMENT

**THIS AGREEMENT** made in duplicate this \_\_\_\_ day of \_\_\_\_\_, [2019].

BY AND BETWEEN: \_\_\_\_\_ of the \_\_\_\_\_ and  
Province of New Brunswick a **body corporate duly registered under the laws of the Province of New Brunswick** (hereinafter called the “**Developer**”)

#### OF THE FIRST PART

And

**THE CITY OF SAINT JOHN**, a body corporate by Royal Charter, confirmed and amended by Acts of the Legislature of the Province of New Brunswick (hereinafter called the “**City**”)

#### OF THE SECOND PART

WHEREAS the City supports the revitalization of the Central Peninsula Neighbourhood and acknowledges a need for additional financial support for residential development in this area; and

WHEREAS at its meeting held the \_\_\_\_\_ the City adopted an Urban Development Incentive Policy (“**Policy**”) to establish financial incentives to encourage developers and property owners in strategic areas within the City’s Central Peninsula to invest in the creation of new residential units through either new construction or the redevelopment of existing buildings; and

WHEREAS the Developer has applied for a the following grants:  
\_\_\_\_\_ for a

development on a property bearing PID \_\_\_\_\_ (the “**Property**”) and the proposed development meets the eligibility requirement for the said program; and

WHEREAS the Policy requires that an applicant who meets the eligibility requirement of a given Program under the Policy enter into a Grant Agreement in order to receive the Grants contemplated in a given Program;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto covenant and agree each with the other as follows:

1. The development for which the Grant[s] contemplated in this Agreement shall be paid is outlined in the prescribed application form, site plan and drawings attached hereto as Schedule “A” (hereinafter the “**Project**”).
2. The Urban Development Incentive Program is established by the Policy which is attached hereto as Schedule “B” and forms part of this agreement.
3. Construction of the Project shall begin within two (2) months of the date of the execution of the Agreement or on or before May 15<sup>th</sup> of the year this Agreement is executed, whichever is the later date.
4. Projects that are phased in nature, i.e. will require more than one building permit, must be completed and in receipt of an occupancy permit according to the following schedule:

Project Type	Required Completion Date
Projects with estimated Construction Costs below \$2,000,000.	Completed by November 1 three years following the submission of an application.
Projects with estimated Construction Costs greater than \$2,000,000.	Completed by November 1 five years following the submission of an application.

5. The Residential Density Grant shall be estimated according to (Table A, section 2.1) and will not pay out more than the amount outlined in (Table B, section 2.1) as described below. The first payment shall be made any time after the 1<sup>st</sup> of July the following year.

Table B – Amount Contributed to the Development Incentive Fund		
Grant Year	Percentage of Grant	(Percentage of Grant x Incremental City Taxes (calculated annually))



1	90%	
2	80%	
3	60%	
4	40%	
5	20%	

6. The City's obligation to pay the Residential Density Grant is conditional upon:

- a. the City completing a final inspection which confirms that the relevant incentive program eligibility criteria have been met;
- b. the Developer being in receipt of an occupancy permit or a certificate of successful completion pursuant to the City's *Building By-Law*; and,
- c. availability of sufficient resources in the Development Incentives Reserve Fund, as provided in the City's annual operating budget and/or replenished per the mechanism set out in the Policy.

7. The City and the Developer acknowledge and agree that the City may choose at its sole and absolute discretion to amend or cancel the Policy at any time and that funding provided to the Development Incentives Reserve Fund by the City may change in future years or be cancelled altogether. Accordingly, the City and the Developer also acknowledge and agree that funding for projects outside of the first year could be reduced or not applicable at all depending on the resources that Common Council decides to allocate to the Development Incentives Reserve Fund in any particular year. Should this occur, the Developer acknowledges that it shall have no legal recourse against the City.

**[Residential Construction Challenges Grant]**

8. **[The City shall, pursuant to the terms and conditions identified herein, pay to the Developer a Residential Construction Challenges Grant in the amount of [\$\_\_\_\_\_] following the receipt by the Developer of an occupancy permit or certificate of successful completion under the City's *Building By-Law*.]**

9. **[The City's obligation to pay the Residential Construction Challenges Grant is conditional upon:**
  - a. **the City completing an inspection which confirms that the relevant incentive program eligibility criteria have been met; and**
  - b. **the Developer being in receipt of an occupancy permit or a certificate of successful completion pursuant to the City's *Building By-Law*.]**
10. **[The City and the Developer acknowledge and agree that the City may choose at its sole and absolute discretion to amend or cancel the Policy at any time and that funding provided to the Development Incentives Reserve Fund by the City may change in future years or be cancelled altogether. Accordingly, the City and the Developer also acknowledge and agree that funding for projects outside of the first year could be reduced or not applicable at all depending on the resources that Common Council decides to allocate to the Development Incentives Reserve Fund in any particular year. Should this occur, the Developer acknowledges that it shall have no legal recourse against the City.]**
11. **[Following the completion of the Project, the applicant shall submit evidence confirming the Construction Challenges Costs in the form of receipts for materials and work completed.]**

**[Building Permit Grant]**

12. **[The City shall, pursuant to the terms and conditions identified herein, pay to the Developer for its Non-Market Housing Project a Building Permit Grant in the amount of \$\_\_\_\_\_ following receipt by the Developer of an occupancy permit or certificate of successful completion pursuant to the City's *Building By-Law*.]**
13. **[The City's obligation to pay the Building Permit Grant is conditional upon:**
  - a. **the City completing a final inspection confirming that the relevant program eligibility criteria have been met; and**

- b. **the Developer being in receipt of an occupancy permit or a certificate of successful completion pursuant to the City's Building By-Law.]**
- 14. **[The City and the Developer acknowledge and agree that the City may choose at its sole and absolute discretion to amend or cancel the Policy at any time and that funding provided to the Development Incentives Reserve Fund by the City may change in future years or be cancelled altogether. Accordingly, the City and the Developer also acknowledge and agree that funding for projects outside of the first year could be reduced or not applicable at all depending on the resources that Common Council decides to allocate to the Development Incentives Reserve Fund in any particular year. Should this occur, the Developer acknowledges that it shall have no legal recourse against the City.]tax**
- 15. Prior to the payment of any grant[s] contemplated in this Agreement and identified in this Policy, the City has the right to withhold payment should it be determined that the property taxes and/or water and sewerage fees for the Property have not been paid in full.

### **Termination**

- 16. The City may terminate this Agreement without notice upon the occurrence of one of the following events:
  - a. the Construction of the Project does not begin on the date set out at section 3;
  - b. changes are made to the design of the building during construction that do not comply with the eligibility criteria of the relevant incentive program for the grants contemplated in this Agreement; and,
  - c. Common Council, by resolution, rescinds the Policy.
- 17. This Agreement may not be assigned without the written consent of the City.
- 18. This Agreement shall be governed by the laws of the Province of New Brunswick.

19. No amendment of this Agreement is effective unless made in writing and signed by a duly authorized representative of each of the City and the Developer. No waiver of any provision of this Agreement is effective unless made in writing, and any such waiver has effect only in respect of the particular provision or circumstance stated in the waiver. No representation by either of the parties with respect to the performance of any obligation under this Agreement is capable of giving rise to an estoppel unless the representation is made in writing.
20. Each party shall be responsible for paying its own costs and expenses incurred in connection with the execution and delivery of this Agreement.
21. This Agreement shall be binding upon and enure to the benefit of the parties hereto, their respective successors and assigns.

**IN WITNESS WHEREOF** the parties hereto have caused these presence to be duly executed by the properly authorized officers and their respective corporate seals affixed hereto the day and year first above written.

SIGNED, SEALED AND DELIVERED )

in the presence of: )

)

) Per: \_\_\_\_\_

)

Name:

)

Title:

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)

**THE CITY OF SAINT JOHN**

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\_\_\_\_\_  
Mayor

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\_\_\_\_\_  
Common

Clerk

)

)

Common

Council

Resolution:

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**SCHEDULE A**  
**(Application Form)**

**SCHEDULE B**  
**(Affidavit of Corporate Execution)**