



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

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 17, 2014
SUBJECT/REPORT NO:	Rental Housing Enforcement Strategy (PED10049(q)) (City Wide) Outstanding Business List Item
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Marty Hazell (905) 546-2424 Ext. 4588
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That City Council endorse the Rental Housing By-law Enforcement Strategy outlined in Appendix “A” to Report PED10049(q)).

EXECUTIVE SUMMARY

On September 25, 2013, City Council approved the creation of a permanent Proactive Enforcement Program to enforce rental housing conditions, as well as a Sub-Committee *“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”*.

This Report recommends an enforcement strategy for the new proactive Rental Housing Enforcement Team which, if endorsed by City Council, will be used to comprehensively manage staff performance by focusing them on the issues deemed by Council to be most important to the Community.

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.”*

On March 26, 2014 City Council approved a Terms of Reference for the Rental Housing Sub-Committee.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION

To assist with the comprehensive investigation into licensing rental housing, City Council approved a proactive rental housing enforcement pilot which ran from July 2010 to December 2013 and focused on rental housing conditions in Wards 1 to 8.

As was reported to Planning Committee on several occasions, the pilot demonstrated significant contribution to the City’s goals for a safe and healthy Community by

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

The new proactive Rental Housing Enforcement Team will be up and running in June 2014. To effectively manage staff performance and focus them on the issues deemed by Council to be most important to the Community, a comprehensive enforcement strategy is required.

While the new Rental Housing Enforcement Team will proactively identify and enforce by-law infractions related to internal and external Property Standards deficiencies, as well as external yard maintenance concerns (i.e.garbage/debris, long grass/weeds) and sidewalk snow clearing, those efforts will need to be coordinated with the reactive (complaint-based) enforcement team to eliminate any duplication of work.

Much of the work of the new Rental Housing Enforcement Team will support neighbourhood action plans developed as part of the City's Neighbourhood Development Strategies, and will address problem properties/areas in response to concerns by the Community and/or Ward Councillors. However, in terms of day-to-day proactive efforts, attached as Appendix "A" to this Report is a recommended enforcement strategy which was developed in consultation with the respective Ward Councillors.

Staff will provide the Rental Housing Sub-Committee with updates on rental housing enforcement activity, challenges to achieving compliance, etc. in order for the Sub-Committee to be able to fulfil its mandate (i.e. *"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"*).

City staff also enforce lack of heat violations pursuant to City of Hamilton Heat By-law No. 04-091, which requires landlords/property owners to supply adequate and suitable heat for rental residential premises. Further, staff receives, on average, 90 notices annually of impending shut-offs of vital services (i.e. hydro, gas or fuel oil), and through the by-law, intervenes to prevent disruption of services. In addition to the staffing costs, approximately \$70,000 to \$80,000 is being expended and recovered by the City for utility payments and service reconnections if and when property owners reimburse the City or the City is able to recover through rent from the tenants.

On November 27, 2013 City Council, approved Planning Committee Report 13-018 which included the following:

"That the temporary funding for the Vital Services Program from the Tax Stabilization Reserve (Account #110046) be extended until the 2015 budget deliberations, to a maximum of \$120,000, or sooner if staff deems the program to be sustainable within the current operating budget."

As Heat violations and Vital Services are related entirely to rental housing, staff will assess the practicality of assuming this work within the new proactive Rental Housing Enforcement Team.

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 AND SCHEDULES ATTACHED

Appendix “A” to Report PED10049(q) – Rental Housing Enforcement Strategy Framework

MH/dt