Council Direction:

City Council, on March 31, 2010, approved an 18 month Proactive By-law Enforcement Pilot Program for Wards 1 to 8 (subsequently named “Project Compliance”) consisting of six temporary part-time Municipal Law Enforcement Officers and a temporary full-time clerk. In accordance with Council direction, “the cost of the pilot, estimated to be $598,000, is being financed from the Parking Reserve #108021, with any fees and fines from the program being returned to the Reserve to off-set the costs.”

Information:

Staff have committed to regular updates to the Planning Committee; the last being on March 1, 2011. This Report provides another quarterly update concerning the pilot program as well as addresses some questions raised at the March 1, 2011 Planning Committee Meeting.

Project Compliance continues to have great success in achieving voluntary compliance, since its beginning in July 2010, over 722 properties have been inspected with a total of 928 orders issued to correct 3,231 by-law deficiencies. The following is a further breakdown of the results since July 2010:

- 557 orders have been issued for property standards violations of which 48% have been complied with,
371 orders have been issued for yard maintenance violations of which 59% have been complied with,

City contractors were hired to complete the work for 38 orders,

with the compliance of the orders noted above, a total of 1,111 deficiencies (35%) were corrected in a timely manner by property owners without requiring further enforcement action; and the remaining orders are in various stages of enforcement,

in addition to the Officers’ normal proactive day-to-day work, 11 proactive “blitzes” have been conducted for property standards and yard maintenance violations (a total of 22 blitzes since July 2010),

an additional 31 by-law charges have been laid bringing the total to 70 to date; and,

revenues generated from July to December 2010 were $23,072 ($22,247 in fees and $825 in fines) while revenues from January 2011 to May 5th, 2011 are $20,028 ($19,403 in fees and $625 in fines).

In terms of financial performance, as significant compliance continues to be achieved at the early stages of enforcement, full cost recovery continues to be in doubt. To date the total net cost of Project Compliance is $369,943 ($413,043 expenditures and $43,100 fine/fee revenues).

In addition to the “benefits not anticipated” already reported on March 1, 2011 through Report PED10049(d), new issues and opportunities arising from the pilot program include:

**Hamilton Housing Audit:**

- Two of the established enforcement focus areas were directed at internal and external Hamilton Housing conditions and, in fact, it is necessary to inspect these properties to ensure that all rental housing is fairly assessed. An audit of a Hamilton Housing multi-residential building was conducted on March 1, 2011 in partnership with Public Health. Numerous property standards issues and pestilence issues (namely bed bugs and cockroaches) were identified. Municipal Law Enforcement and Hamilton Housing staff are committed to working co-operatively to achieve compliance.

Municipal Law Enforcement and Public Health met with Hamilton Housing to discuss the outcome of the audit and to issue the orders. Hamilton Housing was responsive to the situation and, in fact, requested that orders be issued in order to assist with their compliance efforts, as they had just embarked on a comprehensive pest control program for all their properties. An audit of other Hamilton Housing properties is planned for later in the year.
Fire Prevention and other Agencies:

- At the March 1, 2011 Planning Committee, staff was asked to confirm if Project Compliance Officers regularly follow-up with the City’s Fire Prevention section when they identify potential violations to the Fire Code. Staff has confirmed that this has been a practice from the start of the pilot, and that Officers also follow-up with other City departments and/or agencies as required depending upon the situation they encounter. They include and are not limited to: Electrical Safety Authority, Hamilton Police Service, Building Division, and as noted in the last Report Public Health.

Offering Material in Alternate Languages:

- Staff investigated the potential to create project compliance education and information material and/or “door knockers” in other languages. Staff feel that this would be a beneficial tool to assist with proactive enforcement; however, the cost and time involved in creating such material would not be a benefit to the current pilot program, unless it were to become a permanent program.

Zoning Conformity:

- Over the last year, the issue of zoning conformity of single/semi-detached homes which have been illegally converted to duplexes, triplexes or multiple units has been raised through both day-to-day enforcement and through Project Compliance. Staff have met with concerned landlords and realtors who have expressed a concern about the difficulty of de-converting/legalizing these properties and the possible impact on affordable housing.

The issue of zoning conformity has existed for some time and the complexity of dealing with such properties may have created the past-practice to deal with such matters only on a reactive basis. The new Urban Official Plan, currently under appeal at the Ontario Municipal Board, has policies that will allow the right for accessory units (i.e., a secondary unit). The Comprehensive Zoning By-law will implement these policies once the Urban Official Plan has been approved and is in effect. In the meantime, staff will communicate and work with property owners concerning zoning conformity issues to ensure that appropriate steps are taken in order to minimize the impact on tenants and property owners.

Rental Housing Licensing:

- One of the objectives of Project Compliance is to assist in determining whether or not a rental housing by-law is required. As noted the pilot program has been very successful in dealing with external property standards and maintenance issues. There has been some success in gaining access to interior units in multi-residential building audits. However, it has been more difficult in gaining access and inspecting units in single/semi-detached houses because these tenants are less willing to let

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Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
the Officers into their units. Officers have been able to access just over 40 of the 700 single/semi-detached houses, of which three required the use of search warrants. The use of search warrants is an effective tool; however, this method has been used sparingly because it is labour intensive and reserved for more complex issues or situations.

Synergy with the Neighbourhood Development Strategy:

There is synergy between the work that is currently undertaken by Project Compliance and the Neighbourhood Development Strategy about to be undertaken by the Director of Neighbourhood Development.

Municipal Law Enforcement staff and the Director of Neighbourhood Development conclude that Project Compliance can be a valuable support to the City's Neighbourhood Development Strategy, particularly as both initiatives are focussing on similar areas of the City. Under the Neighbourhood Development Strategy, residents and key stakeholders in priority neighbourhoods will be planning together to develop strategies to improve the health of their neighbourhood. Including Project Compliance staff as part of the cross-departmental team supporting neighbourhood planning will bring additional resources to help residents build healthier neighbourhoods. Proactively identifying property standards and maintenance issues can assist in improving the physical appearance of neighbourhoods and therefore improve the sense of pride residents have in where they live. In addition, when residents and key stakeholders identify properties or areas that negatively impact the neighbourhood, Project Compliance staff can help build solutions and approaches to address those concerns. This may include working together with Hamilton Police Services, Public Health Services, Hamilton Fire Department other departments and neighbourhood associations, citizens and councillors when issues go beyond the scope of the Municipal Law Enforcement Officers.

At two thirds of the way through the pilot, staff has reached the following conclusions:

- results to-date of “Project Compliance” show significant contribution in advancing the City’s goals towards a safe and healthy Community.
- significant deficiencies in rental housing are being identified through proactive enforcement, and some sort of pro-activity is required to continue exposing these deficiencies.
- proactive enforcement/inspections as are currently being conducted by “Project Compliance” will not achieve full cost recovery.

Staff will continue to monitor the program and will be reporting in the Fall with a final update and report before the pilot concludes in November 2011.

JX/dt