



ACORN Hamilton

Communication for the August 17th Emergency and Community Services Committee

Regarding 8.1 Hamilton Tenant Support Program (HSC23023(b)) (City Wide) and 8.2 Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide)

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.

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

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 greedy and predatory landlords who are looking to evict tenants in rent controlled units so that they can raise rents and increase their profits. These landlords exploit loopholes in provincial legislation that enable renoviction, demoviction, and raising rents above the annual cap (Above Guideline Increase) and neglect repairs, building maintenance and pest control to save money and “encourage” tenants to leave.

With provincial legislation (lack of vacancy control) enabling financialized landlords in the city to abuse the use of N13s and raise rents beyond what low and moderate income tenants can afford, ACORN Hamilton has been focused on municipal solutions in light of there being no desire from the province in maintaining affordability in rental housing and preventing no fault evictions.

ACORN members have organized tirelessly through building and neighbourhood tenant meetings, actions, town halls, and workshops to ensure its members and tenants city-wide know their rights and how to work with their neighbours to defend their homes. Additionally, ACORN members have met with City Councillors and City Staff in the previous and current term to bring these issues forward and demand local action.

Despite several setbacks since the first motion passed in December 2020 directing staff to come back with policies to address the renoviction crisis in Hamilton, ACORN is pleased to see significant progress since April 2023 towards establishing strong local policies and programs to protect tenants from displacement and substandard housing conditions.

Our submission includes support for a number of the recommendations being proposed at the August 17th committee meeting, but also feedback for strengthening the Renovations Licence and Relocation Listing By-law.

ACORN recommendations:

1) 8.1 Hamilton Tenant Support Program Approve staff recommendations.

The Tenant Defence Fund has been an important city program to ensure tenants facing AGIs and N13s can secure legal representation.

With Council support, ACORN looks forward to developing and implementing a new project for the organization to do proactive tenant rights outreach to inform tenants of their rights and share relevant city programs and information.

Our organization also strongly supports the Hamilton Community Legal Clinic taking over the Tenant Defence Program to provide legal services. The clinic has more than a decade of experience working with Hamilton tenants and has a deep understanding of what is at stake when tenants receive no fault eviction notices, high rent increases, and struggle with substandard housing conditions. ACORN has worked closely with the clinic over the years and believe they are best positioned in the city to provide professional and high quality representation to the low and moderate income tenants who seek out the program.

2) 8.2 (Appendix G) Changes to the Vital Services Bylaw Approve staff recommendations.

ACORN strongly supports the changes to the Vital Services bylaw to better protect tenants during vital services disruptions and hold landlords accountable.

As referenced in the report, the updates were driven from the situation at 1083 Main Street East in downtown Hamilton where a handful of tenants went 86 days without any running water.

ACORN is hopeful that along with the Safe Apartments By-law, updates to the Vital Services / Property Standards By-law will be effective in deterring landlords from withholding repairs to vital services.

3) Property Standards Bylaw Approve staff recommendations with the following amendment:

Add: Mail.

- A. Every dwelling unit shall have a separate and secure mail box or mail receptacle that is maintained in good repair at all times.
- B. If a mail slot provides direct access into a dwelling unit, it shall be designed or located so as to prevent access from the slot to unlock the doorknob or other locking device.
- C. Access to mail rooms shall be maintained in good repair to ensure the security of the mail.

In March 2021, Council unanimously approved additions to the Property Standards Bylaw to cover more issues faced by tenants.

For unknown reasons, maintenance and repair of mail boxes / collection was referenced in the staff report but omitted from the final property standards expansion.

Particularly in buildings facing renovation, ACORN has seen landlords refuse to fix broken mail boxes, which jeopardizes the delivery and security of mail.

The committee can use this opportunity to add mailboxes to the city's property standards bylaw.

4) Safe Apartment Building Program

Approve staff recommendations with the following amendments:

A. Remove #44-47 in the bylaw which imposes responsibilities on tenants.

- Putting tenant responsibilities into a licence for landlords that is meant to prevent tenant eviction is not just inappropriate, but counterproductive as it could be used to facilitate tenant eviction.

B. Increase proposed penalties for failure to comply with the Safe Apartment By-Law (Appendix J) from \$400 per individual offence to \$500-600, as is done with RentSafeTO.

C. Amend the transition plan (appendix C) to speed up implementation:

- a. set the deadline for building registrations to 2024, instead of September 2025;
- b. evaluate buildings as registrations are received rather than waiting until after the registration deadline;
 - The current timeline for implementation lists September 2025 as the anticipated deadline for landlords to register with the City of Hamilton, with building evaluations only beginning after this deadline and the first round of evaluations to be completed by 2027.

D. Collect the same information through the application process as is required via the Rental Housing Pilot Program:

- the name, municipal address, telephone number and email address of each Owner
- If the Owner is a partnership, the name, address, telephone number and e-mail address of each partner;

- If the Owner is a corporation, the address of its head office, the name, address, telephone number of each director and officer and a copy of: i. Articles of incorporation; ii. A copy of the last initial notice or notice of change which has been filed with the provincial or federal government; and, iii. A Certificate of Status issued by the Ministry of Government and Consumer services.
- Evidence of ownership of the property to the satisfaction of the Director;
- A sworn statement by each Applicant certifying the accuracy, truthfulness and completeness of the application;
- If none of the Owners reside in the City of Hamilton, or if the Owner is a corporation, the name and contact information of any local contact including their address, telephone number, facsimile number and e-mail address;
- Require disclosure of the number of vacant units in the building (extremely high vacancy is a red flag and should trigger tenant outreach)

E. Require landlords to a) post tenant rights and eviction prevention information on the building notification board that includes a list of tenant support resources and how to access this information in other languages, and to b) provide tenants with tenant rights information when entering into a tenancy agreement.

F. Ensure implementation includes:

- c. Building evaluations include staff leaving pamphlets at all tenant doors informing them of the Safe Apartment By-law and how to contact the city if they have concerns
- d. Building evaluations include a way for tenants to make a complaint about their suite when by-law staff are on site (ie. table set up in the lobby).
 - This is essential since door knocking to speak with tenants about unit conditions will be only triggered when scores are less than 85%. In ACORN's experience, many landlords will invest in cosmetic renovations and upkeep to common areas to be attractive to prospective tenants but neglect long-term tenants' units.
- e. The creation of an Open Data interactive map and reporting of inspection results and property standards violations, similar to the Toronto RentSafe program, to ensure tenants and the community have public access to information about building status and conditions.
- f. Engagement of stakeholders in determining how buildings will be evaluated and scored and the placement of building evaluation scores.
 - It is ACORN's position that displaying the score on the front of the building will encourage landlords of low scoring to improve conditions in the building.
 - Tenants should have input into how different requirements are weighted in determining the evaluation scores
- g. The city's enforcement protocol to be shared on the building notice board and made available on the city's website. (Example: if a violation is identified, how long does a landlord have to respond? What happens if there is no compliance? When will fines be issued? At what point will the city come in and do the work

themselves?) ACORN's position is that tenants will benefit from understanding the process and what to expect.

With Council approval, Hamilton would join other cities in the GTHA that have these proactive programs to ensure landlords are keeping their buildings in good repair. Right now, in Hamilton the onus is on the tenant to make a complaint and proactive inspections occur on a small scale.

5)Renovation and Relocation Listing Bylaw Do not approve staff recommendations.

ACORN commends the city's effort to create a made in Hamilton anti-renoviction by-law, however the proposed bylaw (Appendix D) will not do enough to disincentivize renoviction or ensure tenants have the best chance of maintaining their housing. The bylaw needs to be improved to better ensure that tenants understand their rights, are able to obtain temporary housing, and are able to successfully exercise their right of first refusal (are able to move back into their unit once repairs or renovations are complete).

Comments on the proposed Renovation and Relocation Listing Bylaw

The primary value of the bylaw is that the burden of compliance (fees and administrative requirements) is great enough that it will prevent some landlords from serving tenants N13s in bad faith or if they do proceed with temporary eviction for renovations that tenants are supported to exercise their first right of refusal.

For the public expense of implementing a renovation licensing system to be worthwhile, the potential benefit to the tenant must be more significant than what has been proposed. What the city has proposed is based on an interpretation of their legislative authority that we believe to be incorrect. We believe that a municipal bylaw that better serves tenants is legally possible under existing legislation.

The proposed renovation license bylaw only requires landlords to attempt to provide tenants with a list of similar units. This is inadequate for preventing renoviction, will not prevent tenants from being rendered homelessness, and does not facilitate tenants' exercise of their right of first refusal.

The City of Hamilton has an opportunity with its Renovation License to establish a process that ensures tenants are able to exercise their right of first refusal and know their rights:

- Requires landlords to post notices in common areas and to tenants being renovicted that they are applying for a license along with tenant rights and resource info.
- Requires landlord to provide comparable alternative accommodation or make arrangements for comparable alternative accommodation (a rent top up for the cost of a market rent unit) for the duration of the renovations.
- Establishes a process to ensure tenants are able to move back into their unit once renovations are complete
- Sets the fine for not getting a license significantly higher than the fee for getting the license (currently, fine is significantly lower than the fee, which encourages landlords to not get license and just pay fine.) Lower the fee, and significantly raise fine: must be a

meaningful deterrent in relation to the profits that will be realized through renovation (ie. ACORN is seeing buyouts in \$10,000 - \$20,000 range but even offers as high as \$75,000)

- Requires that tenants be notified when landlord applies for license to ensure application documents aren't falsified.
- Requires the provision of an operational plan, addressing the operation of the rental property during renovation and repair to minimize disruptions to tenants (ie. water shutoffs, dust, debris and noise from renovations of vacant units)
- Requires that tenants be provided with regular status updates of repairs/renovations at prescribed intervals.

Conclusion

ACORN looks forward to delegating to the committee to share our support for the Tenant Support Program, updates to the Vital Services and Property Standards By-laws, Safe Apartment By-law (with amendments) and are hopeful that time is given to review the Renovations and Relocation Listing License proposal and seek feedback from appropriate stakeholders to develop the strongest possible local anti-renoviction policy.

Cities will be reliant on private and financialized landlords for rental housing for the foreseeable future, and it is therefore critical that we, as a city, do more to protect vulnerable tenants and low and moderate income tenant communities from poor housing conditions, increasing housing unaffordability, eviction and homelessness. The proposed suite of tenant policies and programs will make significant progress in protecting tenant rights and preserving market affordable housing stock.

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