

City of Hamilton's Heritage Revitalization Grant

Program Description

The Heritage Revitalization Grant Program (the Program) is intended to provide financial assistance in the form of a Grant to assist in conserving, developing, and re-using heritage properties. This Program will apply City-wide for those properties designated under Part IV or Part V of the *Ontario Heritage Act*.

The Program provides Grant funding based on two property use categories, as follows:

Category A: For properties containing a Single-Detached, Semi-Detached, Duplex, Triplex, Fourplex, Street Townhouse and Multiple Dwelling Townhouse residential dwelling(s), as defined within City of Hamilton Zoning By-law No. 05-200:

- A grant of up to \$1,500 for Eligible Reports, per municipal address.
- A matching grant of up to \$10,000 for Eligible Work, per municipal address.

Category B: For all properties containing uses other than those listed in Category A:

- A grant of up to \$20,000 for Eligible Reports, per municipal address.
- A matching grant of up to \$150,000 for Eligible Work, per municipal address.

Program Administration

1. Economic Development Division staff will review Applications for eligibility in collaboration with the Planning Division's Cultural Heritage staff and any other relevant City departments as required with approval of Applications subject to the delegated Approval Authority by City Council.

For the purposes of this Program, "Approval Authority" shall mean the delegated authority given by City Council to the following staff for approvals under this Program:

- a) The General Manager of the Planning and Economic Development Department (hereinafter referred to as the "General Manager") or their delegate may approve Grants under the Program up to a maximum of \$150,000, at their absolute discretion;
- b) The Director of the Economic Development Division of the Planning and Economic Development Department (hereinafter referred to as the "Director") or their delegate may approve Grants under the Program from \$50,000 up to \$99,999, at their absolute discretion; and,

- c) The Manager of Commercial Districts and Small Business Section of the Planning and Economic Development Department (hereinafter referred to as the “Manager”) or their delegate may approve Grants under the Program up to \$49,999, at their absolute discretion.
2. Applicants and properties will be the subject of due diligence undertaken by the City prior to any approval being provided or payment of a Grant under this Program. This will include, but may not be limited to, confirmation of the following: all property taxes are paid and current on the subject property(s) or other properties owned by the applicant within the City of Hamilton, prior to the conditional Grant approval and at the time of the Grant issuance, any required Heritage Permit approvals under the *Ontario Heritage Act* must be approved, the property is in compliance with Zoning By-law regulations, that there are no outstanding Property Standards, Building Code or Fire Code Orders on the subject property(s) and that the applicant is not in litigation with the City. Failure to comply with any of the above will result in an Application not being approved or, if the Application is approved, non-payment of a Grant under this Program.
3. The City reserves the right to require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the City to ensure the goals and purpose of this Program are met.
4. Approval of an Application under this Program for a Grant for an Eligible Report is the lesser of:
 - a) 100% of the actual costs (costs as outlined in the final invoices for the completed Eligible Report); or,
 - b) 100% of the estimated costs,up to a maximum of \$1,500 per municipal address for an Eligible Report under Category A and \$20,000 per municipal address under Category B, subject to the availability of funds.
5. Approval of an Application under this Program for a Grant for Eligible Work is the lesser of:
 - a) 50% of the actual costs (costs as outlined in the final invoices for the Eligible Work); or,
 - b) 50% of the estimated costs of the Eligible Work,up to a maximum of \$10,000 per municipal address under Category A and \$150,000 per municipal address under Category B, subject to the availability of funds.

6. Applications to this Program not yet approved by the delegated Approval Authority granted by City Council shall be subject to any changes to the terms of this Program which are approved by Council prior to the Application being approved and shall be subject to any changes to the terms of this Program which are approved by Council prior to the Application being approved.
7. The Economic Development Division will periodically review the terms and availability of this Program and undertake updates from time to time subject to City Council approval and/or direction.

Submission Requirements

8. Prospective Applicants shall consult with Cultural Heritage staff as early as possible in the process of planning a project and seeking financial assistance for an Eligible Report or Eligible Work. This pre-consultation will assist in determining eligibility, help avoid delays in processing an Application and to determine if a Heritage Permit is required.
9. Prospective Applicants should also discuss their proposal for Eligible Work with representatives from the Building Division and the Planning Division to determine if there are regulations that require additional permits or approvals.
10. Property owners registered on title and tenants as described herein are eligible Applicants for a Grant under the Program. Tenants are required to provide documentation of the property owner's consent to apply for a Grant for an Eligible Report or for Eligible Work described in their Application.
11. Applicants to the Program shall submit a complete Program Application for an Eligible Report or Eligible Work to the Economic Development Division prior to commencing the proposed Eligible Report or the proposed Eligible Work. Exceptions may be made at the discretion of the Director.
12. An application fee is payable upon submission of the Application. An Application will not be accepted unless accompanied by the application fee. The fee will be authorized through a User Fee By-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council and will be identified on the Program's Application form.
13. Each Application for a Grant for Eligible Work shall be supported by two (2) independent estimates prepared by a contractor, licensed with the City of Hamilton where necessary, that intends to do the Eligible Work (including labour and materials proposed), plans and other details as may be required to satisfy the City as to the cost of the Eligible Work, including the following:
 - a) A Heritage Permit application form and/or a Heritage Permit approval letter;

- b) Photographs of the project site and of the features showing what and where the work will take place;
- c) Copies of any relevant historical documentation, including historical photographs or illustrations;
- d) Drawings, specifications, or descriptions (as necessary) that adequately illustrate the scope, type of work and location as proposed. Depending on the scope of the work, drawings prepared by the property owner may be acceptable. However, should an architect or consultant be retained, detailed drawings are required;
- e) A brief summary of the overall project budget, with eligible conservation work clearly itemized;
- f) At least two (2) competitive cost estimates for all labour and materials involved in the proposed Eligible Work unless there is only one local specialized supplier of a particular product, trade, or service. Although it is not mandatory, applicants are encouraged to select suppliers, contractors and/or trades people with demonstrated experience with heritage properties. Please note a contractor licensed with the City of Hamilton may be required to undertake the works; and,
- g) A statement detailing other grants, loans or funding sought for the proposed work, where applicable.

Please note a contractor licensed with the City of Hamilton may be required to undertake the work. For more information on work that requires a licensed contractor please refer to the Application Form or contact the Building Division at (905) 546-2424 Ext. 2720.

In the case where the Applicant is the owner of a contracting company and wishes to utilize their company to undertake the improvements, one cost estimate from an arms-length contractor will also be required. The owner may present an estimate based on material only.

14. Each Application for a Grant for an Eligible Report shall be supported by at least one independent estimate prepared by the Qualified Consultant who will be preparing the Eligible Report, and any other details as may be required to satisfy the City as to the cost of the Eligible Report.

For the purposes of this Program, a Qualified Consultant shall mean an individual approved by the Manager in their sole discretion and who is an engineer, heritage planning consultant, architect, or other applicable professional, with demonstrated experience and expertise working with heritage buildings, ideally

recognized as a member of the Canadian Association of Heritage Professionals.

15. Grants for Eligible Work will be calculated based upon the lowest cost estimate however the Applicant will not be required to use the lowest quoted consultant. A single quote may be accepted in extenuating circumstances at the discretion of the Manager.

Eligible Reports and Eligible Work

Eligible Reports

16. Eligible Reports include heritage-related reports, assessments and studies that assist in realizing the satisfactory completion of Eligible Work, such as Building Condition Assessments, Cultural Heritage Impact Assessments, Conservation Plans and supporting Engineer's Reports and related Drawings.

The funding for Eligible Reports is available as follows for each funding category:

- a) Category A: 100% of the cost of the Eligible Report up to a maximum of \$1,500.
 - b) Category B: 100% of the cost of the Eligible Report up to a maximum of \$20,000.
17. Eligible Reports shall be completed by a Qualified Consultant who is acceptable to Cultural Heritage Staff. A copy of the final report or document shall be provided to the City to the satisfaction of the Manager.

Eligible Work

18. Eligible Work includes any work that conserves, restores and/or enhances elements identified and described in the applicable heritage designation by-law, Heritage Conservation District Plan and/or Heritage Conservation Easement Agreement or Covenant.
19. All Eligible Work must be executed in such a manner as to not detract from or diminish the cultural heritage value of the property or Heritage Conservation District and shall comply with any required Heritage Permits under the *Ontario Heritage Act*, determined at the discretion of Cultural Heritage staff.
20. All Eligible Work should conform to relevant municipal heritage policy, such as the City's Masonry Restoration Guidelines, Heritage Window Guidelines and Heritage Conservation District Plan guidelines, as well as best practices for heritage conservation, including Eight Guiding Principles in the Conservation of Built Heritage Properties (Ministry of Culture, 2007) and the Standards and Guidelines for the Conservation of Historic Places in Canada (Parks Canada,

Second Edition, 2010), as may be updated by the Provincial and Federal governments from time to time determined at the discretion of Cultural Heritage staff.

21. The types of Eligible Work include:

a) Structural / Stability Work

- i. Work necessary to restore the building to structural soundness (e.g., the correction of serious structural faults that threaten the building's survival; stabilization works to retain portions of the property; underpinning of building structures; repair / new roofs etc.).

b) Conservation Work

- i. Any work that conserves or enhances elements specified in the Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a Description of the Heritage Attributes included in the property's designation by-law or applicable Heritage Conservation District Plan under the *Ontario Heritage Act* including the following:
 1. The **conservation** of significant architectural features. This may include the conservation or restoration of doors, windows, verandahs, cupolas, chimneys, bargeboard or other decorative trim, parapets, cornices, hood mouldings and any other features important to the overall composition of the structure as specified in the Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a Description of the Heritage Attributes included in the property's designation by-law or applicable Heritage Conservation District Plan under the *Ontario Heritage Act*.
 2. The **conservation** of fences and outbuildings, if specifically referred to in Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a Description of the Heritage Attributes included in the property's designation by-law or applicable Heritage Conservation District Plan under the *Ontario Heritage Act*.
 3. The **conservation** or renewal of original siding and roofing materials including repair and replacement where necessary of wood clapboard or board-and-batten, repair and repointing of masonry buildings, historic stucco repair, repair, or replacement of original roofing materials (slate, wood shingles, tile, etc.). The removal of a modern cladding material (e.g., synthetic siding, asphalt shingles, etc.) and replacement with documented original

materials is also eligible.

4. The **reconstruction** of former and significant architectural features for which the appearance can be clearly determined from documentary sources (photographs, drawings, etc.).
 5. The **installation** of historically appropriate wood storm windows and wood storm and screen doors.
 6. The **reconstruction** of historic store fronts which have been altered or replaced. The documentation should be in the form of historic photographs or drawings clearly showing the feature(s) to be reconstructed.
 7. Cleaning of masonry buildings may be eligible if it is necessary for the building's conservation.
 8. Exterior painting in documented original colours. Colours must be documented for the individual building or be proved to have been a common contemporary colour in the area.
- c) Any other works deemed by the City that support the conservation of the designated heritage property at the sole and unfettered discretion of the General Manager.

Ineligible Work

22. Ineligible Work includes any work or projects of a non-heritage nature, works that focus on non-heritage attributes, new additions, spaces, features and finishes, new construction, any works that may diminish the cultural heritage value of the property, or any work that is contrary to an approved Heritage Permit, at the sole and unfettered discretion of the General Manager.

Terms of the Program

23. The Grant is contingent on the property being designated under Parts IV or V of the *Ontario Heritage Act*.
24. This Program applies City-wide.
25. This Program provides Grant funding based on two property use categories, as follows:
- a) Category A: For properties containing a Single-Detached, Semi-Detached, Duplex, Triplex, Fourplex, Street Townhouse and Multiple Dwelling Townhouse residential dwelling(s):

- i. A Grant of up to \$1,500 for Eligible Reports, per municipal address; and,
 - ii. A Grant up to \$10,000 for Eligible Work per municipal address.
- b) Category B: For all properties with uses other than those listed in Category A:
 - i. A Grant of up to \$20,000 for Eligible Reports, per municipal address; and,
 - ii. A Grant up to \$150,000 for Eligible Work, per municipal address.

Single Detached, Semi-Detached, Duplex, Triplex, Fourplex, Street Townhouse and Multiple Dwelling Townhouse Dwelling(s) as used in this Program have the same meaning as defined within City of Hamilton Zoning By-law No. 05-200.

26. An independent cost estimate, undertaken in accordance with the requirements of paragraph 14 herein must be submitted for both Category A and Category B for the cost required to complete an Eligible Report. An estimated Grant amount for an Eligible Report will be provided based on the cost estimate. The final Grant amount will be calculated based on the lesser of:
- a) 100% of the submitted and accepted cost estimate for the Eligible Report; or,
 - b) The total final paid invoices,

subject to the maximums for Eligible Reports applicable to Category A and Category B funding.

27. An estimated Grant amount for the Eligible Work will be provided based on the cost estimates. The final Grant amount will be calculated based on the lesser of:
- a) 50% of the submitted and accepted cost estimate for the Eligible Work; or,
 - b) 50% of the final paid invoices,

subject to the maximums applicable to Category A and Category B funding.

28. A successful Applicant for a Grant for an Eligible Report or Eligible Work under Category A shall enter into a letter of understanding with the City prior to the payment of the Grant. A successful Applicant for a Grant for an Eligible Report or Eligible Work under Category B shall enter into a grant agreement with the City prior to the payment of the Grant. The aforementioned letter of understanding and Grant Agreement shall contain terms and conditions as set out in this Program Description and such additional terms and conditions as determined by the General Manager in their sole discretion.

29. For Grant Applications under Category A, an Applicant can apply once each calendar year for Eligible Reports and Eligible Work.
30. For properties within Category B, multiple Applications can be submitted for Category B Grant funding within a five-year period. However, the sum of the Grant amounts approved, per municipal address, can be no more than the maximum amount of \$20,000 for all Eligible Reports and \$150,000 for all Eligible Work that are the subject of the Applications. The five-year period commences on the date an Application is received by Economic Development Division staff and the Application fee has been paid.
31. Where an Application is in respect to a designated property containing multiple registered owners as a result of the building(s) thereon being a condominium or co-operative, the Application shall be submitted by the condominium corporation or co-operative corporation and shall be accompanied by:
 - a) A by-law of the condominium corporation or the co-operation authorizing the borrowing of money for the purposes of completing the Eligible Report or Eligible Work described in the Application;
 - b) A by-law of the condominium corporation or co-operative corporation permitting the board to approve the undertaking of the Eligible Report or Eligible Work described in the Application; and,
 - c) Proof satisfactory to the General Manager that the board of the condominium corporation or the co-operative corporation, whichever is applicable, has approved the Eligible Report or Eligible Work described in the Application, and has approved the Application.
32. Applications and approvals under this Program shall be provided on a first-come, first-serve basis, subject to the availability of funding.
33. Any level of government shall not be eligible to receive a Grant under this program.
34. Approval and the receiving of a Grant under this Program shall not preclude eligibility, approval and the receiving of financial assistance for the property under any other available municipal program. However, where Eligible Work is the subject of this Program and any other program, the total Grant for the Eligible Work across all applicable programs shall not exceed the sum total cost of the Eligible Work. A Grant under this Program shall be first applied to the cost of the Eligible Work followed by financial assistance made available through the Heritage Revitalization Loan Program, if applicable.
35. Prior to any Grant being paid, any outstanding Building Code, Fire Code or Property Standards Orders, lien(s) on title, heritage permit(s), or any other order

applicable to the property(s) or the project by any governmental authority shall be rectified.

36. A Grant is conditional upon a Heritage Permit or easement approval, or other City approval, being issued for the heritage component of the Eligible Work, and conditional upon all *Planning Act* approvals, *Ontario Heritage Act*, and *Building Code Act* approvals being issued, where required.
37. Proposed Eligible Work shall be completed within three (3) years from the date the Program Application was conditionally approved to be eligible for payment. A one-year extension can be authorized by the Manager if there are extenuating circumstances that warrant an extension. If a Loan has also been applied for under the Heritage Revitalization Loan Program for the same Eligible Work on an earlier date than an Application made for a Grant under the Heritage Revitalization Grant Program, completion shall occur within three (3) years from that earlier Application date.
38. A Grant for an Eligible Report will be paid following the submission and acceptance of:
 - a) A paid invoice(s) for the completed Eligible Report; and,
 - b) The submission of a completed and signed Eligible Report completed in accordance with the approved estimate to the satisfaction of the City.
39. A Grant for Eligible Work will be issued upon proof by a Qualified Consultant, in coordination with Cultural Heritage staff, confirming the value of the work completed and the compliance with all applicable regulations / legislation or, upon proof satisfactory to the General Manager confirming the value of the Eligible Work completed.
40. The Eligible Work completed must conform to the approved work proposed in the estimates identified within the Application unless a modification is otherwise approved by the General Manager.
41. The Applicant shall provide to the City's Commercial Districts and Small Business Section copies of paid invoices, and proof of payment to the satisfaction of the Manager for all the Eligible Work undertaken for which the Grant is applicable.
42. Property taxes must be paid current and in good standing prior to the advance of the Grant.
43. Notwithstanding the above, upon completion of an Eligible Report or Eligible Work on condominium properties, the Commercial Districts and Small Business Section will set a deadline to the condominium corporation as to when all taxes on the property are to have been paid as billed and, if on that date 100% of the taxes are not paid, the Grant for an Eligible Report or Eligible Work will be

advanced proportionately based upon the percentage of paid taxes. The remainder of the Grant will be cancelled.

44. A final inspection report, prepared by a City Building Inspector, in coordination with Cultural Heritage staff, as required, shall confirm that all the proposed Eligible Work has been carried out satisfactorily prior to the City releasing any Grant for Eligible Work.
45. A Grant for Eligible Work under this Program will be paid to an approved Applicant if all terms and conditions of this Program have been complied with to the satisfaction of the General Manager in their sole discretion, including the payment of all property taxes, any outstanding Heritage Permit issues having been rectified, all outstanding Building Code, Fire Code or Property Standards Orders or any other order applicable to the property(s) or the project by any governmental authority having been rectified, and completion of all Eligible Work.
46. Eligible Work that was conditionally approved but found to be completed in a manner contrary to the conditions of the Grant approval or the Heritage Permit, will not be funded.
47. The Grant is only payable to the Applicant of the approved Grant who must be the property owner or the tenant, with owner authorization, at the time of payment.
48. At the sole discretion of the Manager, partial payments for works completed may be processed.
49. Applications under this Program are subject to approval at the absolute discretion of the General Manager, subject to the availability of funds.
50. Without limiting the discretion as set out in paragraph 49 herein, the General Manager, whether or not an applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the applicant identified on the application form and, if a corporation, any person, or entity with an interest in the corporation or any officer or director of the corporation as determined by the City in its sole, absolute, and unfettered discretion.
51. Without limiting the discretion as set out in paragraph 49 herein, the General Manager, whether or not an applicant satisfies the requirements of the Program, may in its sole discretion, reject any application without further consideration where due diligence undertaken by the City identifies property tax arrears owed on the subject property(s) or other properties owned by the applicant within the

City of Hamilton, non-compliance with respect to the Heritage Permit, Zoning By-law regulations or there exist outstanding Property Standards, Building Code or Fire Code Orders on the subject property(s).

52. Without limiting the discretion as set out in paragraph 49 herein, the General Manager, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any Application where the City determines in its sole discretion that there is a financial risk to the City in terms of the financial capabilities of the applicant to complete the improvement / development subject to the Program application.
53. Without limiting the discretion as set out in paragraph 49, herein, the General Manager, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any Application received from an Applicant where there is credible information that the Applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that they will not conduct themselves with honesty and integrity in undertaking the activity, operation or business for which grant under this Program is being sought. For corporate Applicants, the Applicant, for the purposes of this paragraph 53, will be considered to be the corporation, the officers and directors of the corporation and the shareholders and this paragraph 53 shall apply jointly and severally to each of them.
54. Work commenced on an Eligible Report or Eligible Work prior to submitting an Application is ineligible for funding under this Program. Work commenced on an Eligible Report or Eligible Work after submitting an Application, but prior to approval, may be eligible for funding under the Program with eligibility determined by the General Manager, in their sole, absolute, and unfettered discretion. An Applicant shall assume the risk of any costs incurred after an Application has been submitted but prior to approval under this Program having been received.
55. Buildings uses and improvements/developments shall conform to the Heritage Permits issued under the *Ontario Heritage Act*, the City's Official Plan(s), applicable Secondary Plan(s), Zoning By-Laws(s), Site Plan approval and any other applicable and approved municipal policies, by-laws, or guidelines (e.g., urban design guidelines) and any other laws applicable to the improvement/development.
56. All costs associated with the improvements / development and the requirements of this Program are to be borne by the Applicant including construction, design, development charges, application fees, appraisals, inspections, legal, discharge and registration fees (plus applicable taxes), where applicable.
57. The City retains the right to assess the reasonableness of costs and which costs are eligible for funding under the terms of the Program.