



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ✓	Recommendation ✓	Decision Request ☐	Councillor Activity ☐
---------------	------------------	---	--

To: West Hants Regional Council

Submitted by: **Jim Ivey and Laurie Murley**
Councillor's Windsor South and North
District 11 and 10

Date: July 23, 2024

Subject: **CSO Residential Buyout Program Input**

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Sections 50 (1) A municipality may acquire, and own property granted or conveyed to the municipality either absolutely or in trust for a public or charitable purpose.

Section 65 A (1) Subject to subsections (2) to (4), the municipality may only spend money for municipal purposes if: (a) the expenditure is included in the municipality's operating budget or capital budget or is otherwise authorized by the municipality;

MGA 30 (1) (2) (3) (4) Council relationship with CAO

Meeting and Committee Procedural Policy – Councillor Reports

RECOMMENDATION or DECISION REQUEST

Council direct the CAO to engage staff to undertake an expedited property appraisal of the homes involved for the purposes of determining a cost estimate for their inclusion in the CSO residential buyout program as discussed at the July 23, 2024 Council Meeting.

Further

Council direct the CAO to engage staff to undertake an expedited estimate of the additional costs expected to be involved and included as part of the cost estimate for the CSO residential program as discussed at the July 23 2024 Council meeting.

Further

Council direct the CAO to engage staff to undertake on an expedited basis the development of a CSO residential buyout program as originally directed at the July 9th Committee of the Whole Meeting with input from the Council meeting on July 23 taken into account and

Further

Council direct the CAO to present results of the costs and program not later than the September 10, 2024 Committee of the Whole meeting or sooner through a special meeting of Council.

BACKGROUND

Property ✓	Public Opinion ✓	Environment ✓	Social ☐	Economic ✓	Councillor Activity ☐
------------	---------------------	---------------	---------------------------------	------------	---

At the June 25, 2024, Council meeting, Council passed the following motion:
“Council direct staff provide a summary written report as to what potential buyout options might look like for homes that have suffered with the combined sewer overflow events within the region.”

At the July 9, 2024 Committee of the Whole meeting, Staff provided an information report titled “Property Buyout Information Report”. In the report prepared by staff (attached in full) They advised they are drafting a potential program and requested from Council additional information on what a residential property buyout program would look like: (noted below)

---Begin Section from the CAO Report---

Confirming the program intent.

- *To create open green space.*
- *To increase the flood storage capacity of the area.*
 - *One property at a time or as a whole.*
- *To mitigate the number of properties impacted by storm water during extreme weather events resulting in (sic) CSOs.*
- *To allow residents the choice to leave the Stannus area.*

Geographic locations where buyouts would be considered.

- *What constitutes a home/house impacted by a over the curb Combined Sewer Overflow (CSO) event.*

Information that would be considered as proof of homes impacted by an over the curb CSO event.

It is important to note the program, if supported, would look at purchasing residential properties and we would not be recommending a relocation program.

---End of the Section from the CAO Report---

DISCUSSION – Part 1

In seeking to inform the staff for its work in developing a program with more defined program information, Councilor Murley and I met with 4 of the residents on July 16.

*Aside from the specific information sought, it must be identified at the outset of this report that **urgency** is paramount in this initiative. The cost of mitigating this situation to a point of mutual resolution increases with every continued combined sewer overflow (“CCSO”). The **terror and anxiety** as identified by the residents with the approach of pending storms is real. These feelings occur in advance, during and following the events, even when the event does not materialize or result in a combined sewage overflow over the curb event.*

In the context of what is noted in the preceding paragraph, the timing and urgency of addressing

this issue is paramount. We are three years into this problem in this specific area, with more areas of concern surfacing. The residents can no longer bear the substantial burden they are being asked to bear as our system continues to overflow sewage in stormwater over and in their properties. This is not sewage that is coming from their own homes, but combined sewage from the catchment area meaning many other sewage products, including tampons condoms, medical waste and more that is flowing into their homes and needing to be addressed.

On a personal level these families have children that attend school in West Hants. They may have a need to be uprooted and moved during a school year. The children are having a significantly difficult time dealing with this issue. Other children are not permitted to go to play at their homes. Imagine the sense of isolation that occurs with this already untenable situation.

Relating to the input sought for direction from discussion with the residents.:

Program's Intent:

To allow the residents the option of leaving the Stannus street area where they have invested in their properties, raised their families and intended to retire in their forever homes.

The other options suggested (to create open green space, to increase the flood storage capacity of the area, to mitigate the number of properties impacted by storm water during extreme weather events resulting in (sic) CSOs); these are possible outcomes of the buyout program; they are not the intent. "One property at a time or as a whole", was not clear and open to interpretation given it was a subset of the increase in flood storage capacity." See method of implementation for a varied view below.

Method of Implementation:

The program would be structured taking into account the collective and individual impacts on homes in the area, providing an opportunity for the homeowners to individually apply for or accept a buyout plan if they so choose.

Market Value of Property Not Assessment-based value

The value of the properties is recommended to be determined through two appraisals conducted on each property. One appraisal would be done by an appraiser selected by the Municipality and a second appraisal would be done by an appraiser of the homeowner's choice. The direction to be provided to the appraisers would be to determine the current market value of the properties without the impact of the combined sewer overflows having occurred.

Relocation Costs

All costs of relocation to be born by the Municipality with equivalency (same value / features of property). The cost of relocation should not be a cost to be born by the property owners. These owners purchased their homes in Windsor because they wanted to be IN Windsor! They wanted to be on Stannus in these homes, off Victoria Park. Alternative or comparable homes will not likely exist in Windsor, with similar features, with comparable amenities. The changes made for these families to protect their homes, to remediate their homes and to continue in this circumstance for the past many years and three years specifically, does not necessitate that they need to pay the cost of moving too.

This is not a good situation for the residents currently impacted or others that might be.

Geographic Location

In this case we are working to address negative impacts upon the homes located on Stannus Street numbered between 364 and 430. If it is necessary to map an area, we might start with a boundary around those homes, realizing that such a boundary has the potential to negatively impact bordering property values. As has been said, this area is a symptom of a bigger issue that will spread and continue if not addressed.

Homeowner Eligibility:

The home is identified in the mapped Combined Sewer Overflow Flood area within WHRM	Response: (Mapping may not be required / not Applicable) The homes eligible in this case are fairly specific and would include those numbered between 364 and 430 Stannus Street.
Eligibility for existing residential construction that has not been built within the past 5 years;	Response: Not clear in its meaning. Did this mean to say “Eligible” for existing residential property built prior to the last five years?
The homeowner is in good standing with respect to all municipal taxes, rates, charges or any liens.	Response: Not an issue.
That CSO flooding is over the curb, specifically impacting homes confirmed by WHRM Public Works and/or past insurance claims, not land such as fields, lawns, etc.	Response: These homes are all specifically and generally known for the damage suffered over the last three years through combined sewer overflows into their homes. It is publicly well documented with photo and video evidence and with expenses incurred. Whatever method decided upon, it should be a simple and easy process without added duress to these or any other residents to prove their eligibility with sewer over and into their properties.
Homeowners are not eligible to receive a property buyout and assistance from the Home Flood Protection Pilot Program and the Switch West Hants Program.	Response: Home Flood Protection Pilot does not exist yet and Switch West Hants is not sewer overflow related. These homes are not likely able to qualify in any event, as they have already suffered through the added financial investment of protecting themselves. The program in this case is not retroactive for capital investment.

DISCUSSION – Part 2

From the CAO’s report, the CAO provided a table for Council to review and discuss. It is pasted

here for convenience but also included in the full report attached which is appropriate for Council to also review.

Options/Decision Factors	Yes	No
Does Council wish to have a mapped area identifying properties eligible for a property buyout? The map would note properties impacts by extreme weather events and overland flooding including the presence of CSOs.		
Does Council prefer to take a “all or nothing” approach or encourage a “one at a time” approach?		
Does Council wish to have staff make specific recommendations to Council for buyouts or to directly administer applications?		
Does Council wish to have an independent third party make those recommendations?		
What source of funds will be used for property buyouts?		
What is the intended use of the property (s) post buy-out?		
Does Council wish to impose a cap value per home for the program or take market value approach?		

NEXT STEPS

Direction for staff to proceed expeditiously to address this matter.

FINANCIAL IMPLICATIONS

\$2 Million + to be determined beginning with appraisal estimates immediately

ALTERNATIVES

Fix the issue now resulting from stormwater using the sewer system as a means of transit throughout the community. Determine the blockage point of causation, and begin working backwards from that point.

ATTACHMENTS

CAO Report Committee of the Whole [Residential Property Buyout Information Report](#)

CHIEF ADMINISTRATIVE OFFICER REVIEW

Pending CAO review and comments

Report Prepared by: Jim Ivey, Laurie Murley (Councillors District 11 and 10
Windsor South and Windsor North

Report Reviewed by: _____
(Name and Title)

Report Approved by: _____
(Name and Title)