



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Housing Services Division

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| TO: | Chair and Members Emergency and Community Services Committee |
| COMMITTEE DATE: | February 17, 2022 |
| SUBJECT/REPORT NO: | Proposal by Hamilton Alliance for Tiny Shelters (HSC22015) (City Wide) |
| WARD(S) AFFECTED: | City Wide |
| PREPARED BY: | Edward John (905) 546-2424 Ext. 4860 |
| SUBMITTED BY: | Angela Burden General Manager, Healthy and Safe Communities Department General Manager's Office |
| SIGNATURE: | |

RECOMMENDATION(S)

- (a) That staff be directed to share the information contained in Report HSC22015 with the Hamilton Alliance for Tiny Shelters (HATS) to inform their planning for a potential 'tiny cabin' site in the City of Hamilton;
- (b) That staff be directed to assist HATS in determining potential viable sites for its HATS project, underpinned by a Housing First approach; and,
- (c) That staff be directed to work with Corporate Finance and Administration to determine a potential and appropriate funding source should this project proceed.

EXECUTIVE SUMMARY

The City of Hamilton remains committed to ending homelessness and continues to engage across departments with provincial and federal ministries and a wide range of community partners and stakeholders to explore further actions to support ongoing emergency sheltering and permanent housing supports in the context of the ongoing COVID-19 pandemic. This engagement includes ongoing dialogue between Housing Services Division and Planning and Economic Development (PED) with the Hamilton Alliance for Tiny Shelters (HATS) to assess the viability, operational readiness and

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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logistical needs of this approach as one community-identified response to address short-term, temporary emergency sheltering needs of unhoused residents in Hamilton.

Following the February 3, 2022 Emergency and Community Services Committee meeting, Housing Services Division and PED engaged with HATS to better understand their concept and plans, and facilitated a joint meeting with Housing Services Division, PED, HATS and Hamilton Wentworth District School Board (HWDSB) Senior Leadership to understand the Board's requirements from their December meeting that must be satisfied in order for the Sir John A. MacDonald school to be a viable location for the project. Housing Services Division received the HATS proposal, as well as a draft budget, which are included as Appendix "A" to this Report and also provided written responses to staff questions. Staff questions sought to gather information to determine what role the City might have in supporting such an initiative and focused on a range of issues including: zoning and by-law, services and infrastructure, governance and operation structure, selection and intake process, eligibility, provision of supports, formalized health and housing partnerships, community engagement, and connections to permanent housing.

As described in their proposal, HATS has submitted the following as their request of the City

- \$100,000 in funding for staffing from the \$500,000 Emergency Needs Fund outlined in the Adaptation and Transformation of Services for People Experiencing Homelessness Update 4 (HSC20020(d)) (City Wide) report dated December 9, 2021, or whichever fund is deemed most appropriate.
- Non-Enforcement of the zoning bylaw, that does not allow for an emergency shelter to be within 300 meters of another (HATS has referred to the emergency shelters located at The Hub and Wesley Urban Ministries as precedents for their request); and non-enforcement of the requirement to hook up to municipal sewer and water services.
- Exemption from the site planning process and fees; and, expedition of any zoning amendments or requests sought on a case-by-case basis.
- To assist with ongoing operational funding, HATS will be requesting cabin residents to contribute their portion of Ontario Works or ODSP shelter allowance and will request assistance with the Ontario Works office to coordinate this contribution.
- HATS have been relying on privately donated land, however HATS encourage the City to consider donating or allocating land for the expansion and/or continuation of this program.

Through consultation with stakeholders since February 3, 2022 and as HWDSB continues to work with HATS to determine the viability of the proposed Sir John A Macdonald school site (SJAM), new information has been brought forward by HWDSB related to emerging on-site health and safety considerations as a result of recent

flooding in the vacant school. The flooding has rendered the building immediately unusable and timelines for the demolition of the building may be expedited.

In addition to Housing Services Division providing consultation with respect to the developing HATS model and assessing the role of the Housing Services Division within the project, Planning and Economic Development have also provided initial consultation with respect to general considerations around planning and development approvals related to the proposed “tiny cabins”. There are some challenges with zoning and by-law requirements when considering the SJAM site and cross-departmental consultation has also included consideration of alternate locations for the project. Should the use be determined to be an Emergency Shelter, from a development approvals standpoint, there are multiple locations around the City where the use would be permitted, subject to meeting certain conditions.

Alternatives for Consideration – Not applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: HATS has requested \$100 K from the City to support the hiring of security staff for the project. 24/7 security is a condition of use at the SJAM site. If directed by Council, staff will work with finance to determine appropriate funding source for the requested \$100 K to support the HATS initiative.

Staffing: N/A

Legal: As the HATS project continues to be developed, staff will engage with the City’s Legal Services for additional review to identify any potential considerations and/or implications as it pertains to the results of prior litigation related to encampments in Hamilton.

HISTORICAL BACKGROUND

On January 31, 2022, the Hamilton Wentworth District School Board (HWDSB) held a Board Meeting and received a presentation regarding HATS. During this Board Meeting, the following motion was tabled and carried:

“That staff explore, with City of Hamilton staff and Hamilton Alliance for Tiny Shelters (HATS) staff, a possible use of the SJAM property for a short-term timeframe as long as the requirements previously outlined by the Board of Trustees are met.”

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The criteria is available on the HWDSB website¹, and specifies the following conditions:

1. This would have to be a short-term solution (this winter) as the Board will need to move forward with the next steps for the SJAM property.
2. The discussions that have been had centre around using SJAM as transitional support. There should be a clear plan on where the permanent location will be for any transition location.
3. Any similar initiatives that have been successful in other municipalities state that one of the key success criterion is the wrap around supports that are available 24/7 to the residents. These supports include mental health and social service supports. There should be funding and a plan identified for these supports.
4. In addition, similar initiatives have 24/7 security in order to ensure the safety of residents and the community. There should be funding and a plan identified for these supports.
5. Many of the inquiries have wanted to use the actual SJAM building to provide certain services. There are costs related to getting the building that has not been in use ready for use again. It is the Board's expectation that these costs would be covered. Depending on the areas of the building that would be accessed, it could range from \$30,000 to \$125,000.
6. The Board would have to ensure that appropriate insurance coverage is available.

In addition, due to the number and variety of organizations/representatives that have come forward, the Board has asked all the advocates to work through the City of Hamilton in order to ensure that there is collaboration related to the unhoused situation.

On February 3, 2022, the Emergency and Community Services Committee received a number of communications and delegations respecting the Hamilton Alliance for Tiny Shelters and a potential partnership with the City of Hamilton, including a delegation from A Better Tent City Waterloo Region organizer.

On February 9, 2022, City Council approved the February 3, 2022 Emergency and Community Services Committee Report 22-002, which included the motion:

“That City staff were directed to work with Hamilton Alliance for Tiny Shelters and community stakeholders to identify the role(s) of the City of Hamilton in the development of tiny shelters as a community-led response to address short-term, temporary housing needs of Hamilton's unhoused residents, including appropriate site supports, and report back to the Emergency and Community Services Committee on February 17, 2022, with recommendations.”

¹ <https://www.hwdsb.on.ca/wp-content/uploads/meetings/Finance-and-Facilities-Committee-Agenda-1639505076.pdf>

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Planning and Development Approvals

With respect to planning and development approvals, any proposal for a “tiny cabin” project would be treated the same as any other development proposal. Depending on the nature of the proposal, it may require planning and/or building permit approvals.

Staff have not yet received a formal application for the proposed project, and therefore cannot confirm what the planning and/or building approvals process would entail. However, based on the information that staff has seen to date, the proposed use may constitute an Emergency Shelter as defined under the City’s Zoning By-laws. While the provisions for Emergency Shelters vary under the different zoning by-laws across the City, the use is generally permitted in institutional zones, commercial mixed-use zones, and many residential zones. Therefore, there are numerous locations across the City where the use of Emergency Shelter would be permitted.

It is important to note that various zoning standards also exist. For example, as it relates to Emergency Shelters, Zoning By-law 05-200 requires a minimum separation distance of 300 metres between properties that contain such uses. Other applicable zoning standards would include matters such as setbacks, lot coverage, etc.

Adequate servicing (e.g. drinking water and sanitation) is also a requirement under the City’s zoning, for any land use. For example, Section 4.22 of Zoning By-law 05-200 states that no buildings or structures may be erected, used or occupied unless:

- adequate watermains, storm and sanitary sewer systems are existing or have been provided for in a binding and secured development agreement and all regulatory approvals have been received to the satisfaction of the General Manager of Planning and Economic Development Department and/or his or her designate; or,
- where such services are not required or contemplated, an approved waste disposal system and potable water supply to sustain the use of land for buildings or structures are existing or have been provided for to the satisfaction of the Chief Building Official and all regulatory approvals have been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate;

With respect to Building Permits, the Province’s Building Code requires an application for a Building Permit for any structure larger than 10 square metres in building area. Based on the information that staff has seen to date, it would appear that the shelter structures would be less than 10 square metres in building area, but the common dining areas and/or common sanitation structures may be greater than 10 square metres in building area.

If a structure is greater in area than 10 square metres, it would not require a Building Permit if the structure is currently licenced as a motor vehicle or currently licenced as a trailer and is in road worthy condition (complete with wheels, running gear, lights, tow hitch, licence plate etc.) under the *Highway Traffic Act*.

If an application is made for a Building Permit, one of the requirements in issuing a Building Permit is to confirm that the structure meets all of the zoning requirements.

One additional consideration from a development approvals standpoint would be whether the Site Plan Review process is applicable. Site Plan Review is a process through which matters are addressed such as the location of structures, setback distances between structures and adjacent buildings and between structures within the project as well as servicing, grading and drainage. The Hamilton Fire Department and the Building Division have both indicated that having separation between structures would be desirable from a fire safety standpoint. Staff would need additional information in order to determine if the proposal would require Site Plan Review.

In summation, should the use be determined to be an Emergency Shelter, then from a development approvals standpoint, there are multiple locations around the City where the use would be permitted, subject to meeting certain conditions, such as adequate sanitation and servicing. Smaller structures would likely not require a Building Permit, but larger structures likely would require a Building Permit. And the City may determine that a Site Plan is required to confirm appropriate location, orientation of buildings, servicing and grading and drainage requirements. Of note, should any planning applications be required (e.g. Zoning By-law Amendments and/or Site Plan), the City has for a number of years waived certain application fees for affordable housing projects.

RELEVANT CONSULTATION

Following the Emergency and Community Services Committee meeting on February 3, 2022, Housing Services and PED engaged directly with HATS organizers to better understand the proposal and to directly respond to staff questions regarding various aspects of planning, implementation, and ongoing support for the initiative. The GMs of Healthy and Safe Communities (HSC) and PED, along with relevant directors, have participated in meetings with HATS and Senior Leadership of HWDSB, and engaged in individual conversations to further understand the project, HWDSB criteria for the SJAM site, and what would be required of the City should it proceed. HATS provided a written proposal and draft budget on February 14, 2022 for consideration.

Staff from Housing Services Division and the Planning and Economic Development Department have also been engaged in the consultation with HATS and have consulted individually with their leadership and provided relevant information in this report

regarding planning and development approvals related to the implementation of a “tiny cabin” project.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Housing Services remains committed to ongoing consultation to support actions toward a more responsive, resilient, sustainable and housing-focused homeless-serving system that addresses immediate unmet housing needs, while establishing permanent solutions to housing pressures. To this end, Housing Services continues to engage with HATS to gather important information and context related to the proposed project to better understand if and how a partnership can be developed to ensure ongoing connectivity with departmental goals and strategies related to permanent housing.

HATS describe their project as a “...community-led initiative of Hamilton residents and organizations that seeks to deliver a novel approach to providing stability and a temporary home for residents experiencing homelessness”. The aim of the project is to provide those currently unhoused with:

- regular connection to services and healthcare;
- stability and structure to help those experiencing homelessness to move along the housing trajectory more successfully; and
- to move them from dangerous conditions on the streets into a safer, and stable setting that provides protection from the environment, and regular connection to services and healthcare on a path to stable housing.

Eligibility criteria and referral process for the HATS project have yet to be designed, however the stated goal of HATS is to identify those who, for various reasons, are unable or unwilling to access the shelter system who may ‘stabilize’ in this environment. HATS has stated that they will be starting a process to receive input from agencies and individuals with lived experience to inform these processes.

HATS has identified that it aligns with City stated Housing First principles and does not consider the project to be a sanctioned encampment. Rather, it is identified as an organized program to provide temporary shelter, stability and access to services. Once established, HATS has indicated that there will be rules in place with respect to allowable structures, number of residents, agreed expectations of conduct, on-site staffing, garbage pickup, etc. In practice, HATS envisions the project as a ‘transitional program’, where residents are able to exit into safe, permanent housing and have indicated a willingness to cooperate with the City to find appropriate permanent housing solutions for residents who would be at their eventual location.

Regarding the proposed SJAM site, HWDSB provided an update to City staff that at the beginning of February 2022, there was a significant flood in Sir John A. MacDonald. This has created limited access to the building with significant liability

concerns such as mould and general safety (structural and exterior brick spalling). As a result of this, HWSDB is having conversations with their insurance company and the Ministry of Education in order to try to expedite the demolition of the building. This may have an impact on the availability of the site related to HATS and HWSDB continues to work with HATS to determine viability.

While staff have not had sufficient time to perform an in-depth and comprehensive environmental scan related to similar interventions such as HATS, we are well aware of tiny shelter and/or tiny home initiatives such as A Better Tent City and Homes for Heroes, and initiatives in other jurisdictions that engage in partnerships with developers to use sites pre-construction to establish stabilizing housing for a transition period, a two-step approach to housing permanency which holds promise from a best practice approach. Staff will continue to review models similar to HATS to determine outcomes related to connections to permanent housing, and explore synergies and options with stakeholders and partners that could offer viable sites and innovative solutions to meet local need. While the HATS project seeks to build a “made-in-Hamilton model”, staff will continue to advise as to how to embed and integrate a Housing First approach and Housing First principles as we continue to work on solutions to address immediate needs of unsheltered residents while establishing permanent solutions to housing pressures.

Indeed, pursuit of collaboration with existing or new housing providers that would assist the transition of individuals from HATS into permanent supportive housing models would be considered an asset to this proposal. As Service Manager and system coordinator, Housing Services Division could facilitate the process assisting on matters such as assessment and needs evaluation, as well as potential for assisting with rent subsidies and or housing allowances where available in order to co-ordinate access into permanent housing opportunities. In addition, Housing Services Division’s Housing-Focused Street Outreach Team could directly support individuals on-site to connect to existing resources based on their needs and preferences.

It is understood by the HATS group and should be noted here that Housing Services Division does not have resources to lead or provide staffing for this initiative. Should the HATS project proceed, Housing Services Division will continue to directly support unsheltered individuals on-site through the Housing-Focused Street Outreach Team. In practice, this involves working to ensure that individuals who consent to service have their needs and preferences assessed in order to ensure appropriate coordination between and connections to services and supports through a shared community-identified prioritization criteria. This process helps ensure consistency and transparency in the way that individuals are connected to appropriate resources. Housing Services will also continue to prioritize collaborative work with local Indigenous leadership to develop connections to housing and supports that are culturally appropriate, rooted in

the spirit and actions of reconciliation that recognize the values of autonomy and self-determination.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report HSC22015: Hamilton Alliance for Tiny Shelters (HATS)
Proposal & Request