To: Chair and Members
Social Services Committee
PED05215(a)/SPH05066(a)

From: Lee Ann Coveyduck
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Date: February 13, 2006

Re: Update on the 1994 Roomers and Boarders Task Force
(PED05215(a)/SPH05066(a)) (City Wide)

Council Direction:

The Social and Public Health Services Committee directed staff to prepare a response to the concerns expressed in the presentation by the Housing Help Centre at its meeting of December 13, 2005.

Information:

Following are the concerns / questions brought forward by the Housing Help Centre and staff response:

1. One comprehensive definition of rooming houses was needed according to the 1994 report.

The Task Force had identified that the definitions of a lodging house in the former City of Hamilton Licensing Code, the City of Hamilton Zoning By-law and the Ontario Fire Code were not consistent. The following definitions of a lodging home are provided in the current City of Hamilton Licensing Code and the City of Hamilton Zoning By-law and reflect the consistency requested by the Task Force. Staff have been advised that the current definition of the Fire Protection and Prevention Act is being reviewed for amendments so that the definition will match the definition in the Building Code Act.
City of Hamilton Licensing Code By-law No. 01-156 Schedule 9 Section 1(a):

"lodging house" means a house or other building or portion thereof in which four (4) or more persons are harboured, received or lodged for hire, and where lodging rooms are without kitchen facilities for the exclusive use of the occupants, but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital, home or institution, is licensed, approved or supervised under a general or special Act other than the Municipal Act;

City of Hamilton Zoning By-law No. 6593 Section Two (Residential Uses) (xii)

"Lodging House" shall mean a dwelling or building or portion thereof in which lodging is provided for more than three (3) persons for remuneration, or the provision of services or both, and the lodging rooms do not have bathrooms and/or kitchen facilities for the exclusive use of individual occupants, but shall not include the following:

(i) a hostel;
(ii) a hotel;
(iii) a public or private hospital;
(iv) a nursing home;
(v) a home for the aged or a home for elderly persons;
(vi) a tourist home;
(vii) a residential care facility; and,
(viii) a short-term care facility.

2. **No person was to operate without a licence.**

Following the amalgamation of the City of Hamilton, the City of Hamilton Licensing Code By-law No. 01-156 was enacted. Schedule 9 – the Licensing of Ordinary Lodging Houses of the Licensing Code regulates the licensing of ordinary lodging houses and applies to lodging houses located within the City of Hamilton. In order to address concerns identified by the Roomers and Boarders Task Force findings, the licensing regulations include the following provisions:

- there shall be at least one (1) water closet, one (1) wash basin, and one (1) bath tub or shower bath in a separate room or compartment, for every seven (7) residents, based on the lodging house capacity for residents or the actual occupancy, whichever is greater;
- that each resident of the lodging home is supplied with a separate lockable mail box;
- that there is provided at all times an adequate supply of clean towels for each individual, and other customary toilet supplies, and that all water-closet accommodation and toilet accommodation is provided without extra charge; and,
- that there is posted, along with the licence certificate, a notice signed by the operator, giving his or her name, address and telephone number, and the name, address and telephone number of the employee or agent in charge of the particular premises, along with the emergency telephone numbers for Fire, Police, Building and Health.
Pursuant to the By-law the licensed establishments are inspected annually by the Public Health Department and the Hamilton Emergency Services Fire Prevention Bureau and a Certificate of Compliance must be obtained every three (3) years to ensure compliance with the City of Hamilton Property Standards By-law No. 03-117. There are currently 18 ordinary lodging houses that are licensed.

Currently, Standards and Licensing Inspectors investigate possible ordinary lodging houses on a complaint basis including the lists received from the Housing Help Centre. In most cases, the investigation shows that the establishment does not need to be licensed as it does not meet the definition of an ordinary lodging house. During 2005, there were seven (7) complaints received concerning unlicensed lodging houses.

Investigations are often hampered by the inability of staff to gain access to the residential establishment/room/unit for the purposes of obtaining evidence to determine whether the establishment requires an ordinary lodging house license. In order to gain access to a residential unit, the Standards and Licensing Inspector is required to identify him/herself to the occupant; state the reason why he/she is there, and advise the occupant that he/she must receive the permission from the occupant and/or the owner to enter the dwelling. If the inspector is denied access the options are to abandon the investigation or to undertake an application for a search warrant to obtain access. However, the observations provided by a complainant usually do not provide enough evidence to undertake an application for a search warrant.

3. Before a licence is issued owners and operators must attend a training session.

At the time of the Task Force findings, all lodging house operators/licensees were trained and a booklet was provided to each licensee. Each new licensee is provided a copy of the Licensing Code requirements respecting Ordinary Lodging Houses. In addition, the licensing requirements for renewal require that the establishments be inspected annually by Fire and Public Health; and a Certificate of Compliance is required at each establishment every three (3) years. Staff will be reviewing the booklet respecting any required updates. Since 1994, only one (1) new lodging house has been licensed and therefore no training sessions have been held.

4. In 1994, proactive annual inspections were thought to be a way “to maintaining rooming house stock while ensuring the minimum standard of living is retained”.

Standards and Licensing Inspectors are multi-tasked and are responsible for the enforcement of the Property Standards, Yard Maintenance, Noise By-law, Heat By-law, Licensing (28 categories of licences), Vital Services By-law, and Zoning By-laws throughout the City. A pro-active annual inspection and investigation of all suspected lodging houses throughout the City requires an extended time commitment to achieve compliance and would significantly impact Standards and Licensing resource levels to effectively address and resolve the ongoing level of complaints received in the Division. In 2005, the Division received over 10,000 Action Requests (complaints). The Building and Licensing Division is not resourced to provide pro-active enforcement of the
Property Standards By-law and is hard pressed to meet the current demands to respond to complaints received throughout the year.

The administration and execution of this pro-active initiative may not be a cost effective approach, as the costs of enforcement would prove to be prohibitive with uncertain results. A pro-active of this nature would require the hiring of additional staff to enforce the requirements and regulations enacted in the Licensing Code.

The estimated annual financial costs related to the hiring of a full-time Standards and Licensing Inspector are as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Wages Range from</td>
<td>$47,638 to $54,134</td>
</tr>
<tr>
<td>Benefits</td>
<td>$11,190 to $12,716</td>
</tr>
<tr>
<td>Cellular/Land phones</td>
<td>$1,200 to $1,200</td>
</tr>
<tr>
<td>Computer Costs</td>
<td>$1,200 to $1,200</td>
</tr>
<tr>
<td>Desktop PC</td>
<td>$500 to $500</td>
</tr>
<tr>
<td>Training</td>
<td>$1,200 to $1,200</td>
</tr>
<tr>
<td>City Vehicle / Fuel</td>
<td>$6,680 to $6,680</td>
</tr>
</tbody>
</table>

Total Estimated Annual Cost $68,408 to $76,430

The process of investigation is difficult and time consuming because the inspector must gain access to gather first hand evidence to prove the building is being used as a lodging house. The tenants/occupants or owner must give permission to the Inspector to allow entry to the residence(s) in order to undertake the inspection. Many of the facilities that are being rented out seemingly as lodging houses are not in fact lodging houses and are not required to be licensed. There is also the concern that as the City proceeds with the pro-active enforcement of lodging houses, occupants may become more reluctant to grant entry to inspectors if they perceive that the outcome may be that they are eventually evicted as a result of a dwelling unit being determined illegal.

In order to undertake a pro-active enforcement initiative on an annual basis, the current requirement for the lodging house owner to obtain a Certificate of Compliance every three years would be changed so that the Certificate would be required on an annual basis. The annual licensing renewal fee would then be increased $220 plus $20 for each lodger. For example, the annual licensing renewal fee would be increased by $300 per year for a four (4) tenant lodging house. If a pro-active initiative were to be undertaken the licensing fee for Ordinary Lodging Houses would need to be increased to reflect the costs to license this category of business licences, which may result in the property owners not permitting access to Standards and Licensing Inspectors and a growing number of owners choosing not to licence their establishments.
5. The 1994 report recommended staff be dedicated to co-ordination. No staff were assigned, and yet, the City of Ottawa took the Hamilton report and by-law and modelled their rooming house strategy after Hamilton’s. They have dedicated staff to this important community issue and developed a co-ordinated strategy.

Initially, following the Task Force report, staff from various community agencies in Hamilton met to discuss the service barriers faced by roomers. In 1994, several meetings took place to focus on issues facing those being discharged from shelters, hospitals, correctional facilities and rehabilitation centres. While a community agency committee has not formally continued to meet on a regular basis since that time, there has been ongoing work within the community to address the range of discharge issues, including housing. The City’s Community Outreach Team and the Hospital Shelters Working Group are examples of the collaboration and co-ordination between community agencies assisting vulnerable individuals, some of whom may be rooming house tenants.

Subsequent to the release of the Roomers and Boarders Task Force Report, an Implementation Sub-committee was formed. Although a full-time staff person was not hired specifically to co-ordinate the implementation activities, a then Regional staff person was dedicated to facilitate and guide the Sub-committee as they addressed the report recommendations.

Staff has established an interdepartmental committee to co-ordinate the implementation of the recommendations in *Keys to the Home: a Housing Strategy for Hamilton* and will be liaising with the Building and Licensing Division to action the recommendation regarding the feasibility of proactive and harmonized enforcement of rooming houses.

The City of Ottawa is facing similar challenges as the City of Hamilton regarding variations in rooming house definitions between the City and the Ontario Fire Code, by-law enforcement of both licensed and unlicensed rooming houses, and ensuring that rooming houses are maintained as a safe form of affordable housing for both their tenants and surrounding communities.

The City of Ottawa’s Rooming House Services is staffed by a co-ordinator and a community worker. The co-ordinator and community worker are part of the Rooming Housing Response Team (RHRT) which also includes staff from Building and Licensing, Police and Fire. The RHRT’s purpose is to:

- Respond to complaints and community concerns.
- Develop a strategy to deal with specific rooming house issues that arise by either acting directly or by referral to the appropriate internal and/or external agency.
- Monitor and reassess each situation as necessary.
- Continue involvement until the problems are resolved.

This strategy contains informal protocols between departments and external agencies. Once the City of Ottawa’s Official Plan policies and overall housing strategy have been completed, the RHRT plans to formalize their approaches to rooming house issues, including dealing with zoning and licensing issues.
6. Today’s report indicates that the Residential Rehabilitation Assistance Program (RRAP) is a viable form of assistance for rooming house operators. In theory, perhaps but it is well known and documented that the current RRAP is of little interest to private rooming house operators because of the conditions attached to the funding. Can we find a way to get CMHC to change RRAP criteria?

City staff concur with Bob Wood’s assessment and share the same concerns regarding the hesitancy of rooming house operators to obtain RRAP funding due to the program conditions. CMHC sets RRAP criteria, such as the requirement that once RRAP funding has been issued, a rooming house must stay operational for a minimum of 15 years. In the past, City staff have approached CMHC to have the criteria altered but CMHC has been firm on the 15 year requirement as dropping this condition would be inconsistent with other funding programs offered by CMHC.

7. In the penultimate paragraph in the report it is noted that staff have an Interdepartmental Committee and will be liaising with Building and Licensing to action the recommendations in Keys to the Home. We strongly support this approach. Given how slow progress has been in twelve years, could a time frame be put in place for this to happen?

Staff through the “Keys” Implementation Co-ordinating Committee will continue to move forward on implementation of the recommendations not yet complete, including the two recommendations dedicated to rooming houses. This will be done through continued engagement of the various Departments within the City and through collaboration with our community partners. The target date for implementation of all Keys to the Home recommendations remains December 2006, although affordable housing activities will continue long after that date.

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