



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Housing Services Division

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	August 17, 2023
SUBJECT/REPORT NO:	REVISED Hamilton Tenant Support Program (HSC23023(b)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	James O'Brien (905) 546-2424 Ext. 3728
SUBMITTED BY:	Michelle Baird, Director Housing Services Division Healthy and Safe Communities Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That Council approve transferring \$150 K from the Social Housing Transition Reserve #112244 to fund the current Tenant Defence Fund Project ID 6731841801 to provide immediate increased support to tenants for Landlord Tenant Board expenses through Housing Services Division staff current process of supporting tenants with finding adequate legal services;
- (b) That Council approve the creation of a Hamilton Tenant Support Program to be delivered in combination with community organizations and the Housing Services Division at an annualized cost of up to \$1.197 M be referred to the Housing Services Division's 2024 Tax Operating Budget, which is broken down as follows;
 - (i) To fund the Hamilton Community Legal Clinic pursuant to Procurement Policy By-Law (20-205) Policy 11 in the amount of \$290 K to expand legal support for tenants through the Landlord Tenant Board to cover N12's, N13's, T5's, T6's, and Above Guideline Rent Increases;
 - (ii) To fund designated agencies pursuant to Procurement Policy By-Law (2-205) Policy 11 for community capacity building up to \$135 K for the following staff positions:

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- (1) Housing Help Centre Hamilton Property Rehab Tenant Liaison Coordinator up to \$80 K;
 - (2) The Association of Community Organizations for Reform Now (ACORN) for 2 staff positions as follows:
 - 1 FTE Tenant Defence Fund Organizer and
 - 0.25 FTE for a Project Manager position up to \$55 K
 - (iii) To fund up to \$100 K for promotional materials and advertisement campaigns to educate landlords and tenants on their rights and responsibilities, available community supports, and local legislation;
 - (iv) To fund up to \$25 K for resourcing the Community Research Table to pay guest speakers and other items to inform future work;
 - (v) To increase Housing Services Division 2024 budget complement by five (5) full-time permanent FTEs for the administration of the Hamilton Tenant Support Program Staff at an estimated cost of \$647,000, broken down as follows:
 - (1) Manager, Tenant Support Program, \$188,000;
 - (2) Project Manager, \$143,000;
 - (3) Two (2) Contract Analysts, \$236,000;
 - (4) Program Secretary, \$80,000;
- (c) That Council approve an increase to the Planning and Economic Development Department by \$116,900 to be referred to the 2024 Tax Operating budget to assist the Tenant Support Program through:
- (i) An increase to the Planning and Economic Development Department 2024 budgeted complement by one (1) full-time, permanent FTE for a Municipal Law Enforcement Officer, at an annual cost of approximately \$108,000 for salary, benefits, and ancillary charges to respond to tenant concerns,
 - (ii) \$8,900 in annual vehicle maintenance costs such as insurance and gas, on condition that recommendation (d) is approved.
- (d) That Council approve the addition of 1 vehicle for use in the Planning and Economic Development Department at a cost of \$50 K to be referred to the 2024 Tax Capital Budget to assist the Tenant Support Program;

- (e) That the General Manager, Healthy and Safe Communities Department, or their designate be authorized and directed to execute and administer all agreements with any ancillary documentation and amendments in a form satisfactory to the City Solicitor; and,
- (f) That item 21-A respecting the Tenant Defence Fund, be removed from the outstanding business item list.

EXECUTIVE SUMMARY

In April 2023, City staff brought forward Report HSC23023 – Renovictions Stakeholder Consultation to Emergency and Community Services Committee regarding enhancements to the existing Tenant Defence Fund to address the issue of renovictions. City Council directed staff to return to the August meeting of Emergency and Community Services with a more comprehensive program styled after the Toronto Tenant Defence Program along with expanded bylaw protections focused on preventing renovictions. This Housing Services Division report is provided in tandem with report PED23072 that addresses the City’s Property Standards and Vital Services Bylaws and creates a a new Renovation License and Relocation Listing Bylaw. Housing Services Division staff reviewed the Toronto program and looked at other Canadian and international jurisdictions. Based on this analysis, an expanded program called the Hamilton Tenant Support Program is recommended which will have four key program areas:

Tenant Defence Program

The proposed Tenant Defence Program represents a new model to provide legal assistance to tenants. Currently, Hamilton’s Tenant Defence Fund provides financial support to tenants who must find their own legal representation which can be a barrier to some tenants. This new comprehensive program will fund Hamilton Community Legal Clinic to increase its capacity to support tenants beyond their provincially-funded service levels. Expanding the Tenant Defence Program in both scope and funding will support approximately 200 tenant cases annually through the adjudication process. To date, the Tenant Defence Fund has supported four successful Above Guideline Increase applications representing approximately 400 units, and 68 renoviction cases with 22 resolved and the remaining are ongoing. This expanded program will support tenants through the Landlord Tenant Board tribunal process and will cover N-13 renovation or demolition displacement issues, N-12 eviction for personal use, Above Guideline Increases, and T-6’s which are tenant applications for maintenance on their units.

Tenant Organization and Capacity Building

A new program that supports and expands the capacity of community organizations to create community-driven tenant support programs will ensure direct outreach to multi-unit residential buildings through ACORN and engagement of the Housing Help Centre to support tenants who are displaced through renovations but plan to move back into the unit upon completion of work. This direct approach will be supported by broader education campaigns focusing on the rights and responsibilities for tenants and landlords. The education work will be focused on creating new comprehensive materials and working to consolidate current tenant support information available in the community.

Tenant Education

With the goal of broader education and awareness for landlord and tenant rights and responsibilities and available supports, education materials will be created by the City of Hamilton and distributed through dedicated campaigns and the community capacity building work. The education and outreach work will be supported and guided by the input of a Community Research Table that will identify gaps in the support system for tenants, and also support additional efforts and campaigns that ensure that the direct voice of tenants and those with lived experience continue to have input on the Hamilton Tenant Support Program implementation.

Community Research Table

The Community Research Table will provide a vehicle for communication between the City of Hamilton, tenant advocacy organizations, tenant support service providers, and tenant support-related stakeholders. This table will be co-led by Housing Services Division staff and community partners and provide a vehicle that will allow The City of Hamilton and community to develop proposals for the creation of greater coordination and integration of tenant supports. This table will also plan and implement direct tenant engagement activities to ensure tenants can have input on future program changes. The Community Research table will also explore the need to track tenants who are receiving homecare and are also being subject to eviction notices. Eviction issues are not something currently being tracked through the homecare system and eviction of homecare recipients has not been identified as a systemic challenge.

This report is a companion report to PED23072. If the Hamilton Tenant Support Program is approved by Council it will generate a workload increase in Licensing and Bylaw Services which will be addressed by report PED23072. The work generated by this report will result in increased officer investigations and enforcement both proactively and reactively in rental units, and will require tracking and responding to tenant property

standards complaints. These workload impacts can be absorbed by the staffing ask in Report PED23072 but if that report is not approved, Licensing and Bylaw Services will not have the appropriate staffing resources without approving recommendations (c) and (d).

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FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: To ensure support is provided to tenants in 2023 and 2024, Recommendation (a) is requesting that \$150,000 be transferred from the Social Housing Transition Reserve #112244 to the Tenant Defence Fund Project ID# 6731841801. Funds in this reserve are for one-time administrative costs. Housing Services is recommending these funds be used to support the legal costs incurred by tenants.

The proposed tenant support program, through recommendation (b) and (c), would require a levy budget enhancement in 2024 of approximately \$1.314 M which includes support for tenants' legal costs, promotional and education materials and the costs for 6 full-time permanent FTEs to deliver the program. The costs outlined in the recommendations are 2024 annualized costs to be referred to the 2024 Tax Operating Budget process. In addition to the annualized costs, there is a one-time vehicle purchase of \$50,000, to be referred to the 2024 Tax Capital Budget. Funding will be determined through Council deliberations of the 2024 Tax Capital Budget

Staffing: Administration of the Hamilton Tenant Support Program will require an increase of five (5) full-time permanent FTEs in Housing Services Division 2024 budgeted complement and increase of one (1) FTE in the Planning and Economic Development Division 2024 budgeted complement for a 2024 cost of \$755,000

- 1.00 FTE Manager \$188,000
- 1.00 FTE Project Manager \$143,000
- 2.00 FTE Contract Analysts \$236,000
- 1.00 FTE Program Secretary \$80,000
- 1.00 FTE Municipal Law Enforcement Officer \$108,000;

In addition, 2.25 FTEs in community positions will be funded to third parties to support the delivery of the program at a total annual cost of \$135 K

- 1.00 FTE (Housing Help Centre) Property Rehab Tenant Liaison Coordinator \$80,000
- 1.00 FTE ACORN Tenant Defence Fund Organizer, and 0.25 FTE of a project manager for a combined cost of up to \$55,000

Legal: Legal support will be required to draft and execute all relevant agreements.

HISTORICAL BACKGROUND

In April 2023, Report HSC230233 – Renovictions Stakeholder Consultation went to the Emergency and Community Services Committee. This report included a \$50,000 enhancement to the existing Tenant Defence Fund to continue the program. The previous funding of \$50,000 for the pilot project was exhausted. City Council approved the additional funding and directed City Staff to report back to the August meeting of the Emergency and Community Services Committee with a report on the following:

- (c) That staff be directed to report back on the expansion of the Tenant Defence Fund program scope and flexibility to allow the City to support eligible tenants to preserve affordable rental housing in the private market, through the following components:
 - (i) Increase the annual overall fund amount;
 - (ii) Streamline access to professional services
 - (iii) Tenant information services;
 - (iv) Tenant organizing and capacity building; and
 - (v) Research and policy development

- (g) That staff be requested to assess the feasibility of coordinating with health care partners to track tenants who are receiving homecare are also being subject to eviction notices.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

This review keeps in mind that the *Residential Tenancies Act, 2006* limits the City's authority in terms of landlord and tenant disputes. The *Residential Tenancies Act* gives residential landlords and tenants rights and responsibilities and sets out a process for enforcing them.

RELEVANT CONSULTATION

Housing Services Division staff consulted with staff from Municipal Licensing and Enforcement as they prepared their companion report in response to Council direction related to renoviction related bylaws. Additionally, Legal Services was included in these broader discussions about the Hamilton Tenant Support Program and the related bylaws.

ACORN and the Housing Help Centre were engaged in the development of the tenant organization, community capacity building, and education and outreach elements of the Hamilton Tenant Support Program. Discussions with the Hamilton Community Legal Clinic informed the resource ask for the tenant defence fund enhancement.

Director, Patient Services Home and Community Care support services of Hamilton Niagara Haldimand Brant was consulted around Home Care eviction issues.

Additionally, this report was informed by delegation at the April 20, 2023 Emergency and Community Services meeting and material provided by the delegates, as well as the Enterprise Canada Consultant report received prior to the April 2023 Emergency and Community Services meeting. Particular focus was on feedback received from individuals with lived experience who delegated to Emergency and Community Services Committee in the development of this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The City of Hamilton is experiencing an affordable housing crisis with average market rents having far outpaced inflation over the last number of years. This has created a significant impact on long term tenants whose annual rental increase will be below the market increase in Hamilton, creating an economic incentive for landlords to displace tenants. In addition, Hamilton has an aging physical housing infrastructure creating a significant challenge to ensure safe adequate and suitable housing for the approximately 72,000 rental households Hamilton. The Hamilton Tenant Support Program is focused on allowing urban renewal to occur while maintaining an environment that does not displace tenants for profits.

Hamilton has approximately 40,000 rental units in the form of single detached, townhouse/row housing, or duplex situations. These 40,000 units are difficult to connect with as they are dispersed throughout the City and come in various forms including through secondary dwelling units and are integrated into neighbourhoods across Hamilton. These units are also the units most easily lost to the rental market through the private sale of the landlord to a new owner who could utilize these forms of housing for personal use.

Hamilton's existing Tenant Defence Fund supports tenants with financial support to find legal services to defend against renovations, above guideline rent increases, and recently added N-12's which are for evictions related to the personal use of the landlord. In its current format, tenants apply for funding through Housing Services. Once their application is approved, the tenant(s) must find legal representation and submit a quote for approval. Once the legal process has reached its conclusion, the legal representative's invoice is paid. This program was originally created in March 2019 and

expanded in spring 2021 through report HSC19011(a) to cover renovictions, and in April 2023 through Report HSC23023 to cover N-12s. It should be noted that many other Hamilton organizations provide various forms of tenant support but are not funded by the City of Hamilton.

The Toronto Tenant Support Program was created in April 2022 as an expansion of their Tenant Defence Fund program that was similar to the current program in Hamilton. The newly created Toronto program focused on four program areas: legal support for tenants through existing adjudication bodies, supporting tenant groups in building organizational capacity, increased education on rights and responsibilities, and a community research granting process. In addition to the Toronto program, other tenant support programs from other jurisdictions were reviewed. Examples of supports include a tenant support portal from New York City, in Montreal an online community rent registry that allows tenants to post their rent so future renters can know what they paid for the unit, and a community run 24/7 inquiry line for tenants.

The recommendations are based on review of the current organization of tenant supports in Hamilton, learnings from Toronto's development of their program and consultation with a tenant advocate, who provided consultation and whose services were secured through the City of Hamilton's relationship with the Canadian Housing Evidence Collaborative. It was determined that an expansion of Hamilton's existing services should first focus on expanding the legal support for tenants for applications to the Landlord Tenant Board, increasing community organizational capacity for tenant groups, and developing a comprehensive educational campaign to support tenants. Establishing a new Community Research Table would then provide a place to continue to review our efforts, consider other ideas and initiatives and prioritize how to implement future enhancements to programs and supports.

The newly-created Hamilton Tenant Support Program will support tenants in four ways:

- Resourcing the Hamilton Community Legal Clinic to support tenants through the adjudication process of the Landlord and Tenant Board. The current program covers Above Guideline Increases, N-13 renovation or demolition displacement issues and was expanded in April 2023 to include N-12 eviction for personal use and future expansion will cover T5's which are tenant applications about bad faith evictions and T6's which are applications for tenant maintenance. Tenant organization work will provide direct outreach to multi-unit residential buildings through The Association. The Housing Help Centre will be a resource for tenants who are displaced through renovations but plan to move back into the unit upon completion of work.

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- Education campaigns on rights and responsibilities of the landlord and tenants. This includes the development of materials and the review of current supports throughout the community.
- Creating a community research table that will include tenants' voices on identifying gaps in the system for tenant supports.

The Hamilton Tenant Support Program will resource the Hamilton Community Legal Clinic for a staff lawyer and staff paralegal to support tenants through the Landlord Tenant Board tribunal process. This builds on the current Tenant Defence Fund that the City of Hamilton has operated for the past three years and provides a significant increase to resourcing with the expectation of the Hamilton Community Legal Clinic to support approximately 200 files per year. An initial allocation of \$50,000 has supported the Tenant Defence Fund since 2020 for nearly 3 years of operation, but due to high number of applications, these funds were exhausted in 2023 by April. Similarly, the recent enhancement of \$50,000 in April 2023 has been exhausted at the time of writing this report. Increased resourcing of this work will ensure tenants are provided the opportunity to adequately exercise their rights through the established legal process by the province of Ontario. As seen by the current Tenant Defence Fund this support for tenants significantly increases their chances of maintaining their affordable housing. To date the tenant defence fund has been extremely successful supporting tenants to fight above guideline increase applications and renovictions. Expansion of the program to include T6 and N-12 will now ensure coverage for tenant maintenance applications and evictions for personal use. This expansion is expected to significantly increase the volume of applicants and will require increased staffing for Hamilton Legal Aid Clinic who will take this work on as part of the City program.

Through engagement and delegations, we heard the importance of providing tenant rights education and creating supports for tenants to exercise their rights. The community organization and community capacity building item includes the direct funding of The Association for one staff position whose role will be proactive community outreach and engagement with a focus on buildings at risk for renovictions, demovictions, and Above Guideline Increases. This role will include direct outreach through door knocking, sharing housing rights literature as well as direct tenant support with organizing tenant meetings and liaising with paralegal support. The Association is the main tenant support organization currently operating in Hamilton and is already established in this work. The Association is the only established group in Hamilton with the current capacity and experience in this work.

The new Hamilton Tenant Support Program will include a staff position with the Hamilton Housing Help Centre whose role will focus on education and helping keep tenants informed of their rights related to N13 evictions. The staff person will also work with landlords to make sure they understand the scope of their responsibilities and

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requirements before issuing N13s, including the existing protections against renoventions found under section 53.3 of the *Residential Tenancies Act, 2006*. A website specifically related to increasing awareness of tenant rights and landlord responsibilities around N13 evictions will be created as part of this project. This site will be linked through the Housing Help Centre's existing site and provide clear information related to renoventions. The Housing Help has an established history working with Hamilton landlords and tenants to mediate disputes, increase housing stock, find alternative housing and prevent eviction. Historically delivered through the Landlord Engagement program, this program has been consistently successful and become an integral element of Housing Help Centre service delivery model and this unique role will engage landlords about their responsibilities and support tenants with exercising their rights.

To support community capacity building it is important that the Tenant Support Program has significant resource for the development of education materials and educational outreach. These materials will include information about the various tenant support programs available in Hamilton, the rights of the tenant should they be issued any notices from the Landlord Tenant Board, and the general responsibilities of the landlord. Creating these documents will aid our partners already engaged in the community and these materials will be used to create targeted educational outreach to tenants as well as connect with 40,000 single detached, townhouse/row house, duplex rental units that are less obvious and harder to connect with.

The last piece of the Hamilton Tenant Support Program will establish a Community Research Table that will gather community input and identify gaps in the system and how they could be addressed in future years based on the current resource of the program. The Community Research Table will also coordinate events to engage tenants on a wide scale so to ensure that individual tenants are also having their voices heard and not just tenant organizations who are represented at this table. Co-led by Housing Services Division Project Manager included in the staffing request for this report, and community partners, and with representation of tenant organizations, and individual tenants, this cooperative outreach process will ensure that tenants from all building forms are actively engaged throughout the process of discussion of how best to help serve and support tenants throughout the housing continuum.

The Hamilton Tenant Support program will increase the amount of resources focused on outreach and education for tenants. As an outcome of increasing the community organizational resources in ACORN and the Hamilton Housing Help Centre it is expect that there will be significant work generated for the Licensing and Bylaw Services division of the City. As more tenants are engaged and understand their rights it is expected that it will result in increased requests for officer investigations and the need to respond to tenant property standards. In order to support tenants and create a healthy housing continuum it is important that if the companion report PED23072 is not also

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approved that recommendation (c) and (d) of this report are approved to provide resources for the additional work that will be generated. If companion report PED23072 is approved it will provide adequate resources to address work generated from the Hamilton Tenant Support Program as there is significant resources included in that report to address the enhanced Bylaws enforcement.

The issue of evictions for those receiving home care is an important research piece for this table to discuss. In meeting with the Director, Patient Services Home and Community Care Support services for Hamilton Niagara Haldimand and Brant this was not currently a systemic issue they are seeing. This is an important item to monitor as those receiving home health care services would generally be classified as hard to house individuals if displaced in the private market. Currently in the home health care industry they are seeing some disruption and displacement due to the sale of senior's homes and long term care facilities. Both of these items require different approaches that the Community Research Table will work to create a collaborative approach that includes information sharing and a shared approach to connecting individuals with services if they are facing displacement.

ALTERNATIVES FOR CONSIDERATION

That Council approve the commencement of this program on October 1, 2023 and 2023 estimated costs of \$338,004 to deliver on the program in recommendation (b) beginning October 1, 2023 funded first from the Social Housing Transition Reserve #112244, then by any 2023 Housing Services Division Surplus, 2023 Corporate Surplus or through any source deemed appropriate by the General Manager of Corporate Services. This alternative would still include approving recommendation (a) to provide gap funding for the current level of service provided by the Tenant Defence Fund, and the Tenant Defence Fund would be operated until the Hamilton Community Legal Clinic was able to start providing legal support to tenants through the new Hamilton Tenant Support Program.

Financial Implications

The pro-rated program cost of \$338,004 would include the following:

- \$67,500 to Hamilton Community Legal Clinic for 1 staff lawyer and 1 staff paralegal;
- \$45,000 to ACORN and Housing Help Centre for staff support tenant engagement, outreach and support
- \$190,504 in City staff costs detailed below;
- \$35,000 one-time cost for a car for the Municipal Law Enforcement Officer.

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- Pro-rated funding amounts for tenant education and the community research table

Funding for this would derive first from any unspent funds in the Social Housing Transition Reserve #112244, then from any Housing Services Division Surplus and ultimately by any source deemed appropriate by the General Manager of Corporate Services.

Staffing Implications

The following permanent FTE and associated costs would be required to undertake the proposed Hamilton Tenant Support Program.

- 1 FTE Manager, Tenant Support Program \$188,000;
- 1 FTE Project Manager \$143,000
- 2 FTE Contract Analysts \$236,000;
- Program Secretary \$80,000; and,
- Municipal Law Enforcement Officer \$108,000 plus \$50,000 for a vehicle and \$8,900 for annual maintenance costs.

Legal Implications

Legal Services' support would be required to draft and execute all necessary agreements.

Analysis

The program as described in recommendation (b) to this report would not start until the 2024 budget process had been finalized which would likely be April, 2024. This would allow Council to weigh the cost of this program in relation to other asks in the budget. This course of action would leave the resources available to tenants unchanged until that time.

APPENDICES AND SCHEDULES ATTACHED

N/A