

COMMERCIAL DISTRICTS REVITALIZATION GRANT PROGRAM



The Commercial Districts and Revitalization Grant Program is intended to provide Grants toward the rehabilitation and improvement of existing buildings. The Grants shall support long-lasting and predominantly exterior physical improvements to the appearance, accessibility, marketability, functionality and/or environmental sustainability of commercial or mixed-use commercial properties, whose visibility and long-term success contributes to the City of Hamilton's image for both residents and visitors.

A. Program Overview/Description

1. For the purpose of this Program:

- a. **"Eligible Ground Floor Unit"** means a self-contained, non-residential unit located on the ground floor that has its own dedicated and exclusive street-level entrance serving only that unit. Entrances, lobbies, or vestibules at grade that serve more than one ground floor unit, or that provide access to any floor of the building above or below grade, are not considered Eligible Ground Floor Units or any part of an Eligible Ground Floor Unit. For clarity, where a single tenant occupies multiple adjoining units, or where a single tenant's units are internally connected or where a single tenant's units function as a single commercial space, they shall be considered one Eligible Ground Floor Unit for the purposes of this Program, regardless of the number of entrances;
- b. **"Eligible Improvements"** means those improvements specified in Section D;
- c. **"Eligible Costs"** means the costs specified in Section D;
- d. **"Manager"** means the City's Manager of Commercial Districts and Small Business;
- e. **"Owner"** means the owner registered on title of the property that is the subject of a Program application;
- f. **"Program"** means the Commercial Districts Revitalization Grant Program;
- g. **RHCD CIP** means the Revitalizing Hamilton's Commercial Districts Community Improvement Plan;
- h. **"RHCD CIPA"** means the Revitalizing Hamilton's Commercial Districts

Community Improvement Project Area; and,

- i. **“Signage”** means any external sign affixed to the building that is used for the exclusive purpose of the business occupying the Eligible Ground Floor Unit and shall not include third-party signs/advertising, off-site promotions, pylon signs, or signs intended to market goods, services or activities not provided on the Site.
 - j. **“Site”** means all properties/parcels of land associated with the building subject to an application under this Program.
 - k. **“Tenant”** means a commercial tenant of a property, who is authorized in writing by the owner of the property to make an application under the Program and who will be undertaking the Eligible Improvements that are the subject of the Program application to the portion of the property that they lease.
2. The purpose of the Program is to facilitate permanent improvements for:
 - a. The exterior building façade;
 - b. The exterior/interior improvements that achieve Accessibility for Ontarians with Disabilities Act (AODA) standards;
 - c. The exterior building/property improvements which improve appearance or functionality including those that enhance environmental sustainability of the building/property; and,
 - d. Limited interior mechanical/ventilation improvements for restaurant uses to improve the attractiveness and usability of the space for the intended commercial use.
 3. This Program applies to properties with commercial or mixed-use commercial zoning which are located within the following Community Improvement Project Areas: Ancaster, Barton Village, Binbrook, Concession Street, Downtown Hamilton, Dundas, Locke Street, Ottawa Street, Stoney Creek, Waterdown and Westdale Commercial Districts, the Mount Hope/Airport Gateway Commercial District and the Strategic Commercial Corridors as collectively defined through the RHCD CIPA By-law.
 4. Grants provided under this Program shall be provided to the Applicant, who is the Owner, or who is the Tenant. The Tenant shall provide the City with written authorization from the Owner that the Tenant is permitted to undertake the Eligible Improvements identified in the Tenant’s Program application.
 5. This Program applies only to existing buildings that were fully constructed and completed before the date of application. Newly constructed buildings or new

buildings under construction are not eligible. For additional clarity:

- a. Only projects involving the renovation, retrofit, or restoration of buildings that already existed in completed form at the time of the Program application are eligible;
 - b. New construction for additions, expansions, or the creation of new building floor area shall not be eligible for funding under this Program.
6. The Program offers cost sharing Grants in which the City covers 50% of Eligible Costs for Eligible Improvements up to the following maximum Grant amounts unless otherwise referenced in Section D:
- a. A maximum of \$20,000 for each Eligible Ground Floor Unit; or,
 - b. A maximum of \$25,000 for each corner Eligible Ground Floor Unit, where the building has frontage on two public streets.
7. A Grant shall not exceed the lesser of:
- a. the maximum Grant amount provided for in Section A, Paragraph 6 of this Program;
 - b. the actual Eligible Costs excluding HST for the Eligible Improvements; or
 - c. the lowest cost estimate for the Eligible Costs for the Eligible Improvements provided by the Applicant pursuant to this Program.

B. Program Eligibility and Criteria

8. Applications to this Program must meet the goals of the RHCD CIP.
9. Notwithstanding Section A, Paragraph 3, this Program shall not apply to:
- a. properties that are currently operating as, or that are proposing an adult entertainment parlour, body rub establishment, correctional facility, corrections residence, emergency shelter, lodging house or residential care facility as defined in Zoning By-law No. 05-200;
 - b. to a property where a designated heritage building or any designated part thereof, has been demolished in contravention of the *Ontario Heritage Act* or any applicable City by-law or Official Plan policy respecting designated heritage buildings, or parts thereof; or,
 - c. applications for improvements to a self-storage facility, payday loan establishment or any other use deemed not to support the goals of the RHCD CIP as determined at the discretion of the Manager.

10. A complete Program application shall be submitted to the Economic Development Division prior to:
 - a. the commencing of work for Eligible Improvements; and/or,
 - b. the issuance of a Building Permit for Eligible Improvements subject to the Program application, where applicable.
11. Eligible Improvements commenced prior to the submission of a Program application are ineligible. Eligible Improvements commenced after submitting a Program application but prior to approval of a Program application may be eligible for funding under the Program with eligibility determined by the Manager in their sole, absolute and unfettered discretion. An Applicant shall assume the risk of any costs incurred after a Program application has been submitted but prior to approval under this Program having been received.
12. Eligibility requirements for the Program relating to the work to be funded shall be specifically identified by the Applicant. Two separate cost estimates for the improvement(s) are required to be submitted with the Program application. however, the Applicant will not be required to use the contractor associated with the lowest quote.

A contractor licensed with the City of Hamilton may be required to undertake the work as determined by the City's Building Division. 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 or building@hamilton.ca.
13. 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. Notwithstanding the requirement in Section B, Paragraph 12 for two cost estimates, the Manager may, in their sole discretion, accept one cost estimate if the Applicant submits a written request acceptable to the Manager demonstrating hardship in obtaining a second cost estimate.
15. A City Building Inspector will review all cost estimates provided for the purpose of ensuring competitiveness.

Prior to the commencement of any improvements that are the subject of a Program application, a City Building Inspector will conduct an inspection of the portion of the Property where the improvements are proposed. The purpose of this inspection is to assess the existing conditions and to confirm that the proposed improvements appear capable of meeting the requirements of applicable Acts, Regulations, and City By-laws, including but not limited to the Ontario Building Code, the Property

Standards By-law, the Trade Licensing By-law, and the Sign By-law.

Following completion of the Eligible Improvements, a City Building Inspector will perform a final inspection to verify that the completed work complies with all applicable Acts, Regulations, and City By-laws, including the Ontario Building Code, the Property Standards By-law, the Trade Licensing By-law, and the Sign By-law.

16. A Grant is not transferable upon sale of the Site. Grants are only payable to the Applicant for an approved Program application and cannot be assigned or directed to any other payee, including but not limited to, any subsequent owner of the Site or contractor hired to carry out the Eligible Improvements, unless provided for in the Program Administration section herein.
17. Work completed must be consistent with the estimate, and work proposed and identified within the Program application unless previously discussed and approved by the Manager in their sole discretion.
18. Applications and approvals under this Program shall be processed on a first-come, first-served basis, subject to the availability of funding.
19. Eligible Improvements shall be completed within one (1) year of the date of Program application approval by Manager. A one-time, extension of up to one (1) year may be granted in a formal request submitted by the Applicant to the City prior to the lapsing of the above time period and subject to consideration and approval at the sole discretion of the Manager;
20. A successful Applicant will enter into an agreement with the City containing (but not limited to) the terms and conditions set out in this Program.
21. Prior to any Program application approval being provided, the following requirements must be met to the satisfaction of the Manager:
 - a. A complete Program application has been submitted prior to the commencement of any Eligible Improvements and prior to the issuance of any required Building Permits;
 - b. All municipal property taxes on the subject Site are paid and current at the time of Program application review;
 - c. The subject site is in full compliance with applicable Zoning By-law regulations, including permitted uses and any applicable Site Plan approvals;
 - d. There are no outstanding Property Standards orders, Building Code orders, Fire Code orders, or any other orders or directive issued by judicial, governmental, or regulatory authority relating to the subject Site;

- e. The Applicant and Owner are in good standing with respect to all other agreements entered into with the City and with respect to any other amounts owed to the City;
 - f. The Applicant has submitted all required cost estimates for the proposed Eligible Improvements, and such estimates have been reviewed for competitiveness by a City Building Inspector; and
 - g. Any additional requirements needed to ensure improvements are consistent with the Program's purpose and intent, as may be determined by the Manager in their sole discretion.
22. Prior to any Grant payment being provided, the following requirements must be met to the satisfaction of the Manager:
- a. Eligible Improvements shall be completed one (1) year from the date of the Program application approval by the Manager unless otherwise approved by the Manager;
 - b. The Applicant has demonstrated that the work completed is consistent with the estimate, and work proposed and identified within the Program application, unless otherwise approved by the Manager;
 - c. All municipal property taxes on the subject site remain paid and current at the time of the Grant payment;
 - d. There are no outstanding Property Standards orders, Building Code orders, Fire Code orders, or any other orders or directive issued by a judicial, governmental, or regulatory authority relating to the subject site;
 - e. A City Building Inspector has conducted a final inspection confirming that the completed work complies with all applicable Acts, Regulations, and City By-laws, including the Ontario Building Code, the Property Standards By-law, the Trade Licensing By-law, and the Sign By-law;
 - f. All Building Permits required for the Eligible Improvements have been issued and closed, to the satisfaction of the Manager in their sole discretion;
 - g. The Applicant has provided, to the Manager, copies of paid invoices and proof of payment of Eligible Cost to the satisfaction of the Manager for all Eligible Improvements undertaken for which the Grant(s) is applicable.

- h. The Applicant has demonstrated satisfactory compliance with all Program terms contained herein; and,
 - i. The required Letter of Understanding/Commitment has been executed, as determined by the Manager in their sole discretion.
23. The total Grant funding that may be approved for a Site under this Program shall not exceed the maximum amount specified in Section A, Paragraph 6 within any rolling five-year period. For clarity, this cap applies to every possible five-year window, measured backward from the date of each new application under this Program or any previous iteration of the Program.
- Notwithstanding the above, exceptions may be made respecting Program applications for Signage only, at the sole discretion Manager, where a new Tenant or Owner is occupying the Eligible Ground-Floor Unit within the above time period.
24. Approval and the receiving of the Grant under this Program shall not preclude eligibility, approval and the receiving of financial assistance for the same subject Site under any other available municipal program. However, where specific improvements are subject to the provision of a Grant under this Program and any assistance from the City including any other program, the total Grant for the Eligible Improvements across all applicable programs shall not exceed 50% of the total Eligible Cost of the specific Eligible Improvement(s).

C. Approval Authority

25. Applications under this Program are subject to the availability of funds, and the approval or denial by the Manager.
26. Without limiting the discretion as set out in Section C, Paragraph 25 herein, the 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 Manager, 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.

For the purposes of this section “Applicants” shall include, but not be limited to, the following, jointly and severally:

- a. the Applicant identified on the application form;
- b. if the Applicant is a corporation, any person or entity with an interest in the corporation, any shareholder of the corporation, or any officer or director of the corporation, as determined by the Manager in their sole, absolute, and unfettered discretion;

- c. if the Applicant is a partnership or limited partnership, any partner or limited partner, and if any such partner or limited partner is a corporation, any person or entity with an interest in the corporation, any shareholder of that corporation, or any officer or director of that corporation, as determined by the Manager in their sole, absolute, and unfettered discretion.
27. Without limiting the discretion as set out in Section C, Paragraph 25 herein, the Manager, or its delegate, 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 municipal property tax arrears owed on the subject Site, non-compliance with respect to Zoning By-law regulations or there exist outstanding property standards, Building Code or Fire Code orders in respect of the subject Site or any other judicial, regulatory or governmental order in respect of the subject Site.
 28. Without limiting the discretion as set out in Section C, Paragraph 25 herein, the Manager, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application where the Manager determines in their sole discretion that there is a financial risk to the City in terms of the financial capabilities of the Applicant to complete the development subject to the Program application.
 29. Without limiting the discretion as set out in Section C, Paragraph 25, herein, the 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 a Grant under this Program is being sought. For corporate Applicants, the Applicant, for the purposes of this Section C, Paragraph 29, will be considered to be the corporation, the officers and directors of the corporation and the shareholders and this Section C, Paragraph 29 shall apply jointly and severally to each of them.
 30. A Program application may be denied by the Manager if the development is not supported by City Council, notwithstanding any approval of Planning Act applications by any other authority, including but not limited to the Ontario Land Tribunal or the Minister of Municipal Affairs and Housing.
 31. Approval, part approval, or denial of a Program application shall not fetter City Council's discretion regarding any Planning Act applications regarding the Eligible Ground Floor Unit, or any other decisions by City Council regarding the Eligible Ground Floor Unit.
 32. Approval of a Program application by the Manager may provide for a reduced Grant

amount such that no Grant is provided in respect of any portion of the development which City Council does not support notwithstanding any approval of Planning Act applications by any other authority including but not limited to the Ontario Land Tribunal or the Minister of Municipal Affairs and Housing, and that the Manager's decision on the application will not fetter City Council's discretion on Planning Act applications. In such cases, the Applicant shall be required to provide additional supporting documentation, at the Applicant's own expense, to support the providing of financial assistance in accordance with the Manager's approval/direction of the Program application.

D. Eligible/Ineligible Improvements and Costs

33. Eligible Improvements include those that are permanent and physical works to the Eligible Ground Floor Unit. The following are Eligible Improvements that are made to the exterior of the ground-floor of the Eligible Ground Floor Unit:

- Replacement or repairing of storefronts;
- Improvements and or upgrades to windows, doors, cornices and parapets;
- Barrier-free entrances to property (ramps, doors and automatic door openers);
- Addition of new lighting and upgrading of existing fixtures, on the exterior of the façade and within the storefront area normally associated with the display area;
- New or replacement awnings;
- Brick repairs and / or pointing;
- Painting and façade treatments;
- Installation or improvement of Signage;
- Permanent decks/patios on private property;
- Surveillance cameras affixed to the exterior of the property that comply with the Fortification By-law No. 10-122, as amended;
- Long-lasting landscaping on private property including tree plantings, statuary, rain gardens and perennial vegetation to a maximum of \$3,000 per application as part of the total Grant awarded; and,
- Crime Prevention Through Environmental Design improvements (above and beyond the \$1,000 Grant outlined in Section G).
- Any other permanent improvement deemed to form part of the building's façade

as determined by the Manager.

34. The following are Eligible Improvements to the interior of an Eligible Ground Floor Unit:

- Barrier-free washrooms;
- Ramps to access barrier-free washrooms;
- Widening of doors to meet Accessibility for Ontarians with Disabilities Act (AODA) requirements;
- Interior signage to meet AODA requirements;
- Commercial kitchen cooking exhaust / ventilation systems;
- Sprinkler systems; and,
- Other improvements deemed a health, safety and/or accessibility issue at the sole discretion of the Manager.

35. The following improvements, when undertaken with an improvement identified in Section D, Paragraphs 33 and 34, shall be deemed to be Eligible Improvements but the Eligible Cost attributed to them cannot exceed the lesser of 50% of the maximum Grant amount as provided for in Section A, Paragraph 6 herein or \$7,500:

- Installation of permanent exterior electric vehicle charging stations;
- Depaving of existing hard surfaces (excluding areas containing required parking spaces) where the surface area will be replaced by a porous material;
- Installation of sustainable electric power generating equipment, including solar panels and micro-wind turbines;
- Installation of an exterior living green wall covering a minimum 50% of a street facing façade; and
- Other permanent exterior improvements deemed eligible at the sole discretion of the Manager.

36. Notwithstanding Section D, Paragraphs 33, 34 and 35, permanent waste/recycling enclosures, intended solely for the storage of waste or recyclable materials until a regularly scheduled pick-up date, shall be deemed to be an Eligible Improvement but the Eligible Costs attributed to it cannot exceed the lesser of 50% of the maximum Grant amount as provided for in Section A, Paragraph 6 or \$10,000, subject to the following conditions:

- i. the enclosure may include facilities located at or partially below grade;
- ii. the enclosure must be a permanent structure located entirely on private property;
- iii. the enclosure must be constructed of durable materials that prevent decay, damage, or graffiti/vandalism over the life of the structure, with such materials subject to the discretion of the Manager; and
- iv. all waste and recycling materials shall be fully enclosed from public view.

37. Eligible Improvements when a property has been damaged due to fire, vandalism (not including graffiti except as provided for in Section F) or a natural disaster such as a flood, earthquake or hurricane:

- a. façade improvements: windows, doors, storefronts, awnings, signage, surveillance cameras or other items deemed eligible at the sole discretion of the Manager; and
- b. limited interior improvements: barrier-free washrooms or commercial kitchen cooking exhaust / ventilation systems (the Grant will be no more than 50% of the maximum Grant per Eligible Ground Floor Unit for interior improvements).

38. Ineligible Improvements include:

- a. Any temporary or non-permanently affixed improvement such as, but not limited to, outdoor patio furniture, interior furniture, plexiglass partitions or display case equipment other than eligible waste/recycling enclosures as described in this Section D;
- b. Artificial landscaping elements including trees, plants and grass;
- c. Roofing (apart from mansard roofs above the eligible frontage);
- d. Sandblasting;
- e. Outdoor heating and cooling equipment;
- f. Sewer/drain repair;
- g. Paving;
- h. Any window treatment that impedes the visibility into the storefront, which reduced the intended transparency and street-level visibility of the commercial space (e.g. adhesive window wrapping);
- i. New pylon signs or the refurbishing of existing pylon signage;
- j. Restoration/conservation specifically related to heritage features on commercial properties designated under the *Ontario Heritage Act*; and,
- k. Any other improvements deemed not to meet the intent of this Program at the sole discretion of the Manager.

39. Eligible Costs are the labour and material costs, excluding HST, to complete Eligible Improvements and the following cost incurred in respect of the Eligible Improvements: architectural fees, engineering fees, lawyer's fees, Building Code Identification Number designer fees, building permit fees, sign permit fees, site plan application fees, road occupancy permit fees, street occupancy permit fees and encroachment agreement application fees. Total reimbursement for the fees listed in this Section D, Paragraph 39, is available up to 100% of the cost, capped at \$3,000 per Program application, and forms part of the total Grant for Eligible Improvements. Eligible Costs shall not include any of the Ineligible Costs described in Section D, Paragraph 40 herein.

40. Ineligible Costs include:

- a. Program application fees;
- b. Tools;
- c. Any other cost where a property has been damaged for one of the reasons contained in Section F herein at the sole discretion of the Manager;
- d. Business interruption expenses;
- e. Business equipment; and,
- f. Any other cost deemed not to meet the intent of this Program at the sole discretion of the Manager.

E. Program Administration

41. Required documents and information forming a complete application shall be identified within the Program's application form. The application date for the purposes of the Program will be the date on which the Manager has deemed the application complete in their sole discretion.

42. An application fee is payable upon submission of a Program application and forms part of a complete Program application. 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.

43. Economic Development Division staff will review applications for eligibility in accordance with the RHCD CIP, RHCD CIPA, the Program terms contained herein and in collaboration with other City departments as required. Acceptance of the application by the City in no way implies application approval.

44. The subject Site, Eligible Ground Floor Unit and Applicant will be the subject of due diligence undertaken by the City to confirm compliance with the Program

requirements prior to approval and prior to payment.

Failure to comply with any of the above will result in an application not being recommended for approval or, if the Program application has been approved, non-payment of a Grant under this Program.

45. If a Program application is approved, the Applicant will be provided an approval letter that outlines the terms and conditions of the Grant. If a Program application is denied, the Applicant will be notified in writing with rationale for the decision.
46. Where a Program application has been submitted but not yet approved by the Manager and the subject Site is sold/transferred to a new owner, the City may permit the transfer or assignment of the application to the new owner at the sole, absolute and unfettered discretion of the Manager. An assignment or transfer may require the assignee or transferee to submit an application, assignment or transfer agreement and/or such other documents as determined by the Manager in their sole, absolute and unfettered discretion. The new owner shall be subject to all applicable due diligence required under this Program, including, but not limited to, applicable corporate title and litigation searches and financial risk, to the satisfaction of the Manager prior to assignment being considered by the Manager.

Where a Program application has been submitted and Eligible Costs for Eligible Improvements have been incurred but the Program application has yet to be approved by the Manager, and where the ownership of the site and/or tenanted space is sold/transferred to a new Owner/business, a transfer/assignment of the application and incurred Eligible Costs may be permitted. In such an instance, the new Owner/Applicant shall also be subject to all applicable due diligence required under this Program, including, but not limited to, applicable corporate title and litigation searches and financial risk, to the satisfaction of the Manager prior to any assignment or continuation of the application being considered by the Manager.

47. The City reserves the right to require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the Manager to ensure the goals and purpose of this Program and the RHCD CIP are met.
48. Applications to this Program not yet approved shall be subject to any changes to the terms of this Program approved by City Council prior to the Program application being approved.
49. The Economic Development Division will periodically review the terms and availability of this Program and as a result the Program may be updated from time-to-time.

50. Where this Program refers to a City staff title, such reference shall be deemed to include any new, amended, replaced, substituted or successor title assigned to the position from time to time.
51. City Council may discontinue this Program at any time. However, Applicants with approved Program applications will still continue to receive the Grant subject to meeting the Program terms contained herein.
52. The City is not responsible for any costs incurred by the Applicant in any way relating to the Program, including without limitation, costs incurred in anticipation of an application approval or Grant being provided.

F. Eligibility and Terms for Fire, Vandalism or Natural Disaster

53. Notwithstanding Section A, Paragraph 6, and Section B, Paragraphs 11 and 23 herein, and subject to the availability of funding and the conditions and restrictions set out herein, the following shall apply respecting Grants solely for improvements to a commercial or mixed use commercial property required due to damage from fire, vandalism or a natural disaster such as a flood, earthquake or hurricane:
 - a. The Grant shall not be counted towards the maximum available Grant amount otherwise available to the subject property within a five-year period in accordance with Section A, Paragraph 6 herein;
 - b. 100% of the Program Eligible Costs identified in Section D herein may be considered up to the maximum Grant amount contained in Section A, Paragraph 6 herein; and
 - c. The Applicant shall only be required to submit one quote respecting the required improvements.
54. Assisting commercial property owners / authorized tenants to repair damage due to fire, vandalism (not including graffiti) or a natural disaster such as a flood, earthquake or hurricane will help mitigate some of the capital improvements costs involved during the recovery phase. The Grant is not intended to replace property insurance claims, rather, it is to assist a property owner / authorized tenant with eligible costs that are not covered by their insurer due to the deductible amount or due to limits set by their insurance policy. As such, a Grant provided under this Program cannot be used to pay the costs resulting from any damage or vandalism where those costs are also reimbursed to the Owner or Tenant under any applicable insurance policy.
55. Payment of any Grant under this Program, for the purpose of this Section F, shall only be made after the Applicant has received any applicable insurance proceeds related to the same costs. The Applicant shall provide, to the satisfaction of the

Manager, proof of all insurance payments received and a detailed accounting of the costs to which those payments were applied. A refund of any Grant to the City of Hamilton shall be required if it is determined, after the Grant has been paid, that costs subject to the Grant were also reimbursed under an insurance policy.

56. In recognition that an Owner or Tenant may have work completed within hours or days of the damage occurring for safety reasons or in order to prevent further damage to the commercial space/building i.e. replacement of broken windows, an exception to the requirement that the Program application be submitted prior to Eligible Improvements commencing will be allowed only in the instance when an Eligible Ground Floor Unit has been damaged due to fire, vandalism (not including graffiti) or a natural disaster such as a flood, earthquake or hurricane. If the work has commenced or has been completed, applications must be submitted within 14 days of the date the damage occurred..
57. Where funding is requested for an Eligible Ground Floor Unit that has been damaged due to fire, vandalism or a natural disaster such as a flood, earthquake or hurricane earthquake or hurricane, each Applicant shall provide the following documentation to support the application:
- Evidence of property insurance coverage for the subject property in force as of the date of the damage. Evidence shall be provided by way of a copy of the Declaration Page of the property insurance policy or a Certificate of Insurance. Evidence shall include the following information: subject property address, deductible amount;
 - Supporting damage estimate / invoices to support the Program application;
 - Copy of Proof of Loss (or other proof of settlement) from the Applicant's Insurer; and
 - A police report for the vandalism subject to the Program application.

Exceptions may be provided to requirements c. and d. above where the Applicant can demonstrate extenuating circumstances which shall be outlined in a formal request submitted by the Applicant and considered at the discretion of the Manager.

58. A Grant provided under this Program shall exclude any damage that is caused by the property Owner or occupant (i.e. a Tenant) of that property. For example, costs incurred because of self-inflicted damage such as vandalism or arson would not be covered by this Program. A refund of any Grant under this Program to the City of Hamilton would be required if it is determined after the Grant has been paid that the damage was caused by the Owner and/or Tenant of the Eligible Ground Floor Unit.

G. Eligibility and Terms for Graffiti Removal and Environmental Design Upgrades

59. Notwithstanding any other provision in Sections A through H herein, only the following terms shall apply to Program applications made solely in respect of graffiti removal and Crime Prevention Through Environmental Design improvements (“CPTED” or “environmental design”), and all other provisions of the Program apply only to the extent they do not conflict with the following terms.
60. The maximum Grant amount, a maximum of one Grant of \$200.00 is permitted per instance of graffiti removal on any façade of a commercial or mixed use commercial building (e.g. façade material include siding, brick but not glass) within an eligible CIPA. A maximum of five instances, totaling \$1,000.00, may be funded per eligible property within a single calendar year, subject to the availability of funding. Ancillary/accessory structures of buildings are not eligible for a Grant made in respect of graffiti removal.
61. A maximum of one Grant equaling \$1,000 is permitted to assist Applicants with CPTED assessments and the physical improvements recommended through the CPTED that is prepared by a qualified professional with the acceptance of such assessment being at the sole discretion of the Manager and subject to the availability of funding.
62. Applications respecting graffiti removal may:
- a. Be submitted per instance or may include multiple instances at the same eligible property as part of a single application to a maximum of five graffiti incidents per application; and,
 - b. Be retroactive beginning from, and including, the date of the approval of the provisions contained in this Section G.
63. A Grant provided under this Program with respect to graffiti removal and environmental design shall not be counted towards the maximum available Grant amount otherwise available to the subject property within a five-year period in accordance with Section B.
64. Applications under this Program which are solely in respect to graffiti removal shall include the following supporting documents to form a complete application:
- a. Digital photograph of the graffiti subject to the application which shall provide the necessary visual context to identify the applicable building and its location and contain the required meta data to confirm the date the picture was taken, or such other supporting information deemed acceptable by the Manager; and

- b. Proof of property ownership or commercial tenancy of the subject property the determination of acceptable documentation being at the discretion of the Manager and may include, but not be limited to, a signed and in effect lease or property tax bill.
65. Prior to Grant payment for graffiti removal, a digital photograph confirming the removal of graffiti shall be required to be submitted to the City. The photograph shall provide the necessary visual context to identify the applicable building and its location and contain the required meta data to confirm the date the picture was taken, or such other supporting information to the satisfaction of the Manager. Graffiti removal shall restore the façade close to its original colour and texture.
66. The eligibility of graffiti removal for consideration under this Program shall be at the sole discretion of the Manager. This includes the location of the graffiti and the size of the area affected.
67. Prior to Grant payment for environmental design upgrades, a paid invoice(s) must be submitted demonstrating that the CPTED assessment has been completed and that the recommended improvements have been installed to the satisfaction of the Manager.
68. Applications under this Program which are solely in respect to graffiti removal and environmental design shall not be subject to an application fee.
69. 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 and the RHCD CIP are met
70. Notwithstanding any provision contained in this Section G, the City may cancel the terms of this Section G and the eligibility of graffiti removal and environmental design under this Program at any time and without notice. However, Program applications already submitted to the City prior to cancellation will continue to be eligible for consideration and potential approval in accordance with this Section G and Program applications already approved at the time of cancellation of this Section G will be paid the Grant in accordance with the terms of the Program.