



ADMINISTRATIVE REPORT

Report Date: September 9, 2014
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VanRIMS No.: 08-2000-20
Meeting Date: September 16, 2014

TO: Vancouver City Council
FROM: General Manager of Community Services
SUBJECT: Changes in Enforcement Provisions Pertaining to Single Room Occupancy Hotels (SROs)

RECOMMENDATION

- A. THAT Council amend the Standards of Maintenance By-law, generally in accordance with Appendix A, to clarify maintenance standards for SROs and to delegate authority to the Chief Building Official in consultation with the General Manager of Community Services, to order that action can be taken to address the most common SRO violations and that if the work is not done, the City could do the work at the owner's expense 60 days later.
- B. THAT the Director of Legal Services be instructed to prepare the necessary By-law for enactment.

REPORT SUMMARY

This report recommends amendments to the Standards of Maintenance By-law to improve liveability standards for Single Room Occupancy (SRO) Hotels. The Vancouver Charter authorizes the City to order that certain actions be taken by an owner, and if the owner fails to take action required within 60 days, the City can take the action at the owner's expense. The proposed amendment builds on the success of the City's Integrated Enforcement Team by helping to ensure an expedited process to protect the health and safety of SRO tenants.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Standards of Maintenance By-law 1981
Single Room Accommodation By-law 2003
Downtown Eastside Housing Plan 2005
Homelessness Action Plan 2005
Housing and Homelessness Strategy 2012

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager approves the foregoing.

REPORT

Background/Context

Council's priorities are to end street homelessness and create more affordable housing options for all Vancouverites. Homelessness has devastating impacts not only on the individual experiencing homelessness, but also on health and well-being of communities.

SROs play an important role in the housing continuum. The stock, though recognized as an inadequate form of housing today with shared bathrooms and lack of cooking facilities, is often the only form of housing affordable to individuals on income assistance or other individuals living on limited incomes. As a result, SROs are usually the last step before homelessness for our most vulnerable citizens. SROs were typically built before the First World War so because of their age, they are often in need of significant repair. Individuals at the Oppenheimer protest have indicated they are no longer able to tolerate poor conditions in the SROs.

The City's Integrated Enforcement Team continues to pursue compliance with health and safety by-laws such as the Standards of Maintenance By-law. Through the City's SRO Task Force guidance, and various City tools such as our on-line rental database, the City's Enforcement Team has been able to reduce over 7,200 Standards of Maintenance violations - mostly in SROs in 2012 down to approximately 1,700 in August 31, 2014. The Standards of Maintenance By-law is a City by-law that allows the City to inspect and require minimum liveability standards for SROs to ensure their adequate maintenance and management.

Strategic Analysis

The Stock

The City's biennial "Survey Low Income Housing in the Downtown Core" found that as of January 2014, there were 109 privately owned (as opposed to government or non-profit owned) SRO buildings containing an estimated 4,579 SRO rooms in the downtown core.

Integrated Enforcement - Use of Rental Standards Database (RPS)

Launched in January 2013, the RPS database (www.saferentals.ca) is a tool to motivate owners and landlords to maintain their properties. The searchable database contains property and fire violation records for all licensed buildings in Vancouver with five or more residential units (in both privately and publicly owned buildings) including:

- Single-room occupancy hotels
- Purpose-built rental housing
- Non-market housing
- Supportive housing units

Information from the RPS has assisted the Integrated Enforcement Team to prioritize enforcement actions (the team consists of City departments, as well as the Vancouver Fire Department and Vancouver Police Department). The goal continues to be to work with property owners to achieve compliance with by-laws related to health and safety without displacement of tenants. In January 2012, there were 7,210 violations in rental buildings in Vancouver. In January 2013 (following 6 months of intense work with landlords who were not in compliance) the number of violations was reduced to 3,140. Today, there are 1,743 violations. This represents a reduction of over 76% between 2012 and August 31, 2014. The number has remained stable at around 1,700.

The table below shows that since the launch of the RPS, the number of overall violations has dropped significantly:

	Jan 2013	August 31, 2014
Buildings with 100+ violations	7	1
Buildings with 50-99 violations	4	3
Buildings with 10-49 violations	50	29
Building with 1-9 violations	243	369

Inspection Process to Expedite Health and Safety By-law Compliance

Privately owned and operated SROs consistently rank at the top of the RPS for number of outstanding violations. City of Vancouver Property Use Inspectors (PUIs) and the Vancouver Fire Department inspect SROs an annual basis. The most common Standards of Maintenance By-law violations found by PUIs include:

- Lack of pest management
- Holes in walls and ceilings
- Worn and soiled flooring
- Damaged doors and frames
- Plugged toilets
- Inoperable bathing facilities

- Soiled walls
- Broken windows
- Missing or damaged radiators

The proposed amendments will clarify standards for SROs, referred to in the By-law as lodging houses. The current inspection process involves a PUI issuing a 30 day order to remedy any Standards of Maintenance By-law violations followed by a re-inspection within a week of the 30 day deadline to ensure the violation has been remedied. After that time, any remaining outstanding violations can be brought forward for prosecution (owners fined), and/or proceed to Council to seek approval for a court injunction (the courts order the work to be completed by the owner within a specified timeframe).

For some owners not complying with orders in a timely manner, the proposed amendments to the By-law would allow for an expedited process for the City to carry out the work at the owner's expense. The Standards of Maintenance By-law currently requires Council approval to issue an order that provides the 60 day notice period for the City to complete the work. The proposed amendment would authorize the Chief Building Official, after consultation with the General Manager of Community Services, to issue an order that sets out the required work to be done, and if the work is not done, that the City could do it 60 days later. This amendment will expedite the timeframe in which the City could begin work to remedy outstanding violations by 2-4 weeks. Staff will develop clear guidelines and criteria that will be taken into consideration before action would be taken to carry out the work, including such things as history of violations, condition of the building, length of time other violations have been remedied, etc.

Strategies to Achieve Compliance

In addition to injunctions and prosecution, the Integrated Enforcement Team has been meeting with owners that consistently have a high number of outstanding violations to proactively work with them to have them resolve outstanding issues. This approach is proving to be effective with some owners who in a few instances, are meeting with staff on a bi-weekly basis, but some other owners are failing to comply in a timely manner. Based on feedback from individuals at the Oppenheimer protest and through the work of the Integrated Enforcement Team, three privately owned and operated SROs have been identified as being among the highest standards of maintenance violators requiring immediate action. Staff continue to work with owners to bring their buildings into compliance and in one instance have been successful in having the private owner hire a non-profit housing provider to manage their building. Some SRO owners are starting to recognize the value of the non-profit's experience in operating and managing these types of buildings.

Implications/Related Issues/Risk (if applicable)

Financial

The report recommends amendments to the Standards of Maintenance By-law that would authorize the Chief Building Official to order that pests be removed from a dwelling, and if the work is not done, that the City could do it 60 days

later. The City would then recoup those costs from the owner, either directly or by adding it to the taxes owed for the property.

Legal

Section 306(i) of the Vancouver Charter authorizes the proposed amendment.

CONCLUSION

This report recommends amendments to the Standards of Maintenance By-law to clarify standards for SROs and expedite the maintenance and repair of SROs to improve health, safety and livability for SRO tenants.

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BY-LAW NO. _____

**A By-law to amend
Standards of Maintenance By-law No. 5462
regarding maintenance orders**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Standards of Maintenance By-law.
2. Council repeals the current subsection 21.10 and replaces it with the following:
"21.10 Every lodging house owner shall at all times keep or maintain the lodging house:
 - (a) in a thoroughly clean and sanitary condition, including windows and lightwells;
 - (b) free of pests, including insects and rodents;
 - (c) fixtures and appliances in good working order and repair;
 - (d) floors, stairs, doors, walls and windows in good working order and repair;
 - (e) heating system in good working order and repair; and
 - (f) sinks, toilets and bathing fixtures in good working order and repair."
3. Council inserts a new subsection 23.8A as follows:
"23.8A In addition to Council's authority under Subsection 23.8, where any building used as a dwelling does not comply with standards set out in Subsection 21.10 of this By-law, the Chief Building Official may, after consulting the General Manager, Community Services, order that failure to remedy any default specified in such order within 60 days after service of such order, will result in the work being carried out by the City at the expense of the owner."
3. Council repeals the current subsection 23.9 and replaces it with the following:
"23.9 If, upon expiration of the sixty days' notice, all of the defaults specified in an order issued under Subsection 23.8 or 23.8A are not remedied, the City may, by its workers or others, enter upon the premises and effect such repairs, renovations or alterations as are necessary to make the building or land conform to the standards set out in this By-law."
4. Council repeals the current subsection 23.12, and replaces it as follows:
"23.12 Any order or notice referred to in Subsection 23.2, 23.8 or 23.8A hereof shall be sufficiently served if sent by registered mail to the owner or posted on the affected premises."

5. A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.

6. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2014

_____ Mayor

_____ City Clerk