

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services

TO: Chair and Members Economic Development and Planning Committee	WARD(S) AFFECTED: WARDS 1 and 8
COMMITTEE DATE: March 2, 2010	
SUBJECT/REPORT NO: Neighbourhood Residential Rental Housing Community Liaison Committee - Proactive By-law Enforcement Pilot Program (PED10049) (Wards 1 and 8) (Outstanding Business List Item)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development	PREPARED BY: Joe Xamin 905-546-2424 Ext. 6656 Marty Hazell 905-546-2424 Ext. 4588
SIGNATURE:	

RECOMMENDATION:

- (a) That, in accordance with the direction to investigate/report with costing and an implementation plan for an 18 month proactive by-law enforcement pilot program for Wards 1 and 8, consideration be given to hiring four temporary part-time Special Enforcement Officers for 12 months (at an estimated cost of \$200,000.00 to be financed from the Parking Reserve # 108021);
- (b) That staff be directed to report back before the end of the 12 month pilot with the results and associated recommendations;
- (c) That Item “L1” respecting “Report 009-001 of the Neighbourhood Residential Rental Housing Community Liaison Committee (Wards 1, 8, 10 & 12)” be identified as completed and removed from the Economic Development and Planning Committee’s Outstanding Business List;
- (d) That Item “L6” be identified as completed and removed from the Economic Development and Planning Committee’s Outstanding Business List, and be forwarded to the Public Works Committee for action.

EXECUTIVE SUMMARY

On September 8, 2009 Citizen Committee Report entitled “Report 009-001 of the Neighbourhood Residential Rental Housing Community Liaison Committee (Wards 1, 8, 10 & 12)” was presented to the Economic Development and Planning Committee and included eight recommendations to manage rental housing in the proposed study areas which were referred to the General Manager of Planning and Economic Development for a report back on the issues prior to any further action being taken. The eight recommendations included:

“(c) That staff be directed to investigate and report to Economic Development and Planning Committee with costing and an implementation plan for an 18-month proactive by-law enforcement pilot program for Wards 1 and 8 that includes:

- (i) a focus on problem properties/landlords,
- (ii) an educational component for landlords and tenants, and
- (iii) a plan to identify properties that may be operating illegally as lodging homes and an enforcement strategy to address the matter.

(h) That staff be directed to investigate service level improvements to address stakeholder comments/concerns regarding transit hours of operation, waste container limits and additional options, and potential waste by-law amendments (as noted in Option 8 of Appendix “C” of this (Report 009-001) report) and report back to Economic Development and Planning Committee.”

With respect to recommendation (c), this report sets out the requirements if Committee and Council wish to consider a 12 month pilot proactive by-law enforcement program for Wards 1 and 8. Implementation would require four, new temporary part-time Special Enforcement Officers to be approved, funded from the Parking Reserve. Such a program would allow the City to focus its resources on chronic problem properties and landlords, and possibly achieve greater compliance and reduce the number of chronic problem properties over time.

With respect to item (h), the suggested service improvements have been forwarded to the appropriate Divisions of Public Works for consideration and follow up and Planning and Economic Development staff feel it would be more appropriate for those items to be dealt with by the Public Works Committee.

Alternatives for Consideration – See Page 6

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: There are no staff resources available for a dedicated proactive by-law enforcement pilot program. The 12 month program involving four temporary part-time Special Enforcement Officers (estimated cost of \$200,000.00) is suggested to be funded from the Parking Reserve with no levy impact.

Staffing: See Financial for details.

Legal: N/A

HISTORICAL BACKGROUND (Chronology of events)

In accordance with the October 15, 2008, Council direction, the Neighbourhood Residential Rental Housing Community Liaison Committee (NRRHCLC) was established to investigate the feasibility of regulating residential rental housing in Hamilton. The NRRHCLC operated from January to July 2009 and conducted extensive consultation. The consistent message to the NRRHCLC was that the City should be enforcing existing by-laws as opposed to creating a licensing by-law. The NRRHCLC developed the following eight recommendations which were referred to the General Manager of Planning and Economic Development for a report back on the issues prior to any further action being taken:

- “(a) That the Neighbourhood Residential Rental Housing Community Liaison Committee’s findings and results pertaining to licensing rental housing be forwarded to the City-wide Residential Rental Housing Review Community Liaison Committee for information.
- (b) That the matter of a Zoning By-law Amendment to limit the number of bedrooms and/or habitable rooms in a dwelling be referred to Zoning By-law Reform staff for further review and that consideration on the development of regulations for Ward 8 be considered for the Residential Zones in the City of Hamilton Comprehensive Zoning By-law 05-200.
- (c) That staff be directed to investigate and report to Economic Development and Planning Committee with costing and an implementation plan for an 18-month proactive by-law enforcement pilot program for Wards 1 and 8 that includes:
 - (i) a focus on problem properties/landlords,
 - (ii) an educational component for landlords and tenants, and
 - (iii) a plan to identify properties that may be operating illegally as lodging homes and an enforcement strategy to address the matter.

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- (d) That staff be directed to investigate and report to Economic Development and Planning Committee regarding the potential effectiveness of creating a rental housing registry that would include property owner and their contact information.
- (e) That staff be directed to investigate potential partnerships with McMaster University and Mohawk College as both schools partner to develop and enhance their respective Voluntary Landlord Certification Programs.
- (f) That staff be directed to investigate and report to Economic Development and Planning Committee on the feasibility of creating an incentive program to encourage the de-conversion of rental properties back into single family homes.
- (g) That staff be directed to investigate and report to Economic Development and Planning Committee regarding the feasibility of hiring a Community Liaison Outreach Coordinator, on a costs sharing basis with McMaster University and Mohawk College to liaise, facilitate and mediate problems between landlords, tenants, residents, the City/Councillor's, and the academic institutions.
- (h) That staff be directed to investigate service level improvements to address stakeholder comments/concerns regarding transit hours of operation, waste container limits and additional options, and potential waste by-law amendments (as noted in Option 8 of Appendix "C" of this (Report 009-001) report) and report back to Economic Development and Planning Committee."

POLICY IMPLICATIONS

Enforcement of Property Standards, garbage/debris, long grass/weeds, sidewalk snow clearing, etc is conducted on a reactive (complaint) basis in accordance with the Council endorsed Community Based Enforcement Strategy.

RELEVANT CONSULTATION

Finance staff was consulted respecting the pilot program funding.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Initially, staff, in assisting the NRRHCLC formulate its recommendations, undertook an analysis of complaints between 2003 and 2009 for Wards 1, 8, 10 and 12 for such infractions as long grass/weeds, garbage/debris, illegal dumping, construction without a permit, noise, property standards and zoning. The conclusion was that Wards 1 and 8

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accounts for 25% of the total complaints across the City for these types of infractions, and 45% of these are for repeat offenders.

Based on the nature of complaints in Wards 1 and 8, staff feel that any pilot proactive enforcement program should be at least 12 months in duration in order to be able to accurately assess all enforcement efforts over all four seasons, and the use of part-time staff would be less disruptive to the current staff complement and would allow management to increase hours during peak times and decrease hours during slower periods of the season. Staff feels that the program can be adequately assessed in 12 months rather than 18 months as suggested by the NRRHCLC.

It was also recommended by the Citizen Committee that an educational component for landlords and tenants be included as part of the pilot program. Currently there is a Community Liaison Coordinator whose responsibility includes developing educational programs pertaining to the various by-laws within the purview of Municipal Law Enforcement. Many materials that would support the proactive by-law enforcement program are already developed or currently being developed.

The Citizen Committee Report also recommended that a plan be created to identify properties that may be operating illegally as lodging homes and an enforcement strategy to address the matter. Currently two initiatives are underway that will be addressing this issue. The first is the Comprehensive Rooming House Strategy endorsed by Council on October 15, 2008 as outlined in the report "Roomers and Boarders – A Comprehensive Approach (PED05215(c) /SPH05066(c)) (City Wide)".

The Comprehensive Rooming House Strategy is an initiative to improve the condition of existing lodging houses through inspections and enforcement, educate and improve relationships with lodging house operators and work with tenants "to ensure they are aware of their rights, and have access to appropriate income, social services and mental health supports." The other component of the strategy is to bring into compliance other lodging homes which may be operating without a license. In order to complete this work, it was recommended that a Rooming House Coordinator position be created contingent upon Federal or Provincial funding.

The City of Hamilton has entered into a collaborative partnership with the Housing Help Centre to initiate the rooming house strategy. In September 2009, the Housing Help Centre received funding for the position and the pilot project through the Homelessness Partnering Strategy (HPS) for the period October 1, 2009 to March 31, 2011. The Rooming House Coordinator has been hired and part of their work plan will include some illegal lodging homes that may exist in Wards 1 and 8 respectively.

Another initiative relates to zoning enforcement of illegal dwellings which breach the City of Hamilton's Zoning By-law 6593. This pilot is being undertaken in the Property

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Standards and Zoning section of Municipal Law Enforcement, and the focus includes, but is not limited to, “illegal self-contained units” or lodging rooms. There is potential synergy with the Proactive By-law Enforcement pilot being recommended and these two other initiatives to deal with illegal lodging homes in the proposed pilot areas.

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

One alternative would be to use only 2 temporary part-time Special Enforcement Officers for the pilot program instead of the recommended four Officers. However, this option would limit staff’s availability to balance proactive enforcement efforts across the two Wards.

A second alternative would be to second existing staff into the pilot program, rather than hiring new staff, and not backfill the vacancies. While this option would have no impact on operating or reserve funds, it would have a tremendous negative impact on existing staff resources and workload.

A third alternative would be to run the program for 18 months as suggested by the NRRHCLC. However, staff feel that the program could be adequately assessed over 12 months (four seasons) rather than to unnecessarily expend funds from the Parking Reserve.

The final alternative would be no pilot proactive enforcement program.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Skilled, Innovative & Respectful Organization

- ◆ More innovation, greater teamwork, better client focus

APPENDICES / SCHEDULES

MH/JX/dt