

Homelessness and the Municipal Emergency Plan

(City Council on December 14, 15 and 16, 1999, adopted this Clause, without amendment.)

The Community Services Committee recommends:

- (1) the adoption of the joint report dated November 18, 1999, from the Commissioner of Community and Neighbourhood Services, Commissioner of Works and Emergency Services, and the City Solicitor;**
- (2) that the Commissioner of Community and Neighbourhood Services be authorized to open emergency overnight hostel spaces or warming centres in appropriate locations to ensure adequate shelter capacity in the system; and that potential locations be reported through the Advisory Committee on New Emergency Shelter Sites; and**
- (3) that these emergency overnight hostel spaces or warming centres remain open until shelter occupancy falls below at least 90 percent on an ongoing basis.**

The Community Services Committee reports, for the information of Council, having expressed its appreciation to the staff of the Shelter, Housing and Support Division of the Community and Neighbourhood Services Department for the work undertaken to date.

The Community Services Committee submits the following joint report (November 18, 1999) from the Commissioner of Community and Neighbourhood Services, Commissioner of Works and Emergency Services and the City Solicitor:

Purpose:

To report on the following motions adopted at the October 7, 1999, meeting of the Community Services Committee:

- the development of a protocol to provide for the Mayor to enact the Emergency Plan if and when the City of Toronto finds itself in the position of being unable to provide shelter for those who need it; the possibility of enacting the Emergency Plan should circumstances change; and
- the provision of information on homeless experiences, trends and numbers in other large municipalities in Canada.

Financial Implications and Impact Statement:

There are no financial implications resulting from this report.

Recommendations:

It is recommended that:

- (1) Council continue to direct City staff to take all action necessary to address the demand for emergency shelter in the City of Toronto; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

At its meeting held on October 7, 1999, the Community Services Committee had before it a communication, dated September 23, 1999, from Councillor Jack Layton, Co-Chair, Advisory Committee on Homeless and Socially Isolated Persons, advising that the Advisory Committee recommended that the Community Services Committee and Members of Council ask the Mayor to invoke the emergency by-law and thereby enact the Emergency Plan in order to develop an appropriate plan of action to immediately address the critical shortfall of emergency shelter.

The Community Services Committee did not adopt this motion but, among other things, did request that the Commissioner of Community and Neighbourhood Services, along with the Commissioner of Works and Emergency Services and the City Solicitor, report back on the development of a protocol to provide for the Mayor to enact the Emergency Plan if and when the City of Toronto finds itself in the position of being unable to provide shelter for those who need it. In addition, the Committee requested the Commissioner of Community and Neighbourhood Services to report on the possibility of enacting the Emergency Plan should circumstances change and to provide information on the homelessness experiences, trends and numbers in other large municipalities in Canada.

Comments:

- (1) Overview of the Emergency By-law:

Pursuant to the provincial *Emergency Plans Act* (the “Act”), the City of Toronto enacted By-law No. 47-1998 (the “By-law”) to provide for the formulation of a plan for the provision of emergency services during emergencies affecting the City of Toronto (the “Plan”).

Both the Act and the By-law define an emergency as “a situation caused by the forces of nature, an accident, an intentional act or otherwise that constitutes a danger of major proportions to life or property”.

The By-law is essentially divided into two parts. The first, proactive part provides for the establishment of an Emergency Planning Committee (the “EPC”) consisting of representatives of the City and numerous outside agencies. The EPC has been delegated the authority to formulate the Plan to govern the provision of necessary services during an emergency and to establish the procedures for responding to such emergency.

The second, reactive part of the By-law, deals with the overall co-ordination of an emergency response utilizing the Plan.

(2) Use of the Emergency Plan to Respond to Homelessness:

Given the definition of “emergency” contained in the Act and reiterated in the By-law, the Plan formulated by the EPC is designed to respond to extremely large-scale disaster situations that, though long-term, are temporary in nature and require a co-ordinated response among the various organizations that are represented on the EPC. For example, the Mississauga train derailment two decades ago, which necessitated the evacuation of a quarter of a million people under life-threatening circumstances, is the type of situation requiring an emergency response under the Act, the By-law and the Plan. More recently, the response to the ice storms in Eastern Ontario required a co-ordinated emergency response. The Act, the By-law and the Plan were not designed to address social and economic problems of an ongoing, systemic nature that cannot be resolved in days, weeks or months, but that require the development of long-term sustainable solutions. Homelessness, while a critical and urgent issue for the City of Toronto, is not the type of problem that the Act, By-law or Plan were designed to address. While homelessness may be a disastrous social crisis, it does not easily fit within the scope of an “emergency” as currently defined under the Act, By-law and Plan.

Even if provision of shelter to the homeless was the type of matter that might constitute an “emergency” under the By-law and Plan, the By-law and Plan would only be invoked in cases where the “emergency” was of such a magnitude as to be beyond the everyday capacities and abilities of the emergency service providers involved in daily emergency response. For example, a chemical spill that occurs in the City of Toronto may involve a response by police, fire, ambulance, public health, the medical establishment and others. However, those organizations would generally respond within the scope of their usual, daily activities, which clearly involves responding to emergency situations. It is only when the nature or size of the emergency is beyond the daily response capacity of the emergency responders, that consideration would be given to invoking the Plan. This is particularly true since invoking the Plan results in the convening of at least a portion of the EPC in the Emergency Operations Centre on an ongoing basis for the purpose of administering the co-ordinated emergency response.

The discussion at the October 7, 1999, meeting of the Community Services Committee centred on the use of the Plan to help address the current shortage of emergency shelter space in Toronto. The City recognizes the urgency of this situation and has placed a high priority on finding sustainable solutions. City Council has authorized the Commissioners of Community and Neighbourhood Services and Corporate Services to approve the use of City-owned and privately-owned sites for new emergency shelters that will add as many as 450 new bed spaces by the end of December. A special advisory committee of Councillors has been set up to advise and support staff on the search for and development of new hostel sites including negotiations with private owners.

The Shelter, Housing and Support Division estimates that these new hostel spaces combined with the addition of 230 beds through the Out of the Cold winter program will be enough to meet the demand for emergency bed space this winter. The approach taken by the Shelter, Housing and

Support Division in addressing the hostel bed shortage has been to try and manage the demand for shelter within current resources (i.e., add more beds to existing shelters, use of the Fort York Armoury, etc.) while working to open appropriate facilities that are more sustainable over the long term.

Throughout the decision-making process on the expansion and siting of new emergency shelters, there was no need to invoke the Plan. Additional steps can be taken if the situation worsens such as using public buildings for temporary emergency shelters. These steps are matters within the authority of the City of Toronto and, specifically, the Community and Neighbourhood Services Department, and fall well within the scope of the Department's daily activities. The ability to address issues of shelter and homelessness in this situation would not be advanced in any substantive way by invoking the Plan. In short, invoking the Plan does not give the City any improved capacity to address the problems of homelessness and emergency shelter.

(3) The Emergency Plan and the Role of Senior Levels of Government:

Discussions at the October 7, 1999, meeting of the Community Services Committee also focused on the use of the plan to attempt to extract resources from the senior levels of government to assist in dealing with the homelessness situation in the City of Toronto.

First, there is nothing in the Act that specifically requires the provincial or federal government to provide assistance to the City in responding to an emergency declared under the By-law. While it is possible that the provincial and federal governments would assist the City if they considered it appropriate and/or necessary to do so, there does not appear to be any legal compulsion for either or both of them to assist.

Second, under the Act, the Premier of Ontario has the power to overrule a municipal declaration of an emergency. Therefore, if the City were to declare homelessness an "emergency" with the goal of seeking financial assistance from other levels of government, the Province could simply override the declaration if it chose to do so. While the Province has taken some preliminary steps over the past year to address the growing problem of homelessness, it is unlikely that the City could persuade the Province that emergency measures beyond those currently provided for are warranted that provision of emergency shelter constitutes an "emergency" under the Act.

A more suitable and sustainable strategy builds on the already considerable efforts made by the City of Toronto, and other municipalities across the Province and the country, urging the Province and the federal government to do their part with respect to homelessness. Most recently, the City, along with its municipal and community partners, made presentations to the Standing Committee on Finance regarding priorities for the 2000 federal budget, highlighting the urgent need for affordable housing development.

(4) Homelessness in Other Canadian Cities:

Discussions with Halifax, Montreal, Ottawa, Calgary, Winnipeg, Saskatoon and Vancouver found no other examples of municipalities using their emergency planning by-laws to respond to homelessness in these cities.

Halifax did come close to an emergency situation when their primary men's shelter had deteriorated to the point where it was no longer inhabitable. Efforts to find an alternative site were unsuccessful and so the City considered taking emergency measures. The provincial Emergency Measures Office was called in for support. The City hired a private environmental firm and they were able to bring the building up to code in time so that the shelter could stay open until a new building was found. During amalgamation in the Halifax-Dartmouth area, all social programs and services were uploaded to the Province and although the municipality continues to cost-share these programs they have no decision-making powers. As a result, they were limited as to how they could respond in this situation.

The Vancouver-Richmond Health Board, which is a provincial body, did declare a public health emergency on September 25, 1997. In this instance, however, the health emergency was linked to an HIV/AIDS outbreak in Vancouver's East End. While not presented as a stand-alone issue, housing was considered relevant as a determinant of health and was part of the resulting action plan. One element of this plan brought together the Health Board, the City of Vancouver, B.C. Housing, CMHC and the Ministry of Human Resources to develop housing for those affected. As a result, two East End hotels were purchased and turned into SRO housing. These sites opened in December 1998 and January 1999. The Province was the main funder for this project but the municipality did contribute the land.

The City of Toronto regularly draws upon the experiences of other Canadian, American and European cities in the development of homeless and housing strategies. In preparation for the National Symposium on Homelessness and Housing last March, a resource binder of strategies from participating cities across the country was compiled. A reference copy of this binder and other relevant studies, in particular from the 905 area, is available in the Clerk's office.

Conclusions:

The purpose and structure of the By-law and Plan is to provide for a short-term, co-ordinated emergency response to extraordinary situations to which the City could not otherwise adequately respond. The lack of emergency shelter space in the City of Toronto is a serious issue and one to which the City has dedicated considerable resources. The Commissioner of Community and Neighbourhood Services has co-ordinated the efforts of key senior staff to implement both short and long term responses to this problem. The shelter system is currently operating at maximum capacity, however, 650 new bed spaces will be added by the end of December as new shelters open and the Out of the Cold winter program comes onstream. It is estimated that this increase in hostel beds will meet the demand for emergency shelter this winter.

It is therefore recommended that Council continue to direct staff to take all action necessary to meet the demands for emergency shelter, and that recommendations for the use of public space be brought forward immediately to Council should the situation warrant

Contact:

Joanne Campbell,
Tel: 392-7885/Fax: 392-0548

The Community Services Committee also submits the following communication (November 30, 1999) from Councillor Jack Layton, Don River:

The staff report indicates that the City will be able to meet projected emergency hostel requirements through the opening of several new facilities in December. However, occupancy data indicates that the system is currently operating at above 100 percent capacity. Street Helpline staff are reporting that as of the evening of November 29, 1999, there were no beds available in the system and they could not provide hostel referrals (see attachment).

It should be noted that it is City policy to consider 90 percent occupancy in the system as full and that at above 90 percent occupancy staff will act to open new emergency facilities.

On the evening of November 29, 1999, Environment Canada reported below freezing temperatures, indicating health hazard conditions for homeless people on the streets. This week further below freezing overnight lows are projected. Based on current circumstances it is recommended that:

- (1) staff be authorized to open emergency overnight warming centres in appropriate locations to ensure adequate shelter capacity in the system; and
- (2) these emergency overnight warming centres remain open until shelter occupancy falls below at least 95 percent on an ongoing basis.

(A copy of each of the studies referred to in the foregoing joint report and the attachment referred to in the communication from Councillor Layton is on file in the office of the City Clerk.)

Ms. Kira Heineck, Toronto Disaster Relief Committee, appeared before the Community Services Committee in connection with the foregoing matter, and submitted a brief in regard thereto.