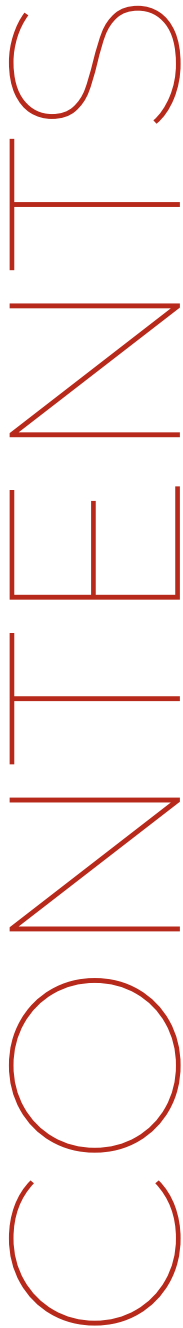


2024 Budget for Tenants



Communication for the January 16th
General Issues Committee



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WHAT IS ACORN?

ACORN Canada, the Association of Community Organizations for Reform Now, founded in 2004, is an independent grassroots organization that fights for social and economic justice for low and moderate income communities. We believe that social and economic justice can best be achieved by building community power for change.

ACORN has over 168,000 low-to-moderate-income individual members in 24 neighbourhood chapters in 10 cities across the country. ACORN started organizing in Hamilton in 2017 and has grown to have four neighbourhood chapters: Downtown, Mountain, East End and Stoney Creek.



BACKGROUND

Hamilton is in the middle of a worsening housing crisis. One of the key contributing factors has been a sharp increase in the number of renovictions. Housing is a human right. Yet renovictions are forcing tenants out of their affordable homes to give way to higher rent apartments. In Ontario, when tenants move out, landlords are free to increase rents by as much as they want, creating an incentive for landlords to push out long-term tenants. There are many buildings in Hamilton, of a similar age to the ones where tenants are being renovicted, where the landlord is not forcing tenants out and are instead doing ongoing maintenance and major repairs without tenants moving out. Once displaced, these tenants are thrown into a housing market where they are not able to afford the rent or are forced to cut back on spending for essential services just to be able to pay for their housing.

Since 2017, ACORN Hamilton has been advocating for strong municipal policies and programs to support and protect tenants in the City of Hamilton. Over the past six years, our members have led organizing in their buildings to defend their homes from predatory landlords who circumvent the law and exploit loopholes in legislation in the name of maximizing their profits.

ACORN commends Council's support for the creation of the Safe Apartment Bylaw, Tenant Support Program and a local bylaw to restrict renovation and now these programs need to secure funding in the 2024 budget to make them a reality.

ACORN PLATFORM FOR THE 2024 BUDGET

01

Fund the Safe Apartment Bylaw

Proactive property standards enforcement program. Require landlords to register with the city.

02

Fund the Renovation License and Relocation Bylaw

The goal of the policy would be to disincentivize landlords from pursuing eviction under the guise of renovations but still allow legitimate renovations to proceed (with tenants protected).

03

Fund the Tenant Support Program

The Hamilton Community Legal clinic would take over the current Tenant Defence Program. Expanding the program to support more tenants.

04

Fund next steps to develop a max heat bylaw

In May 2023 this motion was passed: 2024 budget allocation for allowing the licensing and by-law division to develop, update and enforce city by-laws to protect tenants.

TENANTS ARE TAXPAYERS

Hamilton tenants pay taxes through their rent and those renting in an older apartment/multi-residential building pay more than twice the property tax in their rent as that of a single-family home or new condominium. While the Residential Tenancies Act does permit extraordinary property tax increases to be eligible for an Above Guideline (pass costs down to tenants), since Hamilton already taxes multi-residential apartments higher, the city is not allowed to pass any budgetary increase to the multi-residential property class, this class will not see an increase in their taxes as a result of any 2024 budget increases. Tenants pay taxes and deserve to see their interests represented in the budget. Furthermore, vulnerable low income tenants (who live in rent controlled buildings) will not face a rent increase because of the proposed 7.9% increase but stand to lose if the tenant programs Council committed to in 2023 are not properly funded.

SAFE APARTMENTS BYLAW

In August 2023, Council endorsed the creation of a landlord registration program based on the MARC program in Mississauga and RentSAFE in Toronto. The Safe Apartment bylaw requires landlords to register with the City of Hamilton and fulfil a comprehensive set of requirements to ensure health and safety in apartment buildings with 6 or more units with 2 or more stories.

Right now Hamilton bylaw operates on a complaint based system. Many Hamilton tenants do not know who to call when they are having issues in their home with lack of repairs or pest control, not to mention barriers like language barriers, disabilities and general fear of speaking out against their landlord.

The Safe Apartment Bylaw will work towards improving conditions in the thousands of purpose built rental units in the City of Hamilton.



TENANT SUPPORT PROGRAM

Funding the Tenant Support Program is crucial to keeping tenants housed. Many tenants don't know their rights or how to navigate the legal system, leaving them susceptible to exploitation from landlords circumventing the law. It encompasses four key program areas: the Tenant Support Program (hosted by the Hamilton Community Legal Clinic), tenant organizing and capacity building, and tenant education. The Tenant Support Program would continue to give low-income tenants access to legal representation that they would otherwise not be able to afford, while removing the current barrier of requiring them to source their own representation. The tenant organizing and capacity building to be led by ACORN and the Housing Help Centre are equally important. ACORN members have organized tirelessly through building and neighbourhood tenant meetings, actions, town halls, and workshops to ensure fellow members and tenants city-wide know their rights and how to work with their neighbours to defend their homes. Currently ACORN is organizing and supporting tenants at over 10 multi residential buildings in the city facing renoviction or AGI. The additional funding allocated via the Tenant Support Program will allow ACORN to continue and expand this work and reach a greater number of tenants in the Hamilton community.

RENOVATION LICENSE AND RELOCATION BYLAW

If passed at the January 17th General Issues Committee (ratified at January 24th Council meeting), the Renovation License and Relocation Bylaw would be the first of its kind in the province of Ontario, and the policy is desperately needed. Protecting Hamilton's affordable housing is more important now than ever. The average market rent in Hamilton for a one-bedroom apartment is currently \$1755, compared to \$875 just 7 years ago. Hamilton has lost 15,000 units that rent for less than \$750 a month in the last decade.

Renoviction shatters the lives of families, breaks long-held community bonds, drives up rents in the neighborhood, increases homelessness and strain on social services, incentivizes landlords to allow their buildings to fall into disrepair and destroys existing stock of affordable housing. While tenants do have the legal right to return to their unit at their current rent once renovations are complete, ACORN has yet to see a landlord follow the law and honour these requests. The Renovation License and Relocation Bylaw aims to address this in many ways, most notably by requiring that landlords provide returning tenants with either suitable alternative accommodation for the duration of the renovations or compensation in the amount of the difference in rent.

ADDRESSING THE FINANCIAL IMPACT OF TENANT PROGRAMS ON THE BUDGET

The City of Hamilton has acknowledged the housing crisis we are currently facing and highlighted affordable housing and homelessness as a priority of the 2024 Tax Supported Budget. Homelessness is extremely costly to the city. More unhoused individuals results in increased use of emergency rooms and healthcare resources, policing services, increased need to fund shelters and transitional housing, and increased strain on food banks. The 2024 budget outlook allocates \$10.2 million to treating the symptoms of the homelessness crisis, split between encampment protocol and addressing the needs of unsheltered individuals. It allots another \$4.1 million to ending chronic homelessness.

Investing in preventative measures is key to reducing remedial expenditures in the future and eventually resolving the homelessness crisis. Keeping tenants in their homes protects some of our community's most vulnerable members and helps alleviate the current homelessness crisis; almost all of the tenants being evicted by renoviction are long-term tenants paying well-below market rent, sometimes on fixed incomes, who cannot afford to move and would be evicted into homelessness.

The Safe Apartment Bylaw, Tenant Support Program and Renovations Licence and Relocation Bylaw will work in tandem to preserve the city's market affordable housing stock.



TENANT TESTIMONIALS

Tracy - Tenant Defence Fund for Renovation

“It’s not great to be sitting here for 10, 12, maybe even 13 years and get an eviction notice. ACORN helped; I probably would have left if it weren’t for them. I didn’t know my rights. You get a letter like that and you think ‘oh, I’ve gotta get out’, but then I found out about ACORN and it was like ‘wait, I don’t have to get out’. The landlord never took anyone to court, but they sent out the notices and got a few people out. Thanks to ACORN and the Tenant Defence Fund I was able to stay in my housing but it doesn’t make you feel great when you’re in a place where you know you’re REALLY not wanted because they want your apartment. But we won for now.

Having access to the Tenant Defence Fund definitely had an impact on my landlord’s decision to back down. I don’t think he wanted to have problems. He just wanted us to go quietly. The first step was calling ACORN. They explained my rights to me and connected me with a paralegal funded by TDF. I went to a few meetings with the paralegal where they explained the situation to me and all the steps that needed to be taken. They emailed the landlord introducing themselves as my legal representation. Just the fact that I had access to legal representation was threatening enough. With ACORN, we did lots of actions and brought press attention to the situation and I think that swayed the landlord too.

The Tenant Defence Fund can save your life— save the way you’re living. Otherwise people are going to stomp all over you and do as they please— disrupt your family and your life and throw you out the door. People have to know that they just can’t do this to other people and walk away. It’s just not fair. The tactics landlords use to get tenants out no matter what make us feel like we don’t matter at all. We the tenants do matter! Landlords matter too, in a way, but it’s not an even playing field and they shouldn’t be allowed to spit on us. Expanding the Tenant Defence Fund to include more LTB applications would be beneficial for everybody. This’ll keep people even, instead of one side trying to stab the other in the back. That’s what we need”.



Colleen - Renoviction

"I was served an N13 August 18th, 2023, after over 12 years of living there, with a move-out date of December 18th, 2023. There are eight units in the building total and all of us were served. Only five are left occupied. The landlord has used many tactics to try to force us out. They are not doing any interior maintenance. They didn't do any garbage disposal for roughly two months. We called the city several times.

If I am evicted, I don't have anywhere else to go. Basically I'm going to be homeless. I can't afford market rent. Even room rentals are above my ODSP payments, plus that would put me in shared accommodations that wouldn't last because of my disabilities. The system is overburdened. I've even tried to get the portable housing benefit but they aren't accepting anyone who is already housed. They're strictly accepting people who are already unhoused, so I have to wait for that to happen, which will be the literal death of me. I can't even walk a significant distance by myself.

I haven't talked to them about my right of first refusal yet. I would take an alternative accommodation if they could offer me one that's affordable. I highly doubt they can find me one though because, like I said, even rooms are too expensive and I come with a lot of equipment: my scooter, my walker, my prosthetic, my elevator, my bath chair, etc. Even when I do ask, there is a zero percent chance they would honour the request.

Hamilton needs stronger protection against renoviction because honestly it's only a cash grab for landlords. I'm not saying anything should be left to ruin, but it takes advantage of the most vulnerable people in our city—ones that don't have anywhere to go, like myself. There isn't a big enough social safety net to catch everybody. Everyone deserves somewhere safe and warm that keeps them protected and out of the elements.



Ocean - Tenant Defence Fund, AGIs, and Healthy Homes

“A new, larger company took over our building around 2017 and started issuing yearly AGIs. Now, they’re asking for 5.5% above the guideline for unnecessary balcony renovations after annual AGIs for any and everything under the sun. We were issued one for fixing the roof, but tenants on the 12th floor are still experiencing leaks and doubt whether the roof has actually been fixed. Even if tenants know the increases are illegal, they don’t have the resources to fight them. After we got involved with ACORN, the burden was lifted off our shoulders. It’s really wonderful to know that we can have some kind of representation that’s fair. The Tenant Defence Fund is important because a lot of these landlords are doing stuff they aren’t supposed to do. The companies taking over these buildings have a lot of money, so they can afford the best lawyers. They can basically do whatever they want. For us tenants, it’s not so easy and it’s really unfair. It feels like the law is only for rich people; if you don’t have money to pay for a lawyer, too bad for you. If more people start fighting back going forward, it could deter landlords from trying to do this to people as often because they’ll realize that they’ll face resistance and incur legal costs—they can’t just do and get whatever they want anymore. An expansion of the Tenant Defence Fund would be really wonderful because a lot of people are being bullied by their landlords because they don’t know how the system works and they’re living in really awful conditions.

My landlord is also neglecting a lot of maintenance. I think they’re just trying to drive out old tenants so they can fix up our units and increase the rent. My disabled daughter spends a lot of time in the bathtub to help with pain management for her spinal condition. I’ve been trying for years to get them to replace the bathtub because it’s in really bad shape. It doesn’t come clean anymore, the caulking around the bathtub was black with mildew or mould, and the floor started crumbling and coming up. I asked the landlord to fix it but they ignored me. After waiting for years, I fixed it myself because I have a toddler and I was worried about him crawling on the broken floor and eating broken off pieces. Afterwards, I was throwing up, had a migraine, and couldn’t get out of bed for 3 days. It would lead to a better quality of life if landlords come to expect that all tenants can take them to court. They’d know that they can’t ignore maintenance requests. Right now, if I go to them, they just ignore it and I can’t do anything about it. They have millions to replace our balconies but look at the conditions my children are living in. I think these policies will make landlords think more about where they’re spending their money. Where someone lives is the most important thing. These kinds of issues are the last things you want to be worried about”.

Esther - Healthy Homes

“We’ve had constant issues in my building. They don’t wash the floors at all. They never cleaned the common areas all throughout COVID pandemic. I had a broken refrigerator for over two years. They never pick up the garbage; they do it once then let it pile up for months and that becomes rodent issues. Every time we report any maintenance issues, if we get a reply at all, it’s passive aggressive and belittling. They’re constantly deferring any type of action and go on to say, at least in my circumstance, that I’m harassing them and making false accusations.

We’ve had a bedbug issue in the building since February 2023. Bylaw ordered them to inspect and spray the unit underneath me. There’s no transparency— they won’t tell us whether or not a certain unit has been sprayed. It’s spread to the whole building now. They’re just moving from apartment to apartment. I reported bed bugs in my unit in August later that year. I didn’t get sprayed until the end of November. The bugs in my unit are gone now but I still have nightmares about bed bugs. We have other ongoing maintenance issues: plumbing leaks, my bathtub not draining, the roof, the security door not working, and more. But bylaw officers for repairs won’t come until the pests are gone.

The Safe Apartments Bylaw totally needs to happen! They need to be upheld and there needs to be consequences. Because landlords can say anything and that they’re maintaining the building while forcing people to live in squalor. The mental and physical problems of living in squalor are horrendous but having nowhere else to go is demoralizing. This can happen to anyone: your grandma, your niece. I am a tax paying citizen of Hamilton. I deserve better. It’s exhausting, but someone has to stand up for everyone else”.

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Chris - Tenant Defence Fund for AGI

“The Tenant Defence Fund helped us to be able to come together as tenants greatly. We were able to have representation for our first AGI. The paralegal assigned to us was able to negotiate a smaller amount. Our landlord was asking for a 0.87% AGI and it was reduced to 0.48%. Without the TDF, I probably wouldn’t have been able to fight for my rights as a tenant at the LTB. It would depend if I qualified for legal aid from the legal clinic. I’m on a fixed income. I don’t think we would all have been able to do it individually. The other tenants in the building and I filed a group application for a stronger case. The Tenant Defence Fund is important because a lot of tenants wouldn’t be able to have representation without it. I don’t think there is anything else like that out there. If someone is working a minimum wage job they might not qualify for legal aid representation but still not be able to afford it. It’s important to have something that can fight for everybody as a unit.

Our building is going through another AGI now. With the second one, most tenants are not paying the AGI amount before it’s approved. ACORN taught us not to pay AGIs until they’re won. That’s your money and they’re using it when it could be sitting in your account benefitting you. They are threatening tenants and trying to take it from us though— knocking on doors and sending emails telling people they have arrears that are just unapproved AGI amounts and telling people that they’ll get kicked out. The TDF is well needed for tenants not to get taken advantage of. They need to know where they can turn to for help. Landlords take advantage of people— newcomers whose first language isn’t english, tenants who don’t know their rights— and threaten them saying ‘you pay or you get out’. Some people just pay it because they’re scared, you know? We will be using ACORN and the TDF again to fight our second AGI. This time they’re asking for 2.08% above the guideline.

The expansion of the Tenant Defence Fund to the Tenant Defence Program as part of the Tenant Support Program is definitely beneficial because, like I said, it’s not good to go into a court case or the LTB without representation or knowing your rights because they’ll just walk all over you. It’s very important that tenants be able to access that and fight these corporate landlords that have all the money. Facing eviction is usually a really hard time to be going through – you shouldn’t have to go through it alone”.



CONCLUSION

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 significantly impacted long-term tenants whose annual rental increases are below the market rent 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 its approximately 72,000 rental households.

ACORN is urging Council to invest in Hamilton's future and fund the Tenant Support Program, the Safe Apartment Bylaw, and Renovation License and Relocation Bylaw. Hamilton has an opportunity to be a leader in municipal tenant protections. Tenants are counting on bold action from City Hall. If the provincial government is going to turn its back on low and moderate income tenant communities in favour of landlord and investor profit, we need our local government to take a stand and protect the most vulnerable residents of our city.



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