




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

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| TO: | Mayor and Members City Council |
| COMMITTEE DATE: | March 30, 2022 |
| SUBJECT/REPORT NO: | Encampment Process: Staffing Feasibility / Service Levels Impacts (PED22088) (City Wide) |
| WARD(S) AFFECTED: | City Wide |
| PREPARED BY: | Kelly Barnett (905) 546-2424 Ext. 1344 Monica Ciriello (905) 546-2424 Ext. 5809 |
| SUBMITTED BY: | Monica Ciriello Director, Licensing and By-law Services Planning and Economic Development Department |
| SIGNATURE: |  |

RECOMMENDATION

- (a) That staff in the Licensing and By-law Services Division be authorized to create a dedicated team of 4 full-time temporary Municipal Law Enforcement (MLE) Officer positions on a pilot basis until December 31, 2022 to enforce City by-laws related to encampments, at an estimated total cost of \$416,673.73, to be funded through the Tax Stabilization Reserve.

EXECUTIVE SUMMARY

At its meeting of March 22, 2022, Planning Committee approved Motion 11.3 as follows:

That staff be directed to:

- (i) *complete their activities under the Encampment Process, including notifying the Hamilton Police Service that a Trespass Notice has been issued, within 12 to 72 hours after staff receive the first complaint regarding unauthorized camping in a City park or public place;*
- (ii) *enforce the Encampment Process 7 days per week; 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.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

- (iii) *report any staffing feasibility/service levels impacts to Council at their March 30, 2022 meeting.*

The purpose of this report is to respond to item (iii) of the motion.

In order to achieve the service level outlined in Motion 11.3, an expanded Municipal Law Enforcement staff complement is required. At present, there are no full-time dedicated MLE Officers in this portfolio, and currently MLE Officers work a 5-day operation. To implement Motion 11.3, staff are recommending that four full-time temporary MLE Officer positions be created. If Council approves Report HSC20038(d)/PED21188(a), these officers would report to the MLE Supervisor within the centralized Encampment Coordination Team. The four MLE Officers (MLEOs) will support the encampment related response work alongside the seven Housing Outreach members that are in the community 7 days a week.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The staff recommendation would have an approximate cost of \$416, 673.73 to be funded through the Tax Stabilization Reserve.

Staffing: The staff recommendation will have a staffing impact with the creation of four new temporary FTE MLE officers until the end of 2022.

Legal: N/A

HISTORICAL BACKGROUND

On September 9, 2021, Emergency and Community Services Committee received Report PED21188/HSC20038(c) – Encampment Response Update.

On March 22, 2022, Planning Committee approved Motion 11.3 directing staff to:

- (i) complete their activities under the Encampment Process, including notifying the Hamilton Police Service that a Trespass Notice has been issued within 12 to 72 hours after staff receive the first complaint regarding unauthorized camping in a City park or public place;
- (ii) enforce the Encampment Process 7 days per week; and,
- (iii) report any staffing feasibility/service level impacts to Council at their March 30, 2022 meeting.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Licensing and By-law Services.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

To satisfy a service level of enforcing the Parks By-law 01-291 and issuing Trespass Notices within 12 to 72 hours, 7 days a week, staff are recommending expanding the MLE staff complement by four FTE MLE Officers.

If Motion 11.3 is approved by Council, City staff would respond to a complaint within the timeline, however if compliance is not achieved, HPS (Hamilton Police Services) remains the last step and will be notified. MLE cannot direct or prioritize HPS enforcement.

A dedicated team of four full-time MLE Officers would allow for:

- Two teams of two MLE Officers providing coverage for a seven-day operation inclusive of evenings and weekends;
- Ability to proactively monitor recurring sites;
- Ability to reactively respond to new complaints received within the 12 to 72 hour service level timeframe;
- Focused approach to coordinating the process with other City departments including: Housing Street Outreach, Social Navigator, Hamilton Police and Parks staff to achieve full compliance within the 12 to 72 hour service level timeframe;
- Back up coverage for planned or unexpected staff absences (illness, vacation, etc.);
- MLE Officers' safety under the *Occupational Health and Safety Act* when responding to unknown situations and environments including when Hamilton Police are not on site; and,
- Ensuring data entry is accurate and timely for enforcement process timeline tracking and reporting purposes, which may require operating databases (AMANDA) be updated and enhanced.

If Council approves Report HSC20038(d)/PED21188(a), these officers would report to the MLE Supervisor within the centralized Encampment Coordination Team. The Municipal Law Enforcement Supervisor of Encampment Enforcement would be responsible for the following:

- Scheduling MLE Officers and ensuring adequate coverage;
- Attending Encampment Response Team meetings;
- Communicating with various City departments on emerging issues and priorities;
- Problem solving challenging situations that can occur in encampments including enlisting the help of Animal Services for assistance with pets;
- Coordinating encampment dismantling efforts and directing field operations including clean-ups;
- Tracking 12 - 72-hour Notice of Trespass timelines to ensure compliance is met and notifying HPS regarding non-compliance; and,
- Developing P&P's and operational plans so roles and responsibilities are clearly defined.

Private Property Encampments Complaints

MLE Officers assigned to encampments will respond to private property complaints to access the situation. MLE Officers will educate the encampment occupants that living in tents on private property is not permitted for human habitation unless you are in a registered campground under City of Hamilton Zoning By-Law 05-200 and that being there could be trespassing. MLE Officers will notify Outreach/SNP and HPS (Hamilton Police Services) to engage with occupants and will contact the property owner to advise of the situation and provide information on their responsibilities for property maintenance including any identified by-law violations found during their inspection.

In most situations, encampments on private property result in Yard Maintenance, Property Standards, Zoning and/or Noise by-law violations and MLE Officers will work with the property owners to achieve voluntary compliance. If there is no voluntary compliance by the property owner, an Order will be issued by the MLE Officer and the appropriate enforcement actions would be taken. Property owners would need the assistance of Hamilton Police to enforce Trespass to Property Act which is not enforced by MLE Officers. The property owner would be responsible to ensure compliance with City of Hamilton By-laws and incur any associated costs.

ALTERNATIVES FOR CONSIDERATION

Council could decide to establish the enhanced 12 to 72 hour and seven-day-per-week service level without adding any additional Municipal Law Enforcement Officers. In this circumstance, staff would re-assign four full-time Municipal Law Enforcement Officers from the current staffing complement and to the Encampment Coordination Team until December 31, 2022. Staff does not recommend this option as it would result in service level impacts with respect to the enforcement of other City by-laws.

**SUBJECT: Encampment Process: Staffing Feasibility / Service Levels Impacts
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Since the repeal of the last COVID-19 regulations on March 21, 2022, MLE Officers are beginning their transition to investigating a backlog of files and complaints related to other City by-laws. Re-assigning four full-time MLE Officers to the Encampment Coordination Team will delay the LBS recovery to our pre-pandemic service levels, and drastically impact response times of the most commonly enforced By-laws. The table below outlines the number of complaints received in 2021. It is anticipated that response times for Yard Maintenance, Noise, Snow and Property Standards complaints would be the most significantly impacted.

| By-Law | Number of Complaints Received |
|--------------------|--------------------------------------|
| Yard Maintenance | 6927 |
| Property Standards | 4013 |
| Zoning | 928 |
| Tree | 219 |
| Fence | 434 |
| Street | 695 |
| Noise | 2338 |
| Snow | 1921 |

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

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

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

N/A

MC:eo