



CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: December 3, 2013	
SUBJECT/REPORT NO: Rental Housing Sub-Committee Terms of Reference (PED10049(o)) (City Wide)	
SUBMITTED BY: Joe-Anne Priel Acting General Manager Planning and Economic Development Department	PREPARED BY: Marty Hazell (905) 546-2424 Ext. 4588
SIGNATURE:	

RECOMMENDATION

That the draft Terms of Reference for the Rental Housing Sub-Committee, attached as Appendix "A" to Report PED10049(o), be approved.

EXECUTIVE SUMMARY

The purpose of this Report is to recommend a Terms of Reference for the Rental Housing Sub-Committee as approved by City Council on September 25, 2013.

Alternatives for Consideration –Not Applicable

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial/Staffing/Legal: N/A

HISTORICAL BACKGROUND

On September 25, 2013, City Council approved the following recommendation of the Planning Committee:

- “(a) That a permanent Proactive Enforcement Program to enforce rental housing conditions be approved, subject to the approval of items (i) and (ii) below:*
- (i) An additional five FTEs (four enforcement officers and one support clerk) at an estimated net levy of \$275,000 annually.*
 - (ii) A one-time Capital (cost to an upset limit of \$160,000) to purchase four vehicles funded from Unallocated Capital Reserve Account No. 108020.*
- (b) That a sub-committee be established to work with interested stakeholders to assist with the implementation of an approach to enforcement and legalization of appropriate rental housing including, but not limited to, process, fees, and by-law regulations;*
- (c) That, when carrying out enforcement under the permanent proactive rental housing enforcement program, staff be directed to continue to take into consideration; throughout such enforcement, an owner’s good faith efforts to actively seek compliance with Zoning By-law requirements through meetings, correspondence and/or applications with the Planning and Economic Development Department except for situations where immediate health or safety concerns may be a factor.”*

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Staff consulted with the City Clerk’s Division in the preparation of this Report.

ANALYSIS / RATIONALE FOR RECOMMENDATION

To assist with its comprehensive investigation into the need to license rental housing, City Council, on March 31, 2010, approved an 18 month Proactive By-law Enforcement Program focused on rental housing conditions in Wards 1 to 8. The Pilot demonstrated substantial contribution to the City’s goals towards a safe and healthy Community by

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uncovering and addressing significant deficiencies in rental housing living conditions and exterior property maintenance.

After much deliberation, City Council decided to create a permanent proactive enforcement team, and to not pursue licensing rental units any further at this time.

While proactive enforcement was deemed necessary, there were concerns about the possible impacts on affordable housing with respect to enforcement of illegal rental units where construction may have occurred without the proper building permits and approvals from the City. Committee and Council felt strongly that landlords in these situations should be allowed time to work through the process of recognizing illegal units through the City's current Zoning By-law, or through new regulations to be identified as the City develops its new comprehensive Urban Zoning By-law which may allow for higher densities and lessen requirements/regulations in certain parts of the City and/or neighbourhoods.

As a result, a Sub-Committee was established to work with interested stakeholders to assist with the implementing an approach to enforcement and legalization of appropriate rental units, and staff were directed to continue using good faith efforts in the enforcement of City's current Zoning By-Law requirements except for situations where there are immediate health or safety concerns.

Attached hereto as Appendix "A" to this Report is a draft Terms of Reference for the Rental Housing Sub-Committee.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1 – A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

APPENDICES / SCHEDULES

Appendix "A" to Report PED10049(o) – Rental Housing Sub-Committee Terms of Reference

MH/dt

Terms of Reference Rental Housing Sub-Committee

The establishment of a Rental Housing Sub-Committee was approved by City Council on September 25, 2013 in approving Item 6 of Planning Committee Report 13-014.

MANDATE

To work with interested stakeholders to assist with the implementation of an approach to enforcement and legalization of appropriate rental housing including, but not limited to, process, fees, and by-law regulations.

MEMBERSHIP

The Rental Housing Sub-Committee membership will consist of

- Three (3) members of Council appointed by Council;
- a representative of the Realtors Association of Hamilton-Burlington (RAHB);
- a representative of the Hamilton and District Apartment Association (HDAA);
- an independent member who is an operator of a low density rental housing operation;
- a representative of the Legal Aid Community;
- a representative of the Housing Help Centre;
- a representative of the Social Planning and Research Council of Hamilton.

SUPPORT SERVICES

Technical support will be provided by staff of the Parking and By-Law Services Division, with advice by Legal Services staff as required.

The Clerk's Division shall provide for the administrative costs of operating the Sub-Committee meetings and legislative support.

MEETINGS AND AGENDA

The Rental Housing Sub-Committee shall meet at the call of the Chair.

The meetings shall be open to the public, and shall be advertised one week in advance of a scheduled meeting.

The Sub-Committee Chair shall propose the agenda. The Chair may grant requests for discussion of items not on the Agenda.

The Sub-Committee will follow all processes and procedures established in the City of Hamilton Procedural By-law.

AMENDMENTS TO THE TERMS OF REFERENCE

The Terms of Reference may be amended periodically by consensus of the Sub-Committee and forwarded to the Planning Committee for approval.

AMENDMENTS TO THE TERMS OF REFERENCE

Any amendment(s) to these Terms of Reference shall be forwarded to the Planning Committee for approval.

Approved by Council (Date)