

Extending Zoning and Licensing of Rooming Houses

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From:	Chief Planner and Executive Director
Wards:	All
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SUMMARY

Information has been requested from City Planning concerning the feasibility of extending zoning to permit rooming houses throughout the City, and extending the licensing system for rooming houses. This report provides some of that information in the context of the upcoming draft, harmonized zoning by-law from City Planning and the upcoming Affordable Housing Framework recommendations to the Affordable Housing Committee. Both initiatives will be considering rooming house provisions.

There is an important and complex intersection between zoning regulations and licensing requirements and processes for rooming houses. Staff consideration on extending zoning and licensing provisions for rooming houses will need to involve at least the following divisions: City Planning, Shelter Support and Housing Administration, Affordable Housing Office, City Solicitor, Municipal Licensing and Standards, and Public Health. Such consideration would best commence once the harmonized zoning by-law and the Ten Year Affordable Housing Framework are completed.

Financial Impact

This report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

The Affordable Housing Committee at its meeting of June 16, 2008 referred a number of motions and submissions filed by speakers with respect to the Housing Opportunities Toronto Affordable Housing Framework, to Deputy City Manager, Sue Corke, for consideration and report thereon to the Affordable Housing Committee. One of the motions asked that City Planning Staff be requested to review the feasibility of amending the Zoning By-Law to permit rooming houses in all residential zones in Toronto, and also

requested Staff to report on the advantages and disadvantages of extending the licensing requirements for rooming houses.

The report on an Affordable Housing Framework for Toronto is expected to be completed and submitted to the Affordable Housing Committee in early 2009.

City Planning staff is targeting the first part of 2009 for a draft zoning by-law for the City, harmonizing the current zoning by-laws for the former municipalities. This draft will include a proposed definition of rooming houses and deal with the range of provisions and regulations for rooming houses in current zoning by-laws.

ISSUE BACKGROUND

The City's Official Plan identifies rooming houses and shared housing as part of the full range of housing to be provided throughout the City and within neighbourhoods. The City recognizes the important function played by rooming houses in the continuum of housing options needed to meet affordable housing needs through many of its housing policies and programs. Recent studies in Toronto have found that rooming houses can be a preferred choice for many low-income single people, while for others, including refugees and recent immigrants, they are the only affordable housing option. Rooming houses are the most likely alternative for those who have periods in their lives where they would otherwise seek emergency shelter, or be homeless.

However, the stock of legal rooming houses has been declining, and there are a variety of impediments of a regulatory or economic nature to the expansion of the rooming house stock. In Toronto, only the zoning by-laws of the former municipalities of Toronto, Etobicoke and York permit rooming houses. There are rooming houses throughout the City that are considered illegal, either because they have not obtained a licence though they are located in an area where zoning by-laws permit their use, or they are located in areas (including all of Scarborough, North York and East York) where it is not a permitted use.

A number of reports in recent years have called on the City to extend rooming houses as a permitted use more widely throughout the City, and specifically to ensure that rooming houses be permitted in all of the former municipalities.

The licensing of rooming houses is a closely related question, with implications for setting standards, inspections and enforcement. Currently, MLS has responsibility for the licensing of rooming houses in the former City of Toronto, while Public Health inspects and licences rooming houses in the parts of Etobicoke where they are permitted.

COMMENTS

Rooming Houses in Toronto

As of October 1, 2008, City records indicate that there are 445 ‘legal’ rooming houses in Toronto (including those described as converted houses in the Parkdale area) which are licensed or have applied for licences. The former City of Toronto has by far most of these licensed rooming houses. This number has been declining: in 1985 there were 870 licensed rooming houses, in 2003 there were 501. The current 445 licensed rooming houses are estimated to contain about 7,100 rooms, accommodating about 8,900 individuals.

Most rooming houses are privately owned, though just under 20% of the licensed rooming houses are owned by non-profit housing corporations. There are no estimates for the current number of rooming houses in former York (though they are permitted by the zoning by-law, there is no licensing, and thus no records compiling rooming house addresses).

Estimates of ‘illegal’ rooming houses are speculative, though a 2004 report for the City *Rooming House Issues and Future Options* concluded that there was evidence suggesting “the widespread existence of illegal rooming houses across the amalgamated City.” A June 2008 report *Shared Accommodation in Toronto* points out that there are 165,000 low income single adults in Toronto, for most of whom rooms are the most affordable accommodation. After accounting for the probable number who live in licensed rooming houses, supportive housing and other forms of rent-geared-to-income housing, the report concludes that many of the remaining 100,000 low-income individuals are likely to live in unlicensed rooming houses, many of which are in the 5 former municipalities other than the former City of Toronto.

Though not the topic of this report, City policies and programs support rooming houses through a variety of means, including funding for repairs, public education and research on rooming houses, and supports for rooming house owners and tenants, including listing of vacancies.

Reports Recommending Action by the City

Report of the Mayor’s Homelessness Action Task Force (1999) – In addition to recommending zoning, regulatory and funding changes to facilitate the creation of Single Room Occupancy housing for homeless low income individuals, the report called for permitting rooming houses as-of-right throughout the amalgamated City in certain zones such as commercial and multi-unit residential on arterial roads. The report also recommended legalizing existing rooming houses that could comply with health and safety standards.

Rooming House Issues and Future Options (2004) was prepared for the City using federal funding through the Supporting Community Partnerships Initiative (SCPI). A key

recommendation was that harmonized zoning-by-laws should permit rooming houses more widely throughout the City, and treat them consistently and equitably. The report concluded that current zoning by-laws are restrictive, contain many inconsistencies and in some cases set development standards such as minimum distancing requirements that are aimed at further restricting where they can be located. In the area of licensing, the report recommended that: the existing licensing provisions in former Etobicoke and Toronto be consolidated and extended to former York where rooming houses are permitted in certain areas; the City prepare to implement a more comprehensive licensing system once zoning permitting this use is extended throughout the amalgamated City; and, in the interim, develop a strategy to address existing unauthorized rooming houses.

Shared Accommodation in Toronto (2008) was prepared for the East York East Toronto Family Resources and the Rooming House Working Group. It also calls on the City to update zoning to permit rooming houses in each of the former municipalities, and ensure that licensing of rooming houses in a variety of types of neighbourhoods be provided throughout the City. The report also recommends linking licensing to the provision of some of the supports for rooming house landlords, such as partnerships with support service agencies, participation in educational initiatives and other incentives.

These and many other recommendations on support for the rooming house sector that were made by the 2004 and 2008 reports have been referred to the Affordable Housing Office for consideration in the preparation of the Ten Year Affordable Housing Framework.

Right At Home – Report on the consultation on human rights and rental housing in Ontario (2008) was prepared by the Ontario Human Rights Commission. Though not specifically addressing actions that the City of Toronto should take, the report drew the attention of all levels of government to certain regulatory practices and community attitudes that have limited the availability of rooming houses as an affordable housing option. The Commission noted concerns that restrictions on legal rooming houses have led to the growth of un-regulated and un-inspected houses to meet the significant demand for this form of housing.

By-laws that restrict rooming houses in a specific zone while allowing other residential buildings or new developments of a similar scale were cited, as were distancing requirements between similar types of houses such as group homes or rooming houses. Underlying these approaches were often NIMBY attitudes expressed in communities by residents who didn't want to have certain kinds of people living in their area.

Consideration of Zoning By-law Issues

When City Planning staff table a draft zoning by-law for the City, a proposed definition of rooming houses will be included. The draft by-law will also need to consider some of the current provisions that relate rooming house permissions to a varying range of zones and regulations covering matters such as minimum lot and landscaped areas, minimum room sizes and distancing requirements.

Once the City's new zoning by-law establishes a harmonized approach to the types and locations of residential categories and definitions of different types of residential use, including rooming houses, there will be a firmer framework for staff to consider new policy and regulations on rooming houses.

The project will be complex, and by-law proposals stemming from it will be considered in the context of the entire City, in contrast to the current situation where only three former municipalities permit rooming houses. There will need to be wide spread public consultations and key stakeholder involvement, with the prospect of opposition from some neighbourhoods where rooming houses are not currently permitted.

Future consideration to extend zoning permissions for rooming houses throughout all the former municipalities will have to explore and weigh the merits of a variety of issues. The intersection between zoning regulations and licensing requirements for rooming houses will have to be established. Some of the previous by-law provisions may not be appropriate to carry forward, while new approaches may be identified. A partial list of some of the issues that will require detailed investigation includes:

- determining the appropriate level of regulation to be put in the licensing standards versus the level of regulation to be put in the zoning by-law;
- determining how restrictive or permissive regulations should be and the effect such regulations would have on expanding or contracting the supply of rooming houses and any impacts on creating a safe and comfortable living environment for rooming house residents;
- whether to list rooming houses as a permitted use in certain residential zones or permitting them in all residential areas subject to them meeting various general provisions that may include building type, minimums in terms of floor areas, parking requirements, etc;
- considering whether to develop different regulations for each of the zones that would permit rooming houses, which could deal with matters such as maximum number of rooms or intensity of use, minimum floor area per room, provision of cooking and bathroom facilities and parking;
- the appropriateness of any locational criteria such as proximity to public transit and community services;
- examining legal questions concerning proposals to use zoning by-laws to regulate maximum occupancy of rooming houses and an evaluation of provincial statutes and possible constitutional issues;
- co-ordinating the regulations and standards between the Ontario Building Code and the City's Property Standards By-law; and,
- developing definitions, regulations and a system of licensing that is clear and easy to interpret and enforce.

The issue of enforcement of new zoning provisions must also consider the current and future role for Municipal Licensing and Standards and the potential costs of such enforcement in the context of the current issues with unauthorized rooming houses.

A separate report on the topic of the North York Zoning By-law definition of boarding and lodging houses is scheduled on the November 13, 2008 Planning and Growth Management Committee agenda. This report recommends that no zoning amendments related to boarding and lodging house definitions be considered prior to consideration of the comprehensive draft City-wide zoning by-law.

Consideration of Licensing Issues

Issues and procedures involved in licensing rooming houses have been explored at some length in the 2004 and 2008 reports on rooming houses noted above. Both Municipal Licensing and Standards and Public Health currently carry out these functions in the City, and are the most knowledgeable about the many considerations that would be involved in consolidating and extending licensing throughout the City. Fire safety and inspections are critical issues, and co-ordination of all the types of inspections that would be required for rooming houses has been identified as necessary to make more efficient use of City staff time to reduce costs and reduce disruption to tenants. Previous reports and staff discussions with operators of rooming houses have cited the need to rationalize the processes and administrative burden they experience which adds to delays and increased costs.

There are many current difficulties with enforcement of different zoning and licensing regulations for rooming houses, many of which can be improved by a consistent zoning by-law definition, however, these difficulties will need careful attention when designing an updated licensing system. Additionally, there are a number of items or standards that could be dealt with in the licensing rules rather than as zoning requirements, as identified in the previous section. Close co-ordination among the City divisions who would be involved with both the zoning by-law and licensing issues for rooming houses will be necessary.

Shelter Support and Housing Administration have had extensive involvement with the issue of the appropriate role for licensing as well as with zoning provisions within the framework of City support for rooming houses, in the continuum of important affordable housing options.

Process to Consider Extending the Zoning and Licensing of Rooming Houses

The scope of a project to consider extending the zoning and licensing of rooming houses throughout the entire City is large and complex. This work will more easily be able to proceed once the two tasks expected within the first half of 2009 are completed:

1. City Planning will present a new, draft Zoning By-law which will lay the foundation for further work to consider extending zoning for rooming houses throughout the City.

2. The Affordable Housing Office will present the Ten Year Affordable Housing Framework which will report on the public consultations, including various motions and reports concerning rooming houses that were referred to them.

Responsibility for proceeding to consider changes to both zoning and licensing for rooming houses, and the co-ordination between these two, must involve a number of City divisions, including at least: City Planning, Shelter Support and Housing Administration, Affordable Housing Office, City Solicitor, Municipal Licensing and Standards, and Public Health.

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