



***Research Report
On Rental Housing
Regulations***

***On behalf of
Rental Registry
Steering Committee***

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Regina North Central 2020 Vision Statement

Regina North Central is a safe, healthy and caring community and a source of pride for the area's residents.

Located in the heart of the city, its strength is derived from the cultural diversity of its members working together and their emphasis on the value of family, seniors, children and youth,

The area's character stems from well-kept homes and the mature, natural environment of this section of the Queen City. The ease of access to the numerous facilities within its parameters adds to its attraction.

Confident in its future with its many opportunities for community participation, home ownership, employment and business development, Regina North Central enjoys its reputation of being proud and forward looking, ready to meet the challenges and embrace its vision for 2020 and beyond.



EXECUTIVE SUMMARY

The concerns and aspirations of North Central residents were recently established through a comprehensive series of community consultations, which included:

- ✦ A door-to-door canvass of over 450 households
- ✦ Two focus groups
- ✦ A community meeting
- ✦ An advisory group meeting

Inadequate housing and ***crime*** emerged as the twin principle concerns for area residents as expressed through those series of community consultations.

Housing in Regina North Central

- ✦ A disproportionate amount of available shelter in Regina North Central is in the form of rental housing and a disproportionate number of North Central dwellings are old and in need of major repairs.
- ✦ North Central is home to a large (at least 35%) and growing Aboriginal population. The Aboriginal population has special needs that must be met.
- ✦ Poverty is prevalent in North Central Regina.
- ✦ It has been recognized that there is a ***substantive link between crime and inadequate housing***.
- ✦ The perceived threat of crime as well as actual crime is having a deleterious effect on North Central Regina and on Regina in general.
- ✦ Rejuvenation of Regina North Central is vital for Regina as a whole.

Revitalizing Regina's Inner-City

There have been various attempts over the years to revitalize Regina's inner city component with varying degrees of success. Community development is underway throughout Regina and particularly in Regina North Central. The numerous current municipal and community initiatives attempting to address Regina inner city concerns, and foster community development include:

- ✦ Community policing programs with Community Policing Centres located at the Albert- Scott Community Centre and the Al Ritchie Community Centre.
- ✦ The Urban First Nations / Métis Education Model with its pilot project situated in Regina North Central
- ✦ Initiation of a Crime Prevention Through Environmental Design (CPTED) program in Regina North Central
- ✦ The establishment of the Regina Inner City Community Partnership with its initial focus being on Regina North Central.
- ✦ The activities of the Housing Standards Enforcement Team, which utilizes an interagency approach to problem property abatement with its initial focus being on Regina North Central
- ✦ Various Social and Affordable Housing programs with properties located throughout the city including Regina North Central
- ✦ Development of the Regina Community Housing Registry's comprehensive computer software for the Core Area that will soon be freely available for use in other locales such as Regina North Central
- ✦ A quarterly community newspaper in Regina North Central that freely and regularly provides vital information concerning housing, tenant's rights and responsibilities, crime and policing, among other topics of interest, to all North Central residents.

Provincial Programs

The Department of Community Resources and Employment (DCRE) and the Saskatchewan Housing Corporation (SHC) play significant roles in Regina North Central. Both are shifting their approaches in keeping with the provincial government's "Building Independence" strategy, which, among other things, stresses greater individual self-reliance with respect to housing. Key provincial programs and initiatives include:

- ✦ Centenary Affordable Housing Program
- ✦ HomeFirst
- ✦ Residential Rehabilitation Assistance Program
- ✦ Affordable Housing Rentals
- ✦ Neighbourhood Home Ownership Program
- ✦ Safer Communities and Neighbourhoods legislation
- ✦ Jobs First
- ✦ Transitional Employment Allowance
- ✦ Rental Supplement Program

Options for Revitalization

The challenges faced by Regina North Central are not unique and differing locales around the world have devised different approaches to deal with inner city housing problems. The following are some methods employed by other jurisdictions to combat housing problems and they are the ones that are examined in this Report:

- ✦ Rental Unit Licensing (RUL)
- ✦ Landlord Licensing
- ✦ Rental Registries and Public Access to Information
- ✦ Complaint Systems and Rent Withholding
- ✦ Landlord Training Programs and Certification
- ✦ Public Disclosure of Code Offenders.

Supporting Documentation

- ⊕ The legal authority for Regina to enact bylaws and regulate businesses is set forth in *The Cities Act*.
- ⊕ It gives municipal governments broad powers to enact by-laws and regulate businesses.
- ⊕ Section 6 of the Act suggests that those powers can be used liberally.
- ⊕ There are no legal barriers in the *Cities Act* that would disallow Regina City Council from adopting one or more of the options explored in this report.
- ⊕ Any such measure likely would have to deal with Regina's overall pressing rental housing issues and not just Regina North Central as a targeted area.
- ⊕ A generalized approach could effectively deal with Regina North Central's rental housing concerns in the process of benefiting Regina in its entirety.



Research Summary

The report begins with the introduction of a statistical profile of Regina North Central, derived from the 2001 Census as presented in *The Regina Inner City Family Foundation Mission Paper*. Demographic matters touched on in the profile include:

- ✦ Trends in the ethnic makeup of the community
- ✦ The age of its population
- ✦ Special needs of Regina North Central's expanding Aboriginal population
- ✦ Economic factors such as the high incidence of poverty
- ✦ The high ratio of rental accommodation versus home ownership
- ✦ The aging nature of the North Central housing stock
- ✦ The increasing need for major housing repairs in this Regina community
- ✦ Similarity of rental rates in North Central and the rest of Regina

This report documents the numerous municipal and community initiatives currently attempting to address Regina inner city concerns. The following is a list of the initiatives:

The history of housing initiatives in North Central

- ✦ *The Parnes Report* (a product of the North Central Community Partnership)
- ✦ The establishment of the Regina Inner City Community Partnership
- ✦ The Housing Standards Enforcement Team
- ✦ Crime Prevention through Environmental Design (CPTED) programs
- ✦ Social and Affordable Housing through community-based housing agencies
- ✦ A community based newsletter addressing North Central concerns
- ✦ Regina's Community Housing Registry

Pertinent provincial programs like *The Department of Community Resources and Employment* and the *Saskatchewan Housing Corporation* play significant roles in Regina North Central. It is further noted that both entities are shifting their approaches in keeping

with the “*Building Independence*” strategy, which, among other things, stresses greater individual self-reliance with respect to housing. Key provincial programs and initiatives include:

- ✦ Centenary Affordable Housing Program
- ✦ HomeFirst
- ✦ Residential Rehabilitation Assistance Program
- ✦ Affordable Housing Rentals
- ✦ Neighbourhood Home Ownership Program
- ✦ Safer Communities and Neighbourhoods legislation
- ✦ Jobs First and the Transitional Employment Allowance (TEA) Program
- ✦ Rental Supplement Program

The contentious issue of what has broadly been termed “landlord licensing” is addressed. Research has identified two major studies that have recently dealt with the concept of addressing rental problems through licensing provisions. The studies, examined two distinct approaches:

- ✦ *Rental Unit Licensing (RUL)*, which focuses on the condition of the individual properties being offered for rent
- ✦ *Landlord Licensing*, which focuses upon the conduct of landlords rather than the condition of rental properties alone. The study “*Rental Unit Licensing: Applicability to Milwaukee*” looks at the former, while a United Kingdom study entitled “*Selective Licensing of Private Landlords: Consultation Paper*” addressed the latter.

Although there is some overlap between the two approaches (the condition of rental properties is of great concern with respect to the conduct of a landlord for example), it is a useful distinction made throughout the analysis presented in this report. These two divergent positions concerning Rental Unit Licensing in Regina are noted and summarized in this report.

The methodology used in the study “*Rental Unit Licensing: Applicability to Milwaukee*” and the findings of the study are observed. The findings are summarized as they relate to the pros and cons of adopting a RUL system in Regina.

Brief up-to-date notes (as of January 1, 2005) concerning ten jurisdictions that currently employ some form of Rental Unit Licensing as the term are used in this report. Those jurisdictions are:

- ✦ Berkley, Michigan
- ✦ Boulder, Colorado
- ✦ Burlington, New Jersey
- ✦ Elgin, Illinois
- ✦ Elliot City/ Howard County, Maryland
- ✦ Mankato, Minnesota,
- ✦ Salisbury, Maryland,
- ✦ Tacoma Park, Maryland
- ✦ Vancouver, British Columbia
- ✦ Waukegan, Illinois

The United Kingdom study includes the background information leading up to the commission of the study including anti-social and irresponsible tenants and the methodology that was used to conduct the study. A brief presentation on how such a system could work, as well as the arguments in for and against the use of *Landlord Licensing* as the term in this context are noted.

Options other than Rental Unit Licensing and Landlord Licensing are then dealt with as per the terms of reference and the instructions of the Steering Committee.

A great deal of attention is paid to the “Rental Registry and Public Access to Information” option. Significant progress by Regina’s Core Community Association in the development to a Community Housing Registry for possible use throughout Regina became apparent during the compilation of this report. This is discussed at length in this

report. This process is currently being used in Milwaukee and the Milwaukee experience is dealt with extensively in this report.

The remaining three options – *The Complaint System and Rent Withholding*, *Landlord Training Programs* and *Certification and Public Disclosure* – are then scrutinized largely in terms of the responses to the second questionnaire administered to the Steering Committee members and other interested parties (see the Methodology section).

The report also concentrates on research concerning relevant Saskatchewan legislation (including *The Cities Act*), *Regina's Property Maintenance Bylaw* and a presentation illustrating the range of business licenses currently required in Saskatchewan and in particular, the City of Regina.

Since the Milwaukee study is so heavily relied upon in this report, a PDF version of the report is available on a CD-ROM at the North Central Community Association. Copies of other pertinent PDF documents – including information concerning *Drug Free*.

The research indicates that the adoption of Rental Unit licensing in Regina is an effective measure but it is also expensive. The research shows that there many different ways in which inner city rental housing issues can be effectively addressed, depending on the locale. Any viable solution for Regina's rental housing problems, especially Regina North Central's, is going to require innovative thinking.



Methodology

The primary research took the form of thorough consultations with Steering Committee members and other interested parties throughout the entire research process. The Steering Committee, as a whole, was regularly updated with information concerning the progress of the project and their input was implemented during the project. Individual members provided input on a regular basis and provided valuable contact information, which greatly enhanced the scope and depth of the research. North Central residents that have been active in the community, with respect to housing issues, have also been consulted, as were various professionals active in the area. The issues that emerged through the primary research influenced the direction of the research and the information gathered within this report.

Two questionnaires were employed to facilitate conversations with the participants. The first questionnaire¹ used a general approach to extract information through the use of open questions concerning personal interpretations of rental/housing issues, and the ideal course of action that could be used to deal with them. Most of the secondary research was a follow-up of the information collected in the first questionnaire and the interviews this part of the consultation process highlighted the issues that had to be addressed through secondary research.

Attention to details ensured that the Respondent's views were accurately portrayed. Often, an abstract of the interview was submitted to the Respondent, along with the opportunity to make revisions to produce a satisfactory conclusion. This method provided an essential degree of clarity to the interview process.

¹ See Appendix D

The second questionnaire² was utilized toward the end of the research phase of the project. One of the principle purposes of the second questionnaire was to gauge the response of Steering Committee members to the various options that had been explored and presented for their consideration during the course of the project. The responses form part of this report's presentation concerning the various options explored in the research.

These are some of the concerns:

- ✦ A consensus that the status quo is unacceptable
- ✦ The present rental-housing situation in Regina North Central must discontinue
- ✦ The fundamental question → “*What should be done?*”

It became apparent that the Steering Committee members became stalemated concerning the best course of action to follow. As well, the debate over how “Landlord Licensing” could be defined and implemented in a cost effective manner became the primary concern in this debate. It was determined that any of the options considered should be examined in light of these twin concerns; finding the best course of action in the most cost effective manner. The secondary research – the literature review – was conducted in consideration of the duality of the primary concerns.

There is an overlap between the primary and secondary research because the arguments concerning the contentious issue of regulating rental housing through licensing procedures in Regina had previously been thoroughly researched and summarized in a memo from a City Councilor, Rob Deglau,³ in favor of the option to license rental properties, and a City Manager's Report⁴ in opposition to it, based on cost effectiveness. These documents are very important to this report and specific issues that are raised in them, such as the authority of the City of Regina to enact landlord licensing, are addressed as thoroughly as this report has the means to.

It is important to note that many of the matters dealt with in the City Manager's Report are of a legal nature and that further independent legal advice from a practicing attorney should be sought to verify or refute the interpretation of the various statutory and regulatory provisions contained in this report. The interpretation in this report is not based on any case law that may be on point. Having said that, any legal views expressed

² See Appendix E

³ See Appendix A

⁴ See Appendix B

within these pages are based on research conducted by a person with a substantial background in law. The views should not be summarily dismissed if there is a matter of dispute with the interpretation contained in the City Manager's Report.

City of Milwaukee, Wisconsin

The City of Milwaukee, Wisconsin recently conducted a comprehensive study concerning the regulation of rental housing through licensing procedures that focused on the issue of cost effectiveness. The study is extensively referenced in this report, and its methodology forms a strong base for this report and influenced the methodology and analysis used in this report.

The Milwaukee study utilized a two-pronged approach. The first prong compared Rental Unit Licensing programs in 15 cities. Researchers for the Milwaukee study contacted the subject cities and asked a series of questions. The broad categories for the questions were concerned with:

- ✦ The structure of their RUL program
- ✦ The budgetary impacts of their RUL program
- ✦ The factors that led to the adoption of a RUL program
- ✦ The estimated effects of the RUL program on the city.

The questions asked in the Milwaukee study in relation to these categories were applied in the second questionnaire presented to the Steering Committee members and the other participants in the consultations for this report.

The second prong of the Milwaukee study's approach was to review academic literature. In the study, literature concerning housing markets and regulation was examined using general economic and regulatory theory within a qualitative case-study framework. Universal licensing and the targeted licensing methods were examined in light of the policy goals of improving the quality of rental housing, the efficiency of rental markets, the availability of affordable housing, and feasibility.

United Kingdom

The United Kingdom government, also, carried out a consultation report concerning landlord licensing in England (Scotland has its own system, and Wales is

developing one). The report examines a proposal that landlords, in selected areas where there is low demand for housing, should be licensed based on their record and management standards rather than on the condition of their individual properties. The stated principal aims of the proposal were to:

- ✦ Ensure that all landlords meet minimum management standards and participate with others in dealing with antisocial tenants
- ✦ Make certain that unscrupulous landlords who do not strive to meet minimum standards are not allowed to rent out residential property.

In this report, a survey of different jurisdictions employing licensing or certification methods with respect to rental housing is documented. This information is valuable because it shows many ways in which cities can deal with rental housing issues. Many of the cities surveyed were dealt with in Mr. Deglau's memo⁵ and there are similarities in the cities dealt with. The same similarities exist in the Milwaukee study, too.

Additional cities were also identified independently through Internet searches. The material for all of the cities dealt with in this section of the report is current as of January 2005. Further research concerning the Vancouver experience may be in order because it is Canadian jurisdiction and uses an approach that could be used as a model in the event that Rental Unit Licensing is pursued in Regina.

Option Summary Findings

Six options for consideration were identified, in relation to the review of all the sources available. Those options were:

1. Rental Unit Licensing (RUL) which focuses on the condition of the individual properties being offered for rent
2. Landlord Licensing which focuses upon landlords conduct rather than the condition of rental properties alone
3. Rental Registry and Public Disclosure
4. The Complaint System coupled with Rental Withholding
5. Landlord Training Programs and Certification
6. Public Disclosure of Code Offenders.

⁵ See Appendix A

Using the Milwaukee approach and information from a comprehensive recent North Central consultation and report as a starting point, each of the options were examined with the following five issues in mind:

1. Would the option improve the quality of the available rental housing stock in North Central?
2. Would the option have an effect (positive or negative) on the overall housing rental market?
3. Would the option t have an effect (positive or negative) on the overall availability of affordable housing in North Central and Regina?
4. Would the option further the 20-20 Vision for Regina North Central?
5. Is it a feasible option in terms of political, legal, administrative and financial concerns?

These five issues were an integral part of the second questionnaire that was administered to Steering Committee members and other interested parties. The feedback from the questionnaire is integrated into this report.

The pros and cons regarding each option through the research are noted and set forth in a straightforward manner for easy comparison and reference. Some of the options merited more attention than others in this report and the space devoted to them in these pages is reflective of that fact.

Finally, it must be noted that this report is for information purposes and there will be no conclusions and recommendations made. However, there are sections that note possible implications arising from the material and brief discussions of some of the issues.



Profile of Regina North Central

The North Central Neighbourhood, 2001

Regina Inner City Family Foundation Mission Paper

The Regina Inner City Family Foundation Mission Paper⁶ (the “Mission Paper”) is a valuable source of information concerning Regina North Central. The document presents pertinent population highlights of the North Central area from the 2001 Census in a concise and precise manner. Information is provided for seven Neighbourhood Service Areas (NSA.s). These are areas that have been established to help understand the differences that occur within neighbourhoods like North Central. Due to this precision, it is possible to get an accurate and objective view of the areas within the community that face the biggest challenges and merit the most attention while also getting the “big picture” of Regina North Central. The Mission Paper is heavily relied upon for statistical information in the following pages in order to get just such a big picture, which is necessary for a report of this nature. It is hoped that the information concerning specific areas may be useful as a reference in the future. The charts and graphs are from the Mission Paper and are not original work.

The Mission Paper states that “North Central had 12,154 residents in 2001. According to the last Census, 35 percent of North Central families are one-parent households. The unemployment rate is 19 percent, which is more than double the Regina rate. One-half of all dwellings in North Central are rental accommodations.”⁷ The Mission Paper goes on to state that:

“According to the 2001 Census, 50% of dwellings in North Central are rented. **In spite the age and condition of housing, average rents in North Central are exactly the same as those in the rest of the area. Rents have increased by \$100 per month since the last Census.** Low

⁶ http://www.regina.ca/pdfs/mission_paper.pdf

⁷ Ibid. at p. 10

vacancy rates and the lack of new rental and social housing development are two factors that are driving rents up. In 2001, **18% percent of dwellings needed major repairs compared with 14% in 1996**”⁸

The Mission Paper also concludes that:

- ✦ [North Central’s] population has been relatively stable. North Central has *at least* 3,500 residents (35%) who report Aboriginal origins. The percentage of Aboriginal people in the neighbourhood is increasing.
- ✦ North Central has a high concentration of younger children. Three-quarters of families in the area have children and 36% of these children are under six years of age.
- ✦ Nearly half of the North Central population (47%) is below the Low-Income Cut Off. (LICO) measure for poverty

The Mission Paper illustrates that there have been relatively little new home construction in North Central over the past decade, as indicated by the number of exemptions provided through the City’s Inner City Housing Stimulation Strategy (ICHSS) program.⁹

Inner City Housing Stimulation Strategy (ICHSS) Applications:

Owner-Occupied Dwellings													
Neighbourhood	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004 Jan	Total	%
Al Ritchie	0	0	3	1	1	0	4	2	4	2	3	20	10%
Core	0	1	0	0	0	0	0	0	1	2		4	2%
Coronation Park											1	1	0%
Eastview	0	0	0	2	3	0	0	1	2	1	1	10	5%
North Central	1	1	3	1	2	0	0	2	3	2		15	7%
North East	0	1	0	5	1	3	1	2	11	3		27	13%
Rosemont/ Mount Royal	0	1	1	0	0	2	1	1	1	2		9	4%
Glen Elm	0	0	0	0	0	0	2	1	6			9	4%
Regent Park	0	0	0	1	0	6	1	0	0			8	4%
Gladmer Park	0	0	0	0	0	0	20	16	2	4	1	43	21%
Transitional	0	0	0	0	0	0	0	0	0			-	0%
Cathedral	0	3	3	8	9	10	5	11	3	6	2	60	29%
McNab	0	0	0	0	0	0	0	1	0			1	0%
TOTAL	1	7	10	18	16	21	34	37	33	22	8	207	100%

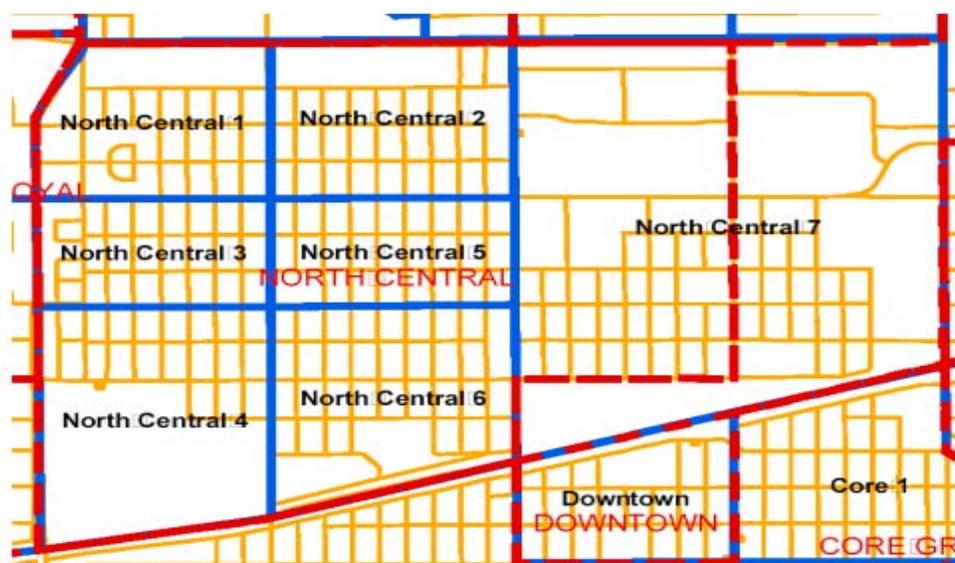
⁸ Ibid. at p.43

Multiple Unit Developments - Number of Units

	2002	Sept. 2003	Totals
Access Place, 2240 Albert Street (SSILC - Cathedral area)	0	32	32

As the preceding charts illustrate, over the past 10 years The Inner City Housing Stimulation Strategy has benefited areas like Gladmer Park (21% of applications) and the Cathedral Area (30% of applications) while having only a negligible impact on Regina North Central (7%).

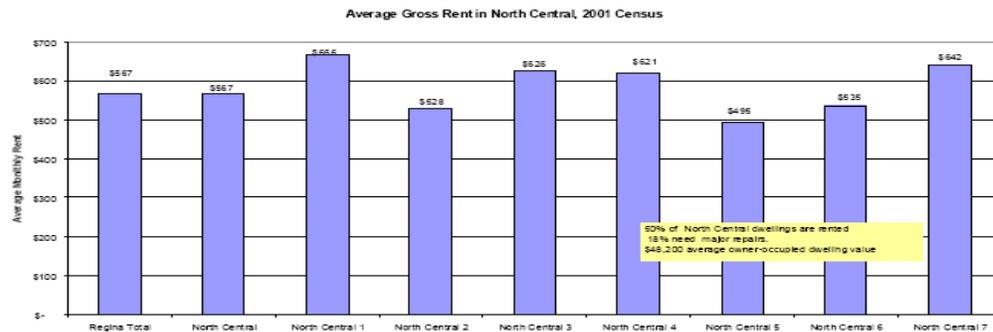
When considering statistical information provided by Statistics Canada as presented in the Mission Paper and elsewhere, it is important to note that the boundaries used by that agency to designate Regina North Central do not correspond precisely with the boundaries commonly used by others to denote the area. The following illustration presents the principle difference that Statistics Canada makes by including the warehouse district in North Central, see “North Central 7”.¹⁰



4. Ibid

¹⁰ Ibid. p. 28

According to the 2001 Census the average rent in North Central can be broken down in the following manner:



As illustrated in the above graph ¹¹ the inclusion of “North Central 7” into the mix only skews the statistics slightly with regard to the average rent paid in North Central. According to the 2001 Census the average rent in North Central is \$567, which is identical to the rest of the city:

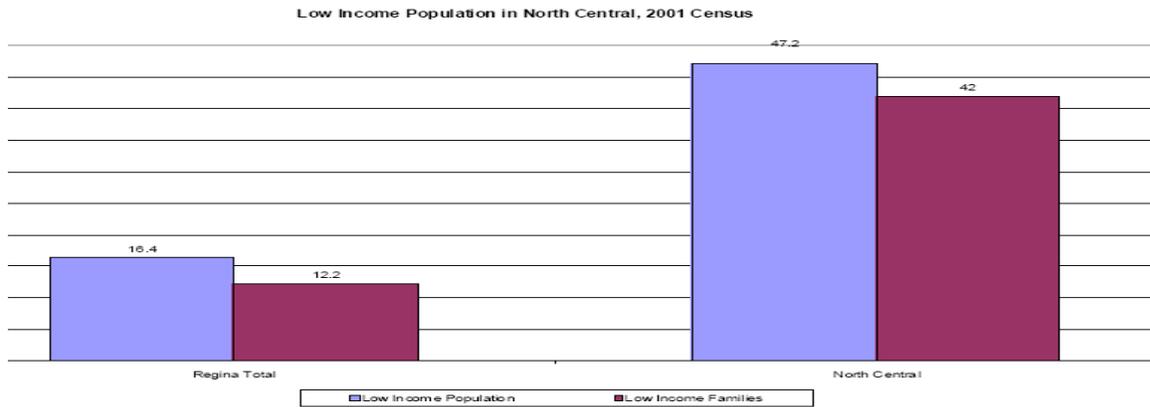
	Regina Total	North Central
Tenant-occupied dwellings	23985	2150
Average gross rent \$	\$ 567	\$ 567
Tenant households spending 30% or more of income on shelter	10235	1335
Owner-occupied non-farm, non-reserve dwellings	47710	2110
Average value of dwelling \$	\$ 105,407	\$ 48,153
Average owner major payments \$	760	516
Owner-occupied households spending 30% or more of household income on shelter costs	5260	355
Tenant one-family households	9310	1100
Average gross rent \$	\$ 618	\$ 613
Tenant one family households spending 30% or more of income on shelter	3605	710
Owner one-family households	35125	1175
Average owner major payment \$	810	564
Owner one family households spending 30% or more of income on shelter	2840	120

¹¹Ibid. p. 42

The slight impact North Central 7 is understandable in light of the fact that only 285 persons reside in North Central 7 out of a grand total of 10,365.¹²

Poverty in North Central

The poverty rate for North Central is very high compared the rest of Regina and the housing stock is relatively old as per the following illustration¹³ and the table¹⁴.



	Regina Total	North Central
Total - Economic families	48540	2655
Low income economic families	5910	1115
Incidence of low income in 2000 %	12.2	42
Total - Unattached individuals 15 years+	27855	2035
Low income	10240	1055
Incidence of low income in 2000 %	36.8	51.6
Total number of occupied private dwellings by structural type of dwelling	71720	4260
Single or semi-detached house	51560	3815
% single or semi-detached	72%	90%
Apartment, fewer than five storeys	12665	300
Apartment, detached duplex	815	95
Other forms: 5+ story apt, row house, etc.	6670	55
Average number of rooms per dwelling	6.4	5.8
Average number of bedrooms per dwelling	2.7	2.5
Owned	47725	2110
Rented	23995	2150
% owned	67%	50%
% rented	33%	50%
Shelter Condition & Cost		
Period of construction, before 1946	7945	1650
Period of construction, 1946-1960	14035	1700
Period of construction, 1961-1970	14170	455
Period of construction, 1971-1980	19860	265
Period of construction, 1981-1990	11570	170
Period of construction, 1991-2000	4145	15
% built before 1946	11%	39%
Major repairs needed	5795	775
% dwellings needing major repairs	8%	18%

¹² Ibid. p. 37

¹³ Ibid. p. 41

¹⁴ pp. 32 & 35.

Summary

Regina North Central faces many economic, housing, and social challenges.

According to the latest Census figures:

- ✦ Regina North Central unemployment rate (19%) is twice the overall Regina rate
- ✦ 47% of Regina North Central's population lives below the Low Income Cut Off measure for poverty
- ✦ One half of dwellings in North Central are rental accommodations as opposed to 33% for Regina overall
- ✦ 18% of dwellings in Regina North Central are reported to be in need of major repairs as compared to 8% for Regina as a whole. This is generally thought to be an underestimation of the percentage of dwellings in need of major repairs in Regina North Central. 30% has been suggested as a more realistic figure.
- ✦ 39 % of existing shelter in Regina North Central was built before 1946 in comparison to 11% for Regina overall.
- ✦ In spite of the age and condition of housing in Regina North Central the average rent charged (\$567.) is the same as the rest of Regina
- ✦ New home construction in Regina North Central is close to a standstill. Between 1991 and 2000, only 15 of the 4145 new shelter accommodations built in Regina were located in Regina North Central.
- ✦ North Central has a high concentration of families with younger children
- ✦ North Central is home to a large (at least 35%) and growing Aboriginal population.

Aboriginal Households in North Central

As previously stated, in the Mission Paper, Regina North Central is home to a large and growing Aboriginal population. It is generally agreed that the Aboriginal segment of the Canadian population has special needs.¹⁵ The primary concern should be the children that have no choice but to grow up in these dire circumstances. Their health and educational necessities need to be focused on. In a recent comprehensive literature review concerning housing issues, "Affordable Housing in Canada's Urban Communities"¹⁶, it was noted that:

- ✦ *There has been a huge influx of First Nations and Aboriginal peoples into urban regions over the past few decades....*
- ✦ *A total of 60% of native households lived in urban areas in 1996.*
- ✦ *At this time, 52,800 Off-reserve, non-farm native households in urban areas were living in core housing need.*
- ✦ *The average income of these households was \$15,140; about \$1,200 lower than the average income of non-native households in core need.*¹⁷

The following quote takes a look at the demographic statistics concerning the growing Aboriginal population in urban areas in the Western Prairie Region:

- ✦ *The average age of self-identified Aboriginal people was 25.5 years or about 10 years younger than the Canadian average. Many are children.*

¹⁵ For a good discussion and exposition of the plight of Aboriginal people in Canadian Urban settings please see: [http://www.chra-achru.ca/CMFiles/Literature Review on Issues and Needs of Aboriginal People 19LOE-1122005-5735.pdf](http://www.chra-achru.ca/CMFiles/Literature%20Review%20on%20Issues%20and%20Needs%20of%20Aboriginal%20People%2019LOE-1122005-5735.pdf)

Among other things it is noted there that "Urban Aboriginal people remain among the most disadvantaged groups in Canada. People experience poorer health, lower levels of education, lower average incomes, and higher rates of unemployment, compared with the non-Aboriginal population. High incarceration levels and increasing youth suicide rates indicate the presence of serious social difficulties as well. Intergovernmental collaboration is required to address these inequities and assist in the social and cultural healing processes are priority issues for governments. This marginalization, if left unaddressed, can result in emerging urban ghettos and risk undermining stability of communities." at p. 18 in the Adobe viewer

¹⁶ http://www.chra-achru.ca/CMFiles/affordable_housing7PXE-692004-5763.pdf

¹⁷ at p. 42

- ✦ *In 1996, 35% of Aboriginal people were under 15 compared to 20% of the non-Aboriginal population.*
- ✦ *A further 18% of Aboriginals fell into the 15-24 age group, compared to 13% of the non-Aboriginal population.*
- ✦ *A total of 32% of Aboriginal children lived in lone parent families in 1996, compared to 16% for the non-Aboriginal population.*
- ✦ *In the western cities of Winnipeg, Regina and Saskatoon, almost half of Aboriginal children lived in lone parent families.¹⁸*

The dire situation that housing need presents for Aboriginal children is most imminent when it comes to the health concerns.

- ✦ *38% of all Aboriginal children were living in core housing need in 1996. This is more than twice the percentage of non-Aboriginal children.*
- ✦ *For urban Aboriginal tenant households the number jumps to 54%. ...*
- ✦ *[It was] also found that their dwelling condition was far worse than average leading to health and crowding concerns.¹⁹*

Canada Mortgage and Housing Corporation points out that urban Aboriginal households were 1.8 times as likely to move as their non-Aboriginal neighbours. The moves are likely to be related to:

- ✦ Affordable housing
- ✦ Marriage
- ✦ Family breakdown
- ✦ The search for better community services
- ✦ Employment.

Aboriginal households are far more likely to move than other households, having a long-term effect on the educational needs of children, who have to deal with the transitional phases:

¹⁸ At p. 42

¹⁹ Ibid.

A small survey conducted in Regina and Winnipeg found that access to services can be interrupted and that children can find the transition difficult. However, Aboriginal respondents reported that their children were not adversely affected by moves. ...Despite this, they reported that frequent moves presented particular challenges around sorting out new transportation routes to services and employment opportunities. These difficulties were multiplied for those with poor literacy skills.²⁰

The review also notes the importance of transitional help for the parents of these children. The lack of quality, affordable housing presents optimal conditions for Urban Aboriginals to become, in a sense, trapped in a degraded home. The socio-economic factors greatly influence the setting that children are nurtured and grown in. The basic needs must be met, not only for Urban Aboriginals, but also for all of those who reside in unkempt dwellings. The following is an excerpt from an online source:

Urban Aboriginals who are not tenants of Urban Aboriginal housing corporations must make their way in the market. As with non-Aboriginals, they face high rents and a short supply of affordable housing. In addition to these challenges, they face discrimination. As a result, they often locate in neighbourhoods where they find acceptance. These neighbourhoods are often experiencing decline and plagued by "...aggressive policing, barred windows, and routine drug- and alcohol-related violence." Housing needs in addition to a number of other initiatives will be needed to improve the outcomes for urban Aboriginals.²¹

Although not dealing exclusively with Aboriginal households, a 2001 CRHA Report stresses the importance of a comfortable home environment to the growth and nurturing of secure adults. Growing up in dilapidated home environments brings truth to

²⁰ Ibid

²¹ Ibid. and 43 please also see Effects of Urban Aboriginal Residential Mobility November, 2002 Socio-Economic Series Issue 114 socio 114 -e pdf

the proverb “You reap what you sow”. The following is quote is an excellent summary of the benefits in adequate housing:

Housing plays a central role in social development and inclusion, both as a reflection of social status and by influencing, for good or ill, one’s capacity. For children, in particular, housing influences their autonomy and sense of place in society. This influence manifests itself in three important ways:

- ✦ *Symbolically – housing and neighbourhoods affect one’s sense of identity*
- ✦ *Physically – the healthiness of a home (e.g. good or poor indoor air quality) and a home’s state of repair impact on the occupants’ health, as do safety and health aspects of the neighbourhood*
- ✦ *Socio-economically – neighbourhood schools, services, other residents and the overall sense of community impact on one’s sense of autonomy and social inclusion or exclusion.*

Clearly, housing is more than physical shelter. It is a fundamental aspect of connecting to one’s immediate environment, what it offers and society at large – i.e. the extent of social inclusion or exclusion one is likely to experience.²²

Summary

“Urban Aboriginals who are not tenants of Urban Aboriginal housing corporations must make their way in the market. As with non-Aboriginals, they face high rents and a short supply of affordable housing. In addition to

²² “The Role of Housing in the Social Inclusion/Exclusion of Children Conceptual Framework and Research Plan September 2001” Prepared by CHRA with assistance from Richard Shillington, Ph.D., Tristat Resources, for a project funded by the Laidlaw Foundation at p. 4

these challenges, they face discrimination. As a result, they often locate in neighbourhoods where they find acceptance. These neighbourhoods are often experiencing decline and plagued by ‘...aggressive policing, barred windows, and routine drug- and alcohol-related violence.’ Housing needs in addition to a number of other initiatives will be needed to improve the outcomes for urban Aboriginals”

- from Affordable Housing in Canada’s Urban Communities



Municipal and Local Initiatives

History of Housing Initiatives in North Central

In May 2003, The North Central Community Partnership Report on the Community Vision and Action Plan (the “Parnes Report”) presented a review of selected past and current rehabilitative initiatives undertaken with regard to Regina North Central. The review included the following points:

- ✦ During the 1980's the Saskatchewan Housing Corporation examined strategies for the revitalization of inner-city areas of Regina including the Cathedral District and Regina North Central.
- ✦ It was believed that replacing 10% of the housing stock with double-density new construction would revitalize and help ensure a healthier, well-maintained inner-city neighbourhood.

However, when the same principles were applied to North Central there was a concern that replacement of merely 10% of the housing stock would not be sufficient to ensure its revitalization due to a number of characteristic and demographic differences (e.g. smaller lots and 4,000 more residents). It was concluded that 20% would produce the desired result; but with 3620 dwellings in North Central, the task was impractical.²³

Twenty years later, the Cathedral area became a success story and the North Central Community continues to suffer. It is possible that some of the Cathedral community's achievement resulted from the movement of disadvantaged residents to areas such as

²³ From information gleaned through conversations with Saskatchewan Housing officials.

The Municipality also had its vision and plans that supported such a strategy and included support to infrastructure and programs like the Inner-City Housing Stimulation Strategy. Community wellness programs such as the creation of the Neighbourhood Community Associations and attention to recreation and healthy use of open spaces have also had a positive impact.

North Central when housing improved and the costs to own and rent increased accordingly, making the Cathedral area less affordable.

The migration to North Central may indeed be a factor, but it is not the sole determinant factor. It is also necessary to consider other social and economic aspects of Regina North Central that may inhibit present and future community progress.²⁴ *It is necessary to consider the cost of poverty itself.*

The literature indicates that poverty is omnipresent on many North Central blocks and has an insidious effect on many of the residents, particularly on the community's children and youth.²⁵

Nevertheless, it must be remembered that the children currently being raised in North Central are the community builders of tomorrow. If they have a decent place to live and grow, where they can get a good education and have good job prospects, then the future of the North Central area and for Regina as a whole can be very good. However, without decent housing, education and job prospects, their future may be bleak and Regina will not benefit from the realization of their full potential in the future.²⁶

The literature indicates that poverty, poor accommodations, lack of educational and occupational prospects are presently having a markedly negative impact on the area. Overcoming problems borne of those factors is North Central's primary challenge – both currently and in the years to come.²⁷

²⁴ Please see the "North Central Neighbourhood Profile: Synopsis" in Appendix II of the Parnes Report

²⁵ Please see the "North Central Neighbourhood Profile: Synopsis" in Appendix II of the Parnes Report.

As noted earlier in the text, according to the synopsis based on the 1996 Census, 35% of the families living in the area are headed by one parent. The average family income for all families in Regina North Central is \$ 27, 545 vs. \$56,615 for all of Regina. 50% of the households are below the Statistics Canada LIC vs. 18 % for Regina.

²⁶ Please see " A Focus on Regina's Children and Youth: A Summary Report" by the Council on Social Development Regina, Inc., February 2003

²⁷ The North central Community Partnership Report on the Community Vision and Action Plan May 2003 Part II Community Consultations at p. 2

According to the Parnes Report, steps to meet the challenges facing North Central are presently being undertaken by the many grass- roots organizations that work in the area. These organizations attempt to address pressing issues such as:

- ✦ Prostitution
- ✦ AIDS
- ✦ Poverty
- ✦ Family violence
- ✦ Childcare.²⁸

The North Central Community Society (now the North Central Community Association) has taken additional positive attempts to address some of the issues that need to be dealt with in Regina North Central.²⁹ These initiatives include:

- ✦ The community-policing program
- ✦ Community schooling³⁰
- ✦ The Urban First Nations/Métis Education Model
- ✦ The Drug Strategy Initiative
- ✦ The Crime Prevention Through Environmental Design (CPTED) program

The North Central Community Partnership

The North Central Community Partnership, and the Parnes Report itself, grew out of recognition of the area's difficulties and the need to foster it's potential by the Federal Government, the Province of Saskatchewan and the City of Regina.³¹

²⁸ Please see the "North Central Neighbourhood Profile: Synopsis" in Appendix II. According to the synopsis there are "40 organizations comprising about 10% of the agencies and programs listed in the Human Services database compiled by Regina Police Services have service facilities or mailing addresses in [the] North Central Neighbourhood." – at p. 2 of the Synopsis

²⁹ The North Central Community Partnership Report on the Community Vision and Action Plan May 2003 Part II Community Consultation at p. 3

³⁰ A "community school" is defined in the "Community Consultations for Albert Community School and Scott Collegiate Interim Report" as "A Saskatchewan Learning initiative designed for elementary schools in communities with a given number of 'at-risk' children. The program provides funding to these schools to facilitate the involvement of community services, as well as parents, in fulfilling the needs of students."

"At risk" is defined in the same document as a "Term that describes students who, for a variety of reasons such as behavioural, economic, cultural, physical, or mental, are in danger of being unable to complete K-12."

The aim of the initiative undertaken by the North Central Community Partnership was to ascertain the community's aspirations and to explore viable methods by which the residents of Regina North Central can achieve their goals.

The Parnes Report was based upon a community consultation, which consisted of an extensive door-to-door survey of area residents (over 450 households), two focus groups, a community meeting and an advisory group meeting. A second advisory group meeting took the emerging vision and rendered additional information essential to the formulation of the Action Plan.³²

The following quotation outlines the methodology of the research process of the initial Action Plan.

*The goals and values of Regina North Central inherent in the Vision Statement were distilled from that document and noted. Pillars for the Action Plan were in turn constructed based upon the identified goals. It was determined that the identified values should form the basis of the "Community Development" pillar of the Action Plan because it is seen as the key to ensuring that the community's values are not lost. The Project Consultant, Visioning Facilitator, and one of the community consultants active throughout the process, utilized their knowledge of Regina North Central and the written material emanating from the second advisory group meeting to flesh out the Action Plan.*³³

As a result of the consultation it became readily apparent that Housing and Crime and Safety are issues of primary concern to Regina North Central residents, and moreover are issues that must be addressed.

³¹ The North Central Community Partnership Report on the Community Vision and Action Plan May 2003 Part I Conclusions and Recommendations at p. 1

³² Ibid. at p. 4

³³ Ibid.

According to the Parnes Report:

...even the most enthusiastic respondents tended to recognize the need to revitalize North Central. Many respondents complained about the look of their neighbourhoods. Rundown properties and inadequate housing made it difficult to maintain a positive view about this section of the city for many of the respondents.³⁴

As a part of the community consultations, respondents are residents of the North Central area. Their input, too, is invaluable. They noted that:

- ✦ *The rundown appearance of North Central frequently gives a bad impression of Regina to visitors from out of town. In this regard it was noted that football games at Taylor Field and events such as the Agribition and the Exhibition all occur within the boundaries of North Central. It was felt that sprucing up this section of Regina would help Regina put its best foot forward.³⁵*
- ✦ *Conversely it was noted that visitors to the area frequently show a great deal of disrespect for North Central and its residents through activities such as littering and generally engaging in "trashy" behavior.³⁶*

A need to revamp the area's infrastructure was often recognized in the survey. The poor condition of the sidewalks and roads were recurrent themes in this regard. As well, better street lighting was frequently advocated as a means of dealing with a matter of great concern for North Central residents - **crime**.³⁷

Respondents were uneasy about the amount of crime in North Central. Violence, theft, property damage, evidence of drug addiction and prostitution in the form of

³⁴ The North Central Community Partnership Report on the Community Vision and Action Plan May 2003 Part II Community Consultation pp 6 & 7

³⁵ Ibid. p. 7

³⁶ Ibid.

³⁷ Ibid.

discarded condoms and needles were cited as sources of apprehension by many of the respondents.³⁸

However, the respondents indicated that not all portions of North Central experience the same level or types of crime, even though all are affected by it. "North Central" covers many square miles. The disruptive presence of prostitution, for example, may be a pressing concern for one part of this designated section of Regina, but has no direct bearing on another portion of North Central. It, too, is affected though because the sex trade damages the reputation of North Central as a whole.³⁹

The point is:

The *bad reputation* it endures not only affects the morale of North Central residents, it is also perceived to have *the net effect of lowering property values* in this entire section of the city. *Crime in North Central thus has psychological and substantive ramifications beyond its immediate victims.*⁴⁰

The negative impact of "*Actual crime, the threat of crime, and the perception of crime drags the reputation of North Central down. Moreover it negatively effects the city of Regina as a whole.*"⁴¹ Regina has repeatedly earned the unfortunate designation as *Canada's "Crime Capital"*. Much of the city's crime does indeed occur within the confines of Regina North Central. If Regina is ever going to improve its reputation, it is going to have to meet the challenges posed by revitalizing this section of the city.⁴²

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid. p. 8

⁴² Ibid.

With respect to this point the following statistics and articles are referred to in the Parnes Report:

According to Crime statistics provided by the Regina City Police at their web site, www.police.regina.sk.ca, in 2002 in Regina North Central there were 827 crimes against persons, and 2,754 crimes against property for a total of 3,581. In an adjacent area of the city, Regina Rosemont, there were 72 crimes against persons, and 548 property offences for a total of 620 in 2002.

The following are excerpts from news articles concerning Regina's designation as the Crime Capital of Canada:

"Regina started 2000 as Canada's crime capital and finished the year without letting go of the title, leading all other major cities in both violent and property crimes."

- The Halifax Daily News – Sun. Jul 29, 2001

The Regina Inner City Community Partnership

The Regina Inner City Community Partnership was initiated as a result of recommendations of the Parnes Report. Although its mandate is to address inner city concerns across Regina, its initial focus has been upon Regina North Central. The current Community Developer is Maureen Lerat. She is a First Nations person originally from the Cowessess First Nation. She began work on March 1, 2005, with the City of Regina as the Community Developer for North Central with the RICCP. Ms. Lerat has extensive experience in community development and working with First Nations, Métis and Non-Aboriginal people. She serves as the link between community residents and the RICCP and their sub-committees (Employment, Housing and Crime and Safety) and is responsible for implementing strategies that have been developed from concerns raised by the North Central community residents under the direction of the RICCP and the City of Regina Community Services Department.⁴³

The Housing Standards Enforcement Team

Since the Fall of 2004, the Crime and Safety Committee of the RICCP has been combining the resources of the Regina Police Service, the Regina Fire Department, the Department of Health, the City of Regina's Bylaw Enforcement Division along with the assistance of members of the community to conduct home inspections in Regina North Central.⁴⁴

The purpose of the inspections is to ascertain whether housing standards as administered by the various agencies and departments are being complied with. In the event that the standards are not being met, remedial measures are pursued.

"A debate over city hall's proposed hikes for recreational fees repeatedly turned into a discussion of Regina's dubious reputation as Canada's crime capital at Monday's city council meeting. - The Leader-Post (Regina) - Tue. Jun 25, 2002

" The Regina Police Service wants to put 12 new officers on the street this year and ensure all its members are protected from the pressures that come with patrolling Canada's crime capital"-The Leader-Post (Regina) - Mon. Jan 28, 2002

"The most obvious conclusion that can be drawn from new Statistics Canada national crime rate figures is the sad reality that more reported crimes do occur per capita in Regina,..." - The Leader-Post (Regina) - Thurs. Jul 20, 2000

⁴³ The North Central Community Connection Spring 2005 edition

⁴⁴ According to Sgt Rick Bourassa speaking at a Community Forum at the Albert -Scott Community Centre, as of May 24, 2005 there have been 87 inspections, 28 dwellings have been closed down (usually through placarding) 18 relocations (with the assistance of Welfare Rights) have been made and 2 Warrants to Inspect have been executed with respect to vacant houses. There has been positive feedback from the affected residents.

The inspection procedure generally is as follows:

1. Residences where there have been repeated calls for service are noted
2. A member of the community, approaches the occupants of the dwelling, explains the purpose of the proposed inspection and suggests that they allow an inspection of the premises
3. The team carries out the inspection and infractions are noted
4. If necessary further procedures regarding the dwelling are taken (i.e. placarding)

All indications are that this has proven to be an extremely successful method. Several houses have been placarded in accordance with the provisions of *The Public Health Act*. Anecdotal evidence suggests that some dwellings have been demolished or otherwise taken off the market but that no residents have been rendered homeless by these actions to date and that steps are being taken to ensure that this potential negative consequence never occurs.⁴⁵

From a crime prevention standpoint, the underlying theory for this initiative is that that the physical environment itself plays a role in promoting or deterring criminal activity. Among other things, substandard housing promotes transience, which acts against a sense of community, which is essential for the development of less crime prone neighbourhoods. *The present substandard housing situation in North Central does not foster the establishment of roots in the community nor does it promote a sense of pride of place.* Substandard housing in North Central perpetuates:

- ✦ The cycle of poverty
- ✦ Disrespect for property
- ✦ Criminal activity detrimentally affects this section of the city.

The housing inspection initiative is not a cure-all, but nonetheless is an important battle in the overall effort to improve life in Regina's inner city areas.

Crime Prevention Through Environmental Design (CPTED)

The *Crime Prevention Through Environmental Design (CPTED)* program is effect in Regina North Central. The project was started through a partnership between:

⁴⁵ Ibid.

- ✦ The North Central Community Society
- ✦ The City of Regina
- ✦ The Regina Police Service
- ✦ The Regina Public School Board

It is continuing due in large part to efforts by the North Central Community Association as part of that organization's continuing effort to improve life in this section of the Queen City.

As a part of CPTED, a community audit of public spaces was conducted in 2003. The purpose of such an audit is to determine where changes should be made in order to reduce crime by measures such as ensuring good lighting on streets and alleys and other public spaces. The co-coordinators were Connie Dieter and Darlene Rude. Its success stemmed from the volunteer efforts of numerous North Central citizens.⁴⁶ The North Central Community Society received a Regina Crime Commission Award on May 18th, 2004, in recognition of the role it played in the formation of the North Central Community Partnership, the community consultations, the resulting Vision Statement, and for its contribution to the ongoing CPTED initiative.⁴⁷

Social and Affordable Housing

Social Housing is subsidized housing targeted to low-income households who would otherwise not be able to afford safe secure shelter. Social housing tenants pay rent calculated on a sliding scale to a maximum of 30 per cent of their income. Most of the social housing in Saskatchewan is administered through community-based housing agencies. Affordable housing provides housing appropriate to the needs of low and moderate-income families and individuals.⁴⁸

There are numerous community based housing agencies in the city. The Regina Housing Authority is located in North Central. It is affiliated with the Saskatchewan

⁴⁶ The North Central Community Connection Fall 2003 edition

⁴⁷ The North Central Community Connection Summer 2004 edition

Another noteworthy recipient was Corporal Ray Van Dusen for his work on the CPTED project

⁴⁸ From <http://www.dcre.gov.sk.ca/housing/faq.html> accessed May17, 2005

Housing Corporation.⁴⁹ Several of Regina’s housing agencies are First Nations Housing Corporations and they are located throughout the city. They include:

- ✦ Gabriel Housing Corporation
- ✦ Mews Corporation
- ✦ Namerind Housing Corporation
- ✦ Silver Sage Housing Corporation.

Other Local Initiatives

The North Central Community Connection

A quarterly newspaper/newsletter, *The North Central Community Connection*, was established to initially convey the results of the Parne’s Report canvass to North Central residents. It is entering its third year of operation. It regularly features articles reflecting the concerns of North Central residents as revealed in the canvass. It is published by the North Central Community Association and has been financially supported by Conexus Credit Union and Regina Exhibition Park

Regina’s Community Housing Registry

The Core Community Association is currently developing a “Community Housing Registry” prototype with innovative software that will facilitate the task of tracking housing, housing inspections, and property ownership in that portion of Regina’s inner city area.

The United Way provided funding for the software’s development with the understanding that it will be available for other community associations such as the Regina North Central Community Association, *free of charge* after it is completed.

The Core Community Association has been actively working with the software developer with respect to fine-tuning the project and has been gathering and entering data

⁴⁹The Regina Housing Authority has approximately 160 Social Housing Units in Regina North Central and approximately 46 Affordable Housing Units. Please also see the section of this report devoted to the Saskatchewan Housing Corporation.

into the system. They have established a thorough base line to work from. The data lists all of the properties within Core’s boundaries (1,773 in total) including commercial properties and owner occupied dwellings as well as residential rental properties.

It has taken approximately 5 months for one person to enter the Core Area’s data. It is anticipated that this software will be up and running for the Core Area by July 1 of this year. It should be available for use by the North Central Community Association after that date. The Core Association and software developer, John Makie, A.Sc.T. , Systems Management Consultant, have been kind enough to provide the following examples of the two primary “screens” for the project:

The screenshot shows a software window titled "Housing - Owner - Occupant". The interface includes the following elements:

- ADDRESS Look-Up:** A dropdown menu showing "1615 St John St".
- Form Fields:**
 - Add_no:** 1605
 - Street/Ave:** Toronto St
 - City:** Regina
 - Prov:** SK
 - Country:** Canada
 - Postal Code:** S4P 1M3
 - Owner ID:** 1212
 - Owner Occupant:**
 - Lot:** S 20'_2/N 13.33'
 - Block:** 245
 - Plan:** OLD 33
- Picture of Front:** A photograph of a house with a wooden fence and trees.
- Rental Property:**
- Close Form:** A button to close the window.
- Owner Section:** A table with columns: NAME, Address, City, Prov, Country, Postal Code, Phone.
- Occupant Section:** A table with columns: Apt, Name, Phone, Postal, Code, Comments. The first row shows "S4P 1M3" in the Postal and Code columns.
- Record Navigation:** "Record: 1 of 1" and "Record: 1279 of 1773" with navigation icons.

Owner_NAME LookUp

NAME: <<UNKNOWN>> Address: _____

City: _____ Prov: _____ Country: _____ Postal Code: _____ Phone: _____ Owner ID: 1

V22_Owner_Director subform

NAME	Address	City	Prov	Country	Postal Code	Phone
▶						
*						

Record: 1 of 1

V22_Owner_Housing subform

Add_no	Location	Lot	Block	Plan	ID
▶	1122 Saskatchewan Dr				1768
	1124 Saskatchewan Dr				1769
	1201 13th Ave				1780
	1202 Saskatchewan Dr				1770
	1209 14th Ave				1782
	1223 13th Ave				1781
	1311 Saskatchewan Dr				1771
	1333 Saskatchewan Dr				1772

Record: 1 of 1416

As these two screens indicate, this software, ideally, will allow for readily accessible updated information concerning, current and past occupants, property ownership and the condition of the property itself. It is expected that the data in this respect will be similar to if not identical to the data used by Bylaw Enforcement. In addition, this system has the potential to note the date of the last inspection and the status of compliance orders. The “Owner ID Number” is a key component of the system and potentially can note multiple properties owned by individuals or corporate identities alike.

The software that has been developed for Regina appears to be similar to that employed in Milwaukee to great effect. It lies at the core of their endeavors to improve rental-housing conditions in that city and has reportedly been a great success. Like the Milwaukee data tracking system, the system developed for the Core Area is not intended to be a solution for remedying all the problems confronting Regina’s inner city rental units, but is seen as a tool that can be utilized and built upon. (Please see the discussion entitled “Rental Registry and Public Access to Information “in the section dealing with options other than landlord licensing.)

Summary

The numerous current municipal and community initiatives attempting to address Regina inner city concerns, include:

- ⊕ Community policing programs with Community Policing Centres located at the Albert Scott Community Centre and the Al Ritchie Community Centre.
- ⊕ The Urban First Nations / Métis Education Model with its pilot project situated in Regina North Central
- ⊕ Initiation of a Crime Prevention Through Environmental Design (CPTED) program in Regina North Central
- ⊕ The establishment of the Regina Inner City Community Partnership with its initial focus being on Regina North Central.
- ⊕ The activities of the Housing Standards Enforcement Team utilizes an inter-agency approach to property decline with its initial focus being on Regina North Central

- ⊕ Various Social and Affordable Housing programs with properties located throughout the city including Regina North Central
- ⊕ Development of the Regina Community Housing Registry's comprehensive computer software for the Core Area that will soon be freely available for use in other locales such as Regina North Central
- ⊕ A quarterly community newspaper in Regina North Central that regularly provides vital information concerning housing, tenant's rights and responsibilities, crime and policing, among other items, to all area residents.



Pertinent Provincial Programs

Although statistics and other information concerning the impact of provincial government programs have not proven to be readily accessible, it is safe to say that, given the level of poverty in Regina North Central and the neighborhood's pressing housing concerns, the provincial government plays a significant role in this urban area through the Department of Community Resources and Employment (DCRE) and the Saskatchewan Housing Corporation (Sask Housing). The following information has been gleaned via reference to various Annual Reports, government websites and press releases and through conversations with government officials.

Department of Community Resources and Employment (DCRE)

DCRE's current approach to poverty and housing was outlined in the 2004- 2005 Saskatchewan Budget.

Principles⁵⁰

- ⊕ Social assistance is an important last-resort source of income for some people. It should be a fair system that meets basic needs and supports a transition to greater economic and social independence.
- ⊕ Reduced waiting lists for social and affordable housing is an indicator of the success of private housing markets at meeting low-income peoples' housing need and of the Department's success in helping low-income people improve their ability to buy better housing through employment.
- ⊕ Social assistance and social housing programs form an important economic safety net but they may have detrimental social effects that may degrade people's capacities for greater self-sufficiency.

⁵⁰ Saskatchewan Community Resources and Employment Performance Plan in the Saskatchewan Budget 2004 -2005

- ✦ An important skill for self-reliance is management of rent and relationships with landlords.
- ✦ To be effective, social housing must be part of a system that helps people move through this type of resource to greater self-reliance in housing, whether as a tenant or homeowner.

Key Actions for 2004-05⁵¹

- ✦ Simplify the Saskatchewan Assistance Plan by, among other things, creating more opportunities for clients to manage their budgets themselves.
- ✦ Develop a new Family Housing Supplement linked to quality housing to ease affordability issues for low-income renter households on social assistance and the working poor.
- ✦ Develop pilot projects to promote asset accumulation options that address long-term housing affordability, and increase home-ownership for lower income families.
- ✦ Develop 2,000 affordable housing units by 2008 for low and moderate-income households.

Specific programs to realize the goals set forth in that Budget are now in place, including the following:

HomeFirst⁵²

HomeFirst is a five- year plan that will directly affect 17,000 households each year during the life of the project. Its aim is to provide affordable housing and housing supplements to targeted groups and to improve household energy efficiency. Over the course of 2004 and 2005, \$25 million will be invested into developing affordable housing and renovation grants for low- to moderate-income households. The highlights of the program are as follows:

⁵¹ Ibid.

⁵² <http://www.gov.sk.ca/newsrel/releases/2004/05/05-233.html> accessed October 11/04

- ✦ The program will assist with the construction of 2,000 additional accommodations to be built province- wide.
- ✦ As part of the program, a new housing supplement will be put into place in 2005, which will benefit roughly 10,000 low income families.
- ✦ A disability supplement will also be started next year to benefit approximately 1,600 households.
- ✦ It is anticipated that 3,000 homes will make it possible for 500 families to become homeowners.

Residential Rehabilitation Assistance Program (RRAP)

According to the Saskatchewan Housing Corporation's 2003 Annual Report, Sask Housing and the Canada Mortgage and Housing Corporation will work together to rejuvenate Saskatchewan housing stock through the Residential Rehabilitation Assistance Program (RRAP). RRAP consists of numerous programs which provide grants and forgivable loans to low income homeowners, property owners and not for profit housing groups that focus on providing housing for low to moderate income households. The funds are used to upgrade properties to current health and safety standards and/or to make homes accessible for disabled people or the elderly thus enabling them to live more independently.⁵³ A \$19.9 million, 3 year extension to the RRAP was announced on May 19/2004.⁵⁴

Programs that fall under the assistance of RRAP include:⁵⁵

- ✦ ***Residential Rehabilitation Assistance Program (RRAP) for Homeowners*** enables low-income homeowners to undertake repairs to meet a minimum level of health and safety. The maximum level of assistance is \$16,000 or \$19,000 depending on the location of the dwelling and the repair requirements
- ✦ ***Rental/Rooming House RRAP*** assists landlords of affordable housing to pay for mandatory repairs to units and beds occupied by low-income tenants. The

⁵³[paraphrased from the Sask Housing Annual report 2003 pdf at p. 11

⁵⁴ from <http://www.gov.sk.ca/newsrel/releases/2004/05/05-233.html> accessed Oct.. 10/04

⁵⁵ Paraphrased from <http://www.cmhc-schl.gc.ca/en/News/nere/2004/2004-05-19-1100.cfm> accessed October 11/04

maximum level of assistance is \$24,000 and \$28,000 per unit or \$16,000 and \$19,000 per bed depending on the location.

- ✦ ***Shelter Enhancement Program*** helps repair, rehabilitate and improve existing shelters for victims of family violence; and facilitates acquiring or building new shelters and second-stage housing where needed.

- ✦ ***Conversion RRAP*** provides financial assistance for converting non-residential property into units or beds to create affordable housing for low-income households. Maximum assistance is \$24,000 and \$28,000 per unit or \$16,000 and \$19,000 per bed depending on the location and repair requirements.
- ✦ ***RRAP for Persons with Disabilities*** provides financial assistance to homeowners and landlords to undertake accessibility work to modify dwellings occupied or intended for occupancy by low-income persons with disabilities. The maximum level of assistance is \$16,000 and \$19,000 per homeowner unit, depending on location and repair requirements.
- ✦ ***Home Adaptations for Seniors Independence*** provides assistance of up to \$3,500 to homeowners and landlords to pay for minor home adaptations that will enable low-income seniors to live independently in their homes.

Other notable programs⁵⁶

Affordable Housing Rentals

The Affordable Housing Rentals consist of existing housing and makes it possible for moderate-income seniors and families to access suitable rental accommodations. SHC ensures that rents are maintained at the low end of the market or at break-even levels.

Neighbourhood Home Ownership Program

⁵⁶ From <http://www.dcre.gov.sk.ca/housing/programs/p-affordable.html> accessed Oct.10/04

According to the Saskatchewan Housing Corporation's Annual Report⁵⁷, SHC has long recognized the importance of partnering with municipalities. The Neighbourhood Home Ownership Program (NHOP) is a good example of this collaboration.

NHOP provides low-income families with suitable, affordable housing through a community based delivery approach. Qualifying families form cooperatives and purchase homes in mature urban neighbourhoods with SHC, the federal government, and the municipality providing funding through a forgivable equity loan. After five years, families may assume ownership of their home from the cooperative. Community development organizations provide on-going support to families and housing cooperatives. Since its start in 1998, NHOP has helped 209 families gain greater independence and self-sufficiency, as they work towards the goal of owning their own home⁵⁸

Jobs First and Transitional Employment Allowance⁵⁹

- ✦ The Jobs First program is aimed at “employment streamers” (i.e. employable) clients.
- ✦ The program’s mandate is to provide people with practical support and income via a “Transitional Employment Allowance.” (TEA) while they look for work.
- ✦ The goal is to help people maintain, for the sake of independence, and return to the workforce
- ✦ Jobs First provides flat rate assistance via TEA.
- ✦ Jobs First is delivered through the Department of Community Resources and Employment by Canada-Saskatchewan Career and Employment Services (Can-Sask).
- ✦ Jobs First provides information about where to look for jobs and how to apply for them.

Procedure

⁵⁷ From http://www.dcre.gov.sk.ca/housing/pdf/annual_report_2003.pdf accessed Oct. 11/04

⁵⁸ at p. 12

⁵⁹ notes from Jobs First and TEA PDF and interviews

1. Applicants will get in touch with DCRE's Contact Centre and be advised about the Jobs first program and given a date to attend a Jobs First session.
2. A Job First session will help applicants pursue employment by providing assistance in writing or updating resumes, use of the electronic data base at the Jobs First website and other job postings, and offer practical advice concerning job hunting.
3. It is estimated that most people will find employment within a few weeks but recipients may receive assistance via the Transitional Employment Allowance for up to 3 months as long as they are actively seeking employment and have no income. It will help people waiting for their first pay cheque or income from other sources as long as they are involved with the Jobs First program.
4. . TEA will help pay for necessities like food, shelter and utilities and child care while employment is being pursued.
5. Recipients that are unable to find a job may be eligible to receive social assistance at the end of the 3-month period

The following are the TEA rates as of May1 2005⁶⁰



Saskatchewan
Community Resources
and Employment

**Appendix A - Transitional Employment
Allowance Rates - May 1, 2005**

General living allowance								
	Tier A	Tier B	Tier C	Tier D		Board and Room Allowance	Personal Living	
One adult	\$425	\$420	\$410	\$400	One adult Two adults Single parent - 1 child Two parents - 1 child	\$280	\$ 90	
Two adults	\$755	\$755	\$735	\$720				
Single parent						\$560	\$180	
- 1 or 2 children	\$610	\$605	\$580	\$565		\$390		
- 3 or 4 children	\$660	\$655	\$630	\$615		\$645 (plus \$85 for each additional child)		
- 5 or more children	\$705	\$680	\$655	\$640				
Two parents								
- 1 or 2 children	\$805	\$800	\$775	\$760				
- 3 or 4 children	\$855	\$850	\$825	\$810				
- 5 or more children	\$900	\$875	\$850	\$835				
Utilities Allowance								
	Tier A	Tier B	Tier C	Tier D				
Telephone	\$ 30	\$ 30	\$ 30	\$ 30				
Power/Electricity								
First person base amount	\$ 50	\$ 50	\$ 50	\$ 70				
Additional amount per person	\$ 10	\$ 10	\$ 10	\$ 14				
Maximum amount for five or more persons	\$ 90	\$ 90	\$ 90	\$126				
Energy/Home heating								
First person base amount	\$ 70	\$ 70	\$ 70	\$ 70				
Additional amount per person	\$ 15	\$ 15	\$ 15	\$ 15				
Maximum amount for five or more persons	\$130	\$130	\$130	\$130				
Water								
First person base amount	\$ 30	\$ 30	\$ 25	\$ 20				
Additional amount per person	\$ 6	\$ 6	\$ 5	\$ 5				
Maximum amount for five or more persons	\$ 54	\$ 54	\$ 45	\$ 28				

General Living Allowance benefits are for food, clothing, household needs (including furniture, appliances and household supplies), personal needs, transportation (including school transportation, public transit pass or costs associated with owning a vehicle), and for shelter (including rent, mortgage, taxes, insurance, condominium fees, lot rental, homeowner's maintenance). Applicants who have not already paid for accommodation in the month of application – the amount of the general living allowance is reduced by \$6.50 per day for every day from the first day of the month to the day prior to the date of application.

Board and Room – Allowance for cost of accommodation, food, clothing, personal needs and incidental expenses.

Personal Living Allowance of \$90 for adults in accommodations where room and food are provided for. Children receive \$55 when residing in safe shelters.

- **Tier A** – Lloydminster, Regina, Saskatoon
- **Tier B** – Creighton, Estevan, Kindersley, La Loche, La Ronge, Lumsden, Macklin, Martensville, Prince Albert, Rosetown, Warman, Weyburn, Yorkton
- **Tier C** – Battleford, Dalmeny, Fort Qu'Appelle, Humboldt, Meadow Lake, Melfort, Moose Jaw, Nipawin, North Battleford, Swift Current, Watrous
- **Tier D** – Other towns and rural areas.

⁶⁰ http://www.dcre.gov.sk.ca/financial/pdfs/TEA_Rate_Schedule.pdf accessed July 17, 2005

Impact and Implications

The Jobs First initiative will have the most immediate impact on shelter issues because recipients will be responsible for securing their own dwellings and there will be no guaranteed damage deposits for landlords. Jobs First is part and parcel of the move by DCRE to foster more self-reliance of its clients. As a result of the flat rate approach, clients are must effectively budget and make conscientious decisions. With a more consumer-oriented model such as Jobs First, there is a risk that with greater independence people may encounter more difficulty in obtaining adequate shelter than was previously the case.

The Saskatchewan Housing Corporation (SHC)

Function

The function of the SHC is defined as:

... [managing] the financial contributions of the provincial, federal and municipal levels of government... [regarding] social and affordable housing and ... [leading] the development of housing policies on behalf of the Government of Saskatchewan.⁶¹

The role of the Saskatchewan Housing Corporation is to “[complement] the work of the private sector housing industry by making housing more accessible to modest-income Saskatchewan people. The Corporation’s responsibilities include managing operating agreements; providing technical services; research and policy development, including analysis of economic and demographic trends; and business plan and financial policy development”⁶²

Relevant Partners and Programs

SHC has an established relationship with the Canada Mortgage and Housing Corporation. They “have been working co-operatively... since the early 1970s. The establishment of the Centenary Affordable Housing Program in June 2002 ...[marked] a

⁶¹ SHC 2002 Annual Report p. 6 from <http://www.dcre.gov.sk.ca/housing/publications.html> accessed January 9,2005

⁶² Ibid.

new beginning in the partnership...[The] program focuses on the delivery of newly constructed affordable housing to modest-income Saskatchewan people. ...SHC and CMHC also collaborate in the rejuvenation of the existing housing stock, primarily through the jointly-funded Residential Rehabilitation Assistance Program (RRAP) and related repair programs.”⁶³

Residential Rehabilitation Assistance Program (RRAP)

As noted in the discussion of DCRE, RRAP is a program that will have a continuing impact on Saskatchewan and in turn on Regina North Central:

*A \$19.9 million, three-year extension to ...[RRAP] and related programs was announced ...[on May 19, 2004] by the Governments of Canada and Saskatchewan.*⁶⁴

The Residential Rehabilitation Assistance Program consists of programs aimed at helping the following people live in adequate, affordable homes:

- ✦ Low-income seniors
- ✦ Low-income families
- ✦ Aboriginal peoples and persons with disabilities

The programs under RRAP also support renovations to rooming houses and shelters to increase the availability of housing for those in need. The Saskatchewan Housing Corporation has engaged the services of the Provincial Métis Housing Corporation to deliver RRAP in relevant areas of the province.⁶⁵

The City of Regina has been engaged by SHC to deliver RRAP in Regina.⁶⁶ A more in-depth summary of RRAP programs is in the section dealing with the Department of Community Resources and Employment.

⁶³ Ibid. p. 13

⁶⁴ <http://www.gov.sk.ca/newsrel/releases/2004/05/19-277.html> accessed January 9, 2005

⁶⁵ 2002 Annual Report at p. 13.

⁶⁶ Ibid.

Centenary Affordable Housing Program and Home First

The “Home First” initiative was launched by the Saskatchewan government on May 5, 2004. It is a five-year plan to invest \$200 million and directly benefit more than 17,000 households annually. In 2004/05, \$25 million will be invested in developing new affordable housing and in renovation grants for low to moderate-income households.⁶⁷

HomeFirst is part of the Centenary Affordable Housing Program (CAHP)⁶⁸

The Changing Role of the Saskatchewan Housing Corporation

S.H.C.’s 2002 Annual Report outlined the Corporation’s hopes for developing a new provincial housing strategy. It states:

- ✦ *Housing programs and services are most successful when they promote economic and social independence, personal accountability and individual choice.*
- ✦ *SHC hopes to finalize a new housing strategy that is consistent with achieving these objectives. The strategy will recognize that individuals, communities and all levels of government have a shared responsibility for ensuring positive outcomes in housing.*
- ✦ *The strategy will further recognize that the market is, and will remain, the primary vehicle for providing housing to Saskatchewan people.*
- ✦ *It is only where the market cannot respond to the housing needs of Saskatchewan people that there is a provincial interest in responding.*
- ✦ *Sustainable housing policy, programs and services can only be developed through an emphasis on shared values and through*

⁶⁷ <http://www.gov.sk.ca/newsrel/releases/2004/05/05-233.html> accessed December 30, 2004

⁶⁸ The umbrella of programs is called the Centenary Affordable Housing Program (CAHP) in honour of the province’s centenary in 2005.
http://www.dcre.gov.sk.ca/housing/pdf/CAHP_new_housing.pdf accessed December 30, 2004

*open dialogue with clients, communities, housing authorities and non-profits, and the public.*⁶⁹

The new housing strategy is part of a larger initiative stemming from the amalgamation of Saskatchewan Housing and Career and Employment Services with the Department of Social Services in April of 2002. According to the 2002 Annual Report:

*This new organizational structure recognizes the need for a more comprehensive and coordinated approach to building, maintaining and supporting independence for those who face particular barriers in this respect. Far from being a place people turn to only as a last resort, our newly configured Department now provides a wide range of services and supports to families and individuals so they may achieve the greatest possible degree of economic independence and self-reliance.*⁷⁰

The theme of helping those in need to achieve greater economic independence and self-reliance was continued in the 2003 Annual Report where it was stated that:

*As an integral part of the Department of Community Resources and Employment (DCRE) [the former Department of Social Services], SHC has been an active partner in furthering the goals of the department's Strategic Plan and building upon the success of its "Building Independence" strategy. As the department continues to work toward assisting low-income people and those on social assistance to move into and remain in the workforce, the importance of safe, suitable, and affordable housing becomes increasingly clear.*⁷¹

⁶⁹ 2002 Annual Report p18

⁷⁰ Ibid. p. 4

⁷¹ f Sask Housing 2003 Annual Report

http://www.dcre.gov.sk.ca/housing/pdf/annual_report_2003.pdf at p. 5] from <http://www.dcre.gov.sk.ca/housing/publications.html> accessed January 9, 2005

The province also recognizes that the private sector has effectively provided housing for most of the population in the past and will continue to do so in the future. The role of the government in housing must be focused on and directed to those citizens who need further assistance and to make these citizens able contribute to the economic and social life of their communities.⁷²

By integrating and coordinating a full range of initiatives in the housing area, the Government of Saskatchewan can continue to encourage independence and self-reliance. Proposed directions include:

- ✦ Placing more emphasis on using existing housing, housing income supports, and housing services that will address housing barriers;
- ✦ Providing support to individuals so they can achieve the greatest possible independence according to their level of need; and
- ✦ Meeting the needs of an increased number of disadvantaged people.⁷³

As of 2003, preliminary work explored options around the development of housing income support through a family-housing supplement. It is believed that the creation of this support system would ease economic dilemmas for families with children and improve the quality of rental housing in Saskatchewan. The Department of Community Resources and Employment believes that housing assistance needs to support the initiative of people to choose where they live, work and access childcare and education. The department also recognizes that there is a continuing need for affordable housing. As well, that homeownership is a dream of many Saskatchewan people. By increasing the supply of affordable housing, we can help make that dream a reality.⁷⁴

The department is also exploring the enhancement of renovation programs to assist the government in its efforts to revitalize the inner-city and northern areas of Saskatchewan. Enhanced repair programs will be directed towards low-income families and persons with disabilities who live in housing that requires renovations to enrich their

⁷² Ibid. at p.18

⁷³ Ibid.

⁷⁴ Ibid.

lives and the opportunities they might encounter. Improved housing will support and complement other department initiatives designed to enhance the lives of citizens.⁷⁵

The following are points of recognition that the 2003 Report illustrates as the broader importance of good housing:

- ✦ The need for housing goes beyond the basic need for shelter.
- ✦ Safe and secure housing is a factor in labor force attachment, crime prevention, urban revitalization, and school achievement.
- ✦ Stable homes are the foundation of strong, healthy communities, which in turn strengthen the families who live there.
- ✦ Encouraging and supporting all citizens to achieve self-sufficiency and economic independence, enhances the well being of individuals and families.⁷⁶

An ever changing environment for government-assisted housing makes it necessary for the Government of Saskatchewan to re-evaluate its current housing policy. Currently, the government is developing a new policy to respond to emerging issues in the housing system. These new policy directives would extend limited government resources to an increased number of people who require housing assistance. Simply put, *the government would be able to assist more people with existing resources.*⁷⁷

The Rental Housing Supplement Program⁷⁸

The provincial government announced the establishment of its new *Saskatchewan Rental Housing Supplement* on *March 22, 2005*. It represents a \$10 million investment and is part of its Building Independence Initiative and HomeFirst strategy. It is administered through the Department of Community Resources and Employment.

The program offers low-income families, and persons with disabilities, a rental housing supplement in order to assist them to secure affordable housing that follows

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Information from press release announcing the program

regulated health and safety guidelines. It took effect immediately, with the first applications being considered in April. There are two components to the supplement:

1. Family Rental Housing Supplement
2. Disability Rental Housing Supplement

Family Rental Housing Supplement

- ✦ Family Rental Housing Supplement has a cap of \$113/month per family.
- ✦ The Family Rental Housing Supplement is expected to help up to 10,000 households.
- ✦ The amount that a family may receive through the Family Rental Housing Supplement will depend on several factors including the applicants' family size, household income, and local rental market.

Disability Rental Housing Supplement

- ✦ Disability Rental Housing Supplement is expected to assist up to 3,000 households.
- ✦ The Disability Rental Housing Supplement is available to single individuals,
- ✦ couples without children, and families.
- ✦ To qualify for the Disability Rental Housing Supplement, at least one member of an applicant family must have a disability that has an impact on their need for housing.
- ✦ Single individuals with disabilities are also eligible for the Disability Rental Housing Supplement.
- ✦ If a family is also eligible to receive a Disability Renting Housing Supplement, the maximum will be \$151/month. It does not appear that single tenants or able bodied couples without children can benefit from this newly announced program.

Incentives for Landlords

- ✦ The Rental Housing Supplement program does offer an incentive to landlords to improve the condition of their rental properties.

- ✦ If the applicant's rental property does not meet health and safety requirements, the applicant can access the supplement once current accommodation is repaired or better housing is found.
- ✦ Assistance is available to landlords to improve their properties through repair programs offered through the Saskatchewan Housing Corporation.⁷⁹

Discussion

The changing role of the Saskatchewan Housing Corporation appears to be part of a broad shift by the provincial government toward a model that will apparently foster greater independence of the individuals receiving government assistance under the “Building Independence” strategy. This shift can also be seen in DCRE’s “Jobs First” initiative which will provide financial assistance on a flat-rate basis rather than through the current needs based approach, and will likely no longer guarantee the payment of damage deposits by assistance recipients.⁸⁰

During the course of research for this project, it was pointed out that rumors and speculation circulated about a planned provincial rental supplement initiative prior to the formal announcement of this program. One rumor suggested that, in conjunction with incentives to landlords to improve the condition of the rental property, the program would also offer incentives to tenants to be better tenants by providing them with a supplement if they met the program’s criteria. This would have been similar to the incentives offered by SGI to encourage drivers to be better drivers through a reduction of insurance rates. As it stands, there is nothing in the new program to encourage tenants to be better tenants.

During the course of research for this project, a lot of criticism was leveled at the lack of specificity of the criteria employed by this program and that it will ultimately benefit landlords rather than tenants. The lack of specificity is thought to be the result of

⁷⁹ Ibid.

⁸⁰ At the November Steering Committee Meeting it was noted that “The most immediate impact that the Job First initiative will have on shelter issues is that recipients will be responsible for securing their own dwellings (i.e. finding their own places) and there will be no guaranteed damage deposits for landlords. Job First is part and parcel of the move by DCRE to foster more self-reliance on the part of its clients. As a result of the flat rate approach clients are going to have to effectively budget and make decisions. With a more consumer oriented model such as Jobs First, there is a risk that with greater independence people will have worse shelter than before.”
To my knowledge there has not been an official announcement to that effect, but it is my understanding that the intention is to implement this policy in the near future.

a muddled approach to a pressing and significant problem. The impression of many people is that the program is a half-hearted attempt to address housing concerns in Saskatchewan. Some observers interpret the new Rental Supplement Program as a compromise in the most negative sense of that term, not as a viable and innovative component of a long-term approach to a daunting task.

Safer Communities and Neighbourhoods Legislation

The provincial government recently enacted *The Safer Communities and Neighbourhoods Act*. The Act allows for the closure of the following types of buildings:

- ✦ Suspected bases for prostitution
- ✦ Illegal drug grow operations and sales
- ✦ Child sexual abuse
- ✦ Solvent abuse
- ✦ Suspected bases for illegal sales and use of alcohol
- ✦ Provisions regarding fortified buildings.

The Safer Communities and Neighbourhoods Act

- ✦ Allows citizens to make confidential complaints to the newly created office of the Director of Community Operations.
- ✦ Investigators, who have been hired specifically to deal with such matters, will conduct investigations.
- ✦ After an investigation, if it appears that there is in fact a problem, the landlord will be made aware of the situation.
- ✦ If the illegal activity continues, a court order can be sought to shut the residence down for a three-month period or on a permanent basis if necessary.
- ✦ Local police can also be involved to enforce the appropriate criminal law.

Processes

The Safer Communities and Neighbourhoods Act follows in the footsteps of similar legislation in Manitoba where it has proven to be quite successful. The following is the model for which complaints are dealt with:

1. In Manitoba, once the landlord is made aware of the problem the matter is frequently cleared up very quickly.
2. More often than not the landlord resolves the issue rather than the court system.⁸¹
3. If the Director is not able to resolve the complaint on an informal basis, an application for a court order may be made at the Court of Queen's Bench.
4. If the Court is satisfied that the property is habitually being used for a purpose that negatively affects the neighbourhood, it may make a Community Safety Order.⁸²
5. A community safety order may:
 - ✦ Require any or all persons to vacate the property on or before a date specified by the Court, not to re-enter the property
 - ✦ Terminate the tenancy or lease agreement of any tenant of the property on a date specified by the Court
 - ✦ Require the Director to close the property for up to 90 days
 - ✦ Limit the order to part of the property or to particular persons
 - ✦ Or make any other provision that the Court considers necessary for the effectiveness of the community safety order.⁸³
6. The legislation also contains provisions concerning Removal Orders.
7. The purpose of these provisions is to allow the removal of fortifications from a building that give rise to public safety concerns by impeding the ability of emergency response and police personnel to gain access to the building or by hindering the ability of occupants to escape the building in the event of an emergency.⁸⁴

For more information concerning the *Safer Communities and Neighbourhoods Act* refer to ***Pertinent Provincial Programs***

⁸¹ From The Regina Leader Post *Wednesday, May 05, 2004* "No Shelter for Illegal Activities" by Veronica Rhodes

⁸² From <http://www.saskjustice.gov.sk.ca/legislation/summaries/scanact.shtml> accessed February 19, 2005

⁸³ Ibid.

⁸⁴ Ibid.

Summary

The Department of Community Resources and Employment and the Saskatchewan Housing Corporation play significant roles in Regina North Central. Both are shifting their approaches in keeping with the “Building Independence” strategy, which, among other things, stresses greater individual self-reliance with respect to housing.

Key provincial programs and initiatives include:

- ⊕ Centenary Affordable Housing Program
- ⊕ HomeFirst
- ⊕ Residential Rehabilitation Assistance Program
- ⊕ Affordable Housing Rentals
- ⊕ Neighbourhood Home Ownership Program
- ⊕ Safer Communities and Neighbourhoods legislation
- ⊕ Jobs First
- ⊕ Transitional Employment Allowance
- ⊕ Rental Supplement Program.



Rental Unit Licensing, Landlord Licensing, And Notes on Other Jurisdictions

“Rental Unit Licensing: Applicability to Milwaukee”⁸⁵

The purpose of the Milwaukee study was to provide an analysis of the concept of Rental Unit Licensing (RUL) as an alternative to their current complaint driven rental housing inspection programs.⁸⁶ The study notes that “... [a] rental unit licensing program would differ from the current complaint driven system in that it would have mandated periodic inspections of many rental units, would better capture owner information, and would theoretically recover program costs through fees.”⁸⁷ And “Unlike the current complaint system, wherein inspections are conducted in response to problems, licensing programs mandate periodic inspections of all rental units. In principle such programs thus provide a more effective mechanism for improving the quality of rental housing.”⁸⁸

The study utilizes a two-pronged approach:

(1) It compares Rental Unit Licensing programs in 15 cities. The comparison is based on the following key factors:

The motivation for rental unit licensing; Political support and opposition; Frequency of inspections; Inspection fees; Number of rental units inspected and size of program staff; Types of units inspected; Factors considered in inspections; Re-inspections and other charges; Applicability; Effectiveness⁸⁹

(2) There is a review of academic literature on housing markets and regulation is examined using general economic and regulatory theory within a qualitative case study framework. Utilizing this approach, two types of Rental Unit Licensing formats are

⁸⁵ Rental Unit Licensing: Applicability to Milwaukee by Ian Crichton, Matt Rosenberg, and Joe Thompson from <http://www.lafollette.wisc.edu/publications/workshops/2002-2003/spring/PA869/domestic/MilwRental-2003.pdf> accessed January 9, 2005

⁸⁶ Ibid. p. 1

⁸⁷ Ibid. p. 5

⁸⁸ Ibid.

⁸⁹ Ibid. p.6

examined: (i) a universal license, in which all rental units in the city must be inspected and licensed, and (ii) a targeted one, in which only the more problematic units are inspected, though all landlords are licensed. In the study the universal licensing and the targeted licensing methods are examined in light of the policy goals of improving the quality of rental housing, the efficiency of rental markets, the availability of affordable housing, and feasibility.⁹⁰ The Study does not condone or condemn RUL per se, however, it recommends that such a system not be adopted in Milwaukee.⁹¹

RUL and Regina

As noted Rental Unit Licensing (RUL) is a means of addressing rental dwelling problems through licensing provisions which focus upon the condition of individual properties being offered for rent. A RUL program would differ from the complaint driven system currently in force in Regina because, among other things, such a program would mandate periodic inspections of rental units rather than inspections being conducted in response to complaints at specific properties.

A RUL type of approach has been the focus of attention by the Rental Registry Steering Committee for many years and has been the source of continuing contention. The following is a précis of the two divergent views followed by an encapsulation of the methodology and findings of the Milwaukee study and notes on the practices of jurisdictions that utilize RUL.

⁹⁰ Ibid. p.1

⁹¹ Ibid. p. 7 The fifteen cities examined in the study were: Allentown, Asheville, Boulder, Brookhaven, Cedar Rapids, Elgin, Farmers Branch, Kansas City, Lawrence, Minneapolis, Morhanton, Peoria, Philadelphia, Salisbury, and Waukegan. Most of the cities surveyed have between 10,000 and 20,000 licensed units .Lawrence has the fewest number of units at 4,500, and Minneapolis the greatest at 68,000. Milwaukee has roughly 125,000 rental units. Lawrence also has the fewest number of employees, 2, while Elgin has 16 employees dedicated to its rental unit licensing program.

Summary

Research has identified two pertinent and instructive major studies that have recently dealt with the concept of addressing rental problems through licensing provisions. The studies, examined two distinct approaches:

- (i) ***Rental Unit Licensing*** (RUL) which focuses on the condition of the individual properties being offered for rent. This approach is addressed in the study: “Rental Unit Licensing: Applicability to Milwaukee”.
- (ii) ***Landlord Licensing*** which focuses upon landlords conduct rather than the condition of rental properties alone. The United Kingdom study, entitled “Selective Licensing of Private Landlords: Consultation Paper” addresses this particular approach.

Although there is some overlap between the two approaches (the condition of rental properties is of great concern with respect to the conduct of a landlord for example), it is a useful distinction to make for this analysis.

Rental Unit Licensing Overview

Both the proponents and opponents of this approach, sitting on the ***Rental Registry Steering Committee*** have been very articulate in setting forth their arguments. Both positions are summarized and presented in the pages that follow along with a synopsis of the findings of the Milwaukee study. Both the “Pluses” and “Minuses” of the RUL approach are set forth in a straightforward manner. The review of this study, and the experience of the cities it deals with, reveal that there is substance to both the proponents and the opponents’ arguments concerning RUL in the Regina context.

Landlord Licensing Overview

The term “Landlord Licensing” is used here to denote the licensing of individual landlords rather than their properties per se. It is a licensing system currently being introduced into certain municipalities in England that are facing many of the same challenges as Regina North Central. This was one of the options presented to members of the Steering Committee and others for their consideration in the form of a

questionnaire during the course of the consultation process. Respondents raised questions concerning how such an approach would function, so that matter is dealt with thoroughly in the following pages. The general sentiment of the respondents, as indicated by the responses to the questionnaire, is that it is too novel an approach, without a proven track record, to be given serious consideration as a solution to Regina North Central's housing problems at this time.



Rental Unit Licensing in Regina

Two Divergent Positions

The cities used in the comparison overlap with those uncovered independently through the research for this study and also through *Rob Deglau*'s earlier independent research.

“Rental Unit Licensing: Applicability to Milwaukee” Methodology⁹²

1. The Milwaukee study compares Rental Unit Licensing programs in 15 cities.
2. The study illustrates trends and identifies possibilities of specific licensing factors.
3. The Milwaukee study is an excellent source of pertinent up- to- date information for the purposes of the question of RUL for the study at hand.
4. The Milwaukee study was based on the following key factors:
 - ✦ Motivation for rental unit licensing
 - ✦ Political support and opposition
 - ✦ Frequency of inspection
 - ✦ Inspection Fees
 - ✦ Number of rental units inspected
 - ✦ Size of program staff
 - ✦ Types of units inspected
 - ✦ Factors considered in inspections
 - ✦ Re-inspections and other charges
 - ✦ Applicability
 - ✦ Effectiveness

⁹² See Appendix F for a comprehensive Summary of the Milwaukee Study

5. The Milwaukee study reviewed academic literature with reference to licensing methods, in consideration of their following policy goals
 - ✦ Improving the quality of rental housing
 - ✦ The efficiency of rental markets
 - ✦ The availability of affordable housing
 - ✦ The feasibility of such an approach

Findings

Reasons for employing Rental Unit Licensing (RUL)

According to the Milwaukee study, cities implement Rental Unit Licensing programs for two main reasons:

1. Financial purposes
2. Concern for public welfare

The data suggests that these programs are multipurpose, and when combined with effective inspections, can be molded to fit the needs of any particular city.

Political Support and Opposition

The study found that in most instances where rental licensing is successfully implemented, groups in support of it are much more organized and outspoken than their opposition. It appears that the combination of highly motivated and organized citizen groups and fragmented landlord and apartment associations open the door to the successful introduction of Rental Unit Licensing.

Frequency of Inspections

Program Flexibility

According to the Milwaukee study, there is a range of code enforcement strictness throughout rental licensing programs. The study found that:

- ✦ Not all programs are either strict or one-issue oriented

- ✦ Most licensing staff indicated that the key to program success is flexibility and the ability to deal with landlords on a case-by-case basis
- ✦ Licensing program staff discretion is necessary to increase efficiency in the inspection program.
- ✦ Four (4) of the cities, whose officials were interviewed for the study, operate rental unit licensing as a business license with no required inspections except upon change of property ownership.
- ✦ In the eleven (11) cities that require periodic inspections, frequency of inspections varies widely. Cities with rental licensing programs can:
 - ✦ Rotate all properties on a fixed time frame
 - ✦ Operate a conditional time frame based on previous performance or building size
 - ✦ Operate on a flexible cycle without a fixed inspection timetable
 - ✦ Require inspections only upon change of ownership

Fee Schedules

The study found a wide variance between fee schedules in differing cities. Four methods of imposing inspection fees were ascertained including:

1. Charging for a business license
 2. No fee
 3. Yearly per unit fee
 4. A variable per unit fee
- ✦ Business license fees run from \$30 per unit each year in Philadelphia to \$2,500 per building each year in Brookhaven, depending upon the number of units.
 - ✦ Change-of-ownership registration fees are typically a \$10-15 one-time charge.
 - ✦ Some cities charge a simple per unit fee to inspect properties.
 - ✦ The fees are charged each year regardless of whether or not the property is actually inspected that year.
 - ✦ Other cities charge a variable per unit fee, based upon the number of units in a building.

Costs to Landlords and Tenants

- ✦ Rental Unit Licensing affects landlords' cost structures, and the rent they charge, through the licensing fee and maintenance work that is ordered as a result of inspections.
- ✦ According to the study, the license fee would likely have a minimal impact on rent, even if it were fully passed on to tenants.
- ✦ For example, a \$50 annual fee, if completely passed on to tenants, would result in a rent increase of just over \$4 per month.

Investment and Disinvestment

- ✦ Rental Unit Licensing could have substantial impacts on the level of investment in housing stock by landlords.
- ✦ The license fee and any repairs increase the costs that landlords face to remain in operation.
- ✦ Landlords could be unable to increase rents by the full amount of these additional costs and their profits would decline.
- ✦ The potential for disinvestment is only significant in buildings that are currently substandard, as they are likely to be the only ones facing mandatory maintenance from an inspection.

Housing Quality and Property Values

- ✦ Rental Unit Licensing can lead to higher quality, older, low-quality rental housing.
- ✦ When the quality of a property improves, the quality and value of its neighborhood also improve.
- ✦ This effect would mostly be felt through exterior quality improvements since they provide the greatest neighborhood externality.
- ✦ It is probable that if neighborhood quality were to improve, property values would also increase.

- ✦ Numerous econometric studies have found that neighborhood quality, as well as the quality of immediate, surrounding homes; positively affect the value of a house.
- ✦ By raising property values, improving housing quality, and improving neighborhoods, rental unit licensing would provide an incentive for middle-class renters to become homeowners.

Cost Estimates

- ✦ The interviews, literature review, and other research did not reveal reliable cost estimates of a rental unit licensing operation because of program variation in inspection cycles, various levels of inspection thoroughness, the types and number of units they license, units inspected, and other factors.

Effectiveness

No comprehensive data emerged through the Milwaukee study to definitively confirm or refute the effectiveness of rental unit licensing programs. **HOWEVER:**

- ✦ Nearly all administrators, of such programs, said violations decreased significantly following the first cycle of inspections
- ✦ The majority of survey respondents indicated that housing stock improved and vacancy rates fell, although these factors were difficult to isolate from greater housing market trends.
- ✦ The Milwaukee study found that although it is likely that rental unit licensing programs do lead to improvements in rental housing quality, it was unable to find any data on the change in the quality of the rental housing stock as a result of licensing programs in other cities.
- ✦ According to the study, “most such programs have experienced a dramatic increase in code compliance rates following the first inspection cycle.
- ✦ Change in quality of rental housing stock is dependent upon the stringency of inspections and the inspection cycle, among other factors.
- ✦ The magnitude of improvement in rental housing quality is unknown.”

RUL Programs Not Financially Self – Sufficient

- ⊕ According to the review of licensing programs in other cities, most are not financially self-sufficient. This may be because of “the frequency of inspections, fee level, thoroughness of inspections, or a combination of factors.
- ⊕ Program administrators indicated that it was difficult to account for program costs with fees because both costs incurred and fees collected vary by year, and the fees are difficult to change quickly.
- ⊕ The lack of administrative flexibility combined with uncertain workload requirements combine to make the budgetary outlook for rental unit licensing programs uncertain at best.”
- ⊕ Despite the fact, that the majority of licensing programs are not self-sufficient, both Kansas City and Allentown, Pennsylvania, indicated their programs are able to fund themselves fully.
- ⊕ The study notes that it is possible but difficult to pay for a licensing program solely with fees collected, and if the experiences in other cities were accurate, the likelihood of success for Milwaukee would be low.
- ⊕ Milwaukee, also, has the added burden of not being able to charge more than what it costs to provide the service.
- ⊕ Kansas City, on the other hand, can set fees in order to earn excess revenue.
- ⊕ Experience in other cities indicates that rental unit licensing programs have difficulty covering program costs with revenues.
- ⊕ The ability to forecast costs accurately and adjust revenue has been problematic in these cities.
- ⊕ The Milwaukee study neither condoned nor condemned the RUL approach, but it concluded that, for their city, the negative aspects outweighed the positive.
- ⊕ The Milwaukee study concluded that they should not implement licensing because the policy would be expensive, meet strong political opposition, and cause more problems for Milwaukee’s rental markets than it would solve.

Summary

On the Positive Side

- ✦ Rental Unit Licensing approach could be molded to fit the needs of a particular city.
- ✦ Rental Unit Licensing is more likely to be successful in centers where it has citizen support and a lack of organized opposition.
- ✦ The key to Rental Unit Licensing success is flexibility with regard to dealing with landlords.
- ✦ There is a wide range of options available for inspections ranging from mandatory inspections only when there's a change of property ownership to a fixed inspection timetable.
- ✦ Similarly there is a wide range of fee schedules that are charged varying from city to city.
- ✦ The cost passed on to tenants arising from licensing fees was considered minimal by the study.
- ✦ The potential for disinvestment is only significant in properties that are currently substandard because they are the only ones facing mandatory maintenance arising from inspections.
- ✦ Rental Unit Licensing can lead to higher quality, older housing and have a positive effect on entire neighbourhoods by increasing property values and encouraging home ownership.

Nearly all administrators of Rental Unit Licensing programs said that violations decreased significantly following the first cycle of inspections and the majority of survey respondents also indicated that housing stock improved, although these factors were difficult to isolate from greater housing market trends.

On the Negative Side

- ✦ Unable to find any data on the change in the quality of the rental housing stock as a result of licensing programs in other cities.

- ✦ Change in quality of rental housing stock is dependent upon the stringency of inspections and the inspection cycle, among other factors. *The magnitude of improvement in rental housing quality is unknown.*”
- ✦ Experience in other cities indicates that Rental Unit Licensing programs have difficulty covering program costs with revenues.
- ✦ The ability to forecast costs accurately and adjust revenue has been problematic.
- ✦ According to the study, the majority of licensing programs are not self-sufficient, The lack of administrative flexibility combined with uncertain workload requirements make the budgetary outlook for rental unit licensing programs uncertain at best.
- ✦ It is possible but difficult to pay for a licensing program solely with fees collected, and if the experiences of other cities were typical, the likelihood of success for Milwaukee would be low.
- ✦ Milwaukee is not able to charge more than what it costs to provide the service.

Notes on Other Jurisdictions

Berkley, Michigan

- ✦ Anyone wishing to rent out a store, office, apartment, or house must register as a landlord and have the structure inspected and approved for occupancy every two (2) years.
- ✦ After receipt of the application and fees, an appointment must be made.
- ✦ Once the property is inspected and approved, the Building Official will issue a certificate of compliance.⁹³

Boulder, Colorado

- ✦ All rental property in Boulder is required to maintain a valid rental license in compliance with the Housing Code.
- ✦ The Housing Code, Boulder Revised Code 1981 Title 10-2, establishes minimum standards for the use and safe occupancy of dwellings to protect, preserve and promote the physical and mental health of its residents.

⁹³ <http://www.berkleymich.org/web/landlord.htm> accessed January 3,2005

- ✦ Obtaining a rental license is the responsibility of the property owner.
- ✦ Rental license applications may be obtained online or from Planning & Development Services.
- ✦ Unlicensed rental property will result in legal action with a fine of up to \$2,000 per violation and/or up to 90 days in jail.⁹⁴

Burlington, New Jersey

- ✦ All Landlords in the City of Burlington are required obtain a license to operate residential rental unit(s).
- ✦ This involves completing a registration form and paying the appropriate fees.
- ✦ The Municipal Clerk's office will receipt the fees, file the registration forms and initiate the required inspections for the issuance of the Licenses and Certificate(s) of Occupancy.⁹⁵

Elgin, Illinois

- ✦ The pertinent city ordinance requires every owner of rental property to obtain a license, which must be renewed each year.
- ✦ If a property is code compliant at the time of the licensing inspection, a one-year extension of the license can be granted.
- ✦ The ordinance also requires each property to be inspected each year.
- ✦ The inspection includes all common areas of the building, the building exterior and yard, and 20% of all dwelling units with at least one dwelling unit being inspected.
- ✦ When the license application is submitted, an inspection appointment is scheduled with the property owner.
- ✦ When the code enforcement officer conducts the licensing inspection, any violations of the city's codes will be cited and a notice will be issued requiring a correction of all violations.
- ✦ A compliance timeframe will be indicated in the notice.

⁹⁴

<http://www.ci.boulder.co.us/buildingservices/inspection/rental/about.htm#General%20Information> Accessed January 2, 2005

⁹⁵ <http://www.burlingtonnj.us/LandlordReg.html> Accessed January 9, 2005

- ✦ When the compliance time frame expires a re-inspection will be conducted.
- ✦ If the violations are not corrected, the license will be suspended and may be revoked if the problems are still not corrected.
- ✦ The fee for a rental license is \$50 with an additional \$25 for each dwelling unit inspected in excess of one.⁹⁶

Elliot City/ Howard County, Maryland

- ✦ Every dwelling or dwelling unit in Howard County not occupied solely by the owner or owner's immediate family must be licensed.
- ✦ The applicant must be the property owner, or authorized agent for the property owner.
- ✦ Out of state owners are required to designate a local agent.
- ✦ Once the application has been accepted and fees paid, a letter will be sent to the property owner/agent notifying them to contact the Housing Inspector to schedule an inspection of the rental property.
- ✦ When the inspection has been completed, the inspector will provide a copy of the inspection results to the owner/agent.
- ✦ If there are no deficiencies, the approved application is given to the owner/agent and the Rental License will be issued.
- ✦ If deficiencies are discovered, a time limit for correction will be determined and a date for re-inspection set, prior to the issuance of the license.⁹⁷

Mankato, Minnesota

- ✦ Landlords are required to obtain a rental license.
- ✦ The license ensures that the dwelling has been inspected either by building officials or the Fire department and approved as rental property.
- ✦ Routine inspections are conducted by the Fire department to ensure continued code compliance.

⁹⁶ <http://www.cityofelgin.com/elginfaq//Default.aspx?Message=2550&t=3> accessed January 2, 2005

⁹⁷ http://www.co.ho.md.us./DILP/Permits/Permits_Rentalproperty_license.htm accessed January 3,2005

- ✦ Tenants or any other citizen can make a complaint about code noncompliance and, either the Police or the Fire Department will investigate it.
- ✦ Landlords are held responsible for the conduct of the people on their property. Therefore, loud parties and other disruptive activity, which results in the police being called, may put your landlord's license in danger of being revoked.
- ✦ Landlords are responsible for disruptive tenants.⁹⁸

Salisbury, Maryland

- ✦ A local ordinance requires the registration of rental dwelling units and owner permits to provide for complaint based and random inspections of rental dwelling units and to authorize enforcement by city officials.⁹⁹

Scotland

- ✦ The Scottish Executive through an Order introduced a full system, of HMO licensing, in 2000, under the Civic Government (Scotland) Act, 1982.
- ✦ The aim of the system is to prevent bad landlords from letting unfit, shared accommodation.
- ✦ Licensing was phased in, in order to help councils and landlords, with properties with more than five occupants being the first to require a license and the threshold reducing each year since.
- ✦ From 1 October 2003, all properties occupied by three or more people, who are members of more than two families, must be licensed.
- ✦ This includes shared flats, student and nurse residences, 'bedsits' and hostels.
- ✦ In the year 2002-2003, 2859 applications for an HMO license were received.
- ✦ There were 1922 licenses in force at 31 March 2003.¹⁰⁰

⁹⁸ <http://www.ci.mankato.mn.us/cityh/housing/renterbroch.php3> accessed January 6, 2005

⁹⁹ <http://www.ci.salisbury.md.us/CityClerk/Ord1899.htm> accessed January 3, 2004

¹⁰⁰ http://www.nrdf.org.uk/news_detail.asp?id=102315130&catid=11 accessed January 3, 2005

City of Takoma Park, Maryland

Landlord Certification Program

Certification Requirements

- ✦ Takoma Park City Code requires the owners of rental housing properties or their agents be certified by the City prior to the issuance of any rental housing license.
- ✦ The intent is to provide landlords, and their agents, with a working knowledge of the laws governing the management, operation, maintenance, and sale of rental housing property in Takoma Park.
- ✦ To obtain certification, the property owner or his/her agent, must either attend a certification seminar or pass a certification examination.
- ✦ The certification must be renewed every three (3) years.¹⁰¹

Vancouver British, Columbia

Rental Property Licensing

- ✦ Anyone owning a residential property with the intent of renting or leasing it, requires a Business License.
- ✦ This includes all One Family Dwellings, Duplexes, Dwelling Units within a Multiple Dwelling, Rooming Houses & Secondary Suites.¹⁰²

Excerpts from License By-Law No. 4450 (Current as of January 1, 2005)¹⁰³

3 (2) Every person applying for a license shall, at the time of making the application, pay to the City the fee for such business, trade, profession or other occupation as specified in Schedule "A" of this By-law.

(3) Every person who operates more than one store, branch, premises or place of business in respect of any business, trade, profession or other occupation shall take out a separate license in respect of each such separate store, branch, premises or other place of business

4. (2) On receipt of an application and before issuing any license thereon, the Inspector shall ascertain whether the applicant has at any time within the preceding 5 years been convicted of any offence under any Statute of

¹⁰¹ <http://207.176.67.2/ecd/housing/documents/certrequ.pdf> from <http://207.176.67.2/ecd/housing/index.html> accessed January 2, 2005

¹⁰² From http://vancouver.ca/commsvcs/licandinsp/licences/faq.htm#rental_property_licensing accessed July 17, 2005

¹⁰³ From <http://vancouver.ca/bylaws/76166v3.pdf> - 242.3KB accessed July 17, 2005

Canada, the Province of British Columbia or elsewhere, or under any By-law of the City of Vancouver and the Inspector, if of the belief that the nature of the offence relates to the business, trade, profession or other occupation for which the application has been made, shall refuse to issue the license. If the Inspector refuses to issue such license the applicant may appear before Council who may grant or refuse the application.

4 (2) (a) Notwithstanding any other section of this By-law, the Inspector may refer any application for a license to Council who may grant or refuse the application.

4 (4) All premises in or upon which the applicant proposes to carry on or conduct any business, trade, profession or other occupation in respect of which a license is required to be held pursuant to this By-law shall comply with all relevant by-laws of the City before any such license is granted; and the applicant shall, upon request, produce certificates or letters of approval as may be required by federal, provincial or municipal authorities.

4(5) Subject to the provisions of this section the Inspector shall issue a license to an applicant.

5. (1) Any person desiring to obtain a transfer of any license, or interest in any license, issued pursuant to this By-law and held by any other person, shall make an application the same as that required to obtain a license under this By-law; and the powers, conditions, requirements and procedures relating to the granting and refusal of licenses and appeals thereon, shall apply.

(2) No person who purchases the interest of, or part of the interest of, any person licensed pursuant to this By-law shall carry on or continue such business, trade, profession or other occupation without first having obtained a transfer of license or a new license.

(4) No license shall be transferred from one person to another more than once during any calendar year.

(5) A person applying for the transfer of a license shall pay the fee as specified in Schedule "A" of this By-law.

SCHEDULE A

BUSINESS LICENSE

APARTMENT BUILDING 52.00 per dwelling 52.00 per annum
unit + \$50.00 per dwelling unit

(EXCEPT that a dwelling unit that is actually occupied by the owner of the premises, or a dwelling unit that is leased for 99 years or more and the lessee is eligible for and has received the Provincial Home Owner Grant for the preceding year, shall not be included in the calculation of the fee payable)

DUPLEX 50.00 per dwelling 50.00 per annum for unit + \$50.00 each
dwelling unit (EXCEPT that no license is required for a dwelling unit
that is actually occupied by the owner of the premises)

DWELLING UNIT that a person 100.00 50.00 per annum rents, intends
to rent, or customarily rents to a tenant except for a dwelling unit for
which a fee is payable under another part of this Schedule A

MULTIPLE CONVERSION DWELLING 50.00 50.00 per annum per dwelling per dwelling unit unit + \$50.00 37.00 37.00 per annum per housekeeping per housekeeping unit + \$50.00 unit 22.00 22.00 per annum per sleeping per sleeping unit unit + \$50.00 (EXCEPT that a dwelling unit, sleeping unit or house keeping unit that is actually occupied by the owner of the premises shall not be included in the calculation of the fee payable)

Waukegan, Illinois

A Comprehensive Summary

Rental property owners are required to be licensed by the City Collector and Licensing Official. Owners of such properties are required to provide all the information required in for General Business Licenses, and must provide the following additional information:

1. Total number of properties owned by the Applicant
2. Number of units at each premises
3. Whether the units are occupied or vacant at the time of license application
4. Applicant shall provide a copy of the current City of Waukegan Zoning Letter or Certificate for each premises, or evidence that the individual has owned the premises continuously since prior to the enactment of the City of Waukegan Zoning Code in December, 1987.

All rental residential property except those units occupied by the owner are subject to an annual inspection as a condition to the issuance of the business license. The following are summary statements regarding the Rental Unit Program in Waukegan, Illinois:

- ✦ The inspection fee, to be paid annually at the time of filing the license application, is \$25.00 per unit.
- ✦ Licensing inspections of rental residential property are conducted within sixty (60) days of the issuance of an initial license or renewal license.
- ✦ The licensing inspection determines whether the residential rental property is in conformance with the Building,
- ✦ Zoning, Property Maintenance and Life Safety Codes of the City of Waukegan, and include a physical inspection of the rental residential property including the

building exterior, common areas, basement, and the interior of each residential unit.

- ✦ If a licensing inspection of a rental residential property reveals any violations of applicable codes, a compliance period will be set by the code official, based on the minimum reasonable amount of time necessary to correct all violations given their number and severity. ***This compliance period cannot exceed thirty (30) days.***
- ✦ A licensing re-inspection is conducted at the end of the compliance period, or sooner at the request of the owner.
- ✦ If the re-inspection reveals that outstanding code violations still remain, the applicant will be charged a \$15.00 re-inspection fee.
- ✦ The Code Official will set another compliance date for remediation of all remaining code violations.
- ✦ The license shall remain in effect during this re-inspection time period. If at the time of the re-inspection the Code Official finds that the requirements of all applicable City codes have not been met, or that any information provided in the license application is false, the license shall be suspended and revocation proceedings will commence.
- ✦ Individual units in licensed premises that become vacant during the course of a license year may not be re-occupied until they are re-inspected and approved for occupancy.
- ✦ The City, at no charge, shall conduct such re-inspection.
- ✦ A residential rental property, which is in total compliance at the time of the licensing inspection, shall receive a license with no additional inspections.
- ✦ Re- inspection periods, suspension periods or revocation periods shall not alter the original annual inspection date of the property.
- ✦ The property will become due for an annual inspection during the same month as the originally selected inspection month.
- ✦ Existing licenses in good standing can be renewed annually.
- ✦ At the time of submittal of the renewal application and fee, the property shall be scheduled for inspection.

- ✦ Renewal license fees shall be paid at the time of the renewal application, in the same amounts as the initial license fee.
- ✦ If a residential rental property is licensed for a period of three (3) years of successful annual inspection and renewal, renewal inspections shall be required only every other year after the third year, and shall continue on a biennial basis.
- ✦ If at any time the property fails its biennial inspection, the property shall revert to an annual inspection schedule for another three-year period.
- ✦ The term “fails” shall be defined to mean less than 90% compliance with all applicable City codes in any single unit¹⁰⁴

Discussion

This survey shows that there is a wide range of options available for inspections and a wide range of fee schedules charged varying from city to city. Some of the jurisdictions deal with the manpower issue by delegating authority to conduct inspections to parties other than traditional housing inspection teams, such as the Fire Department in the case of Mankato, Minnesota. Most importantly, the survey illustrates that regulation of rental housing through licensing provisions can be molded to fit the needs of a particular city, and an *approach could be developed to fit the needs of Regina* if such a course of action is taken.

There are many possibilities. For example: requiring certification of dwellings being offered for rent if the dwelling was constructed more than 60 years ago. Such an approach would encompass many of the problem properties in Regina North Central, and other Regina inner city areas. Applying this requirement to Regina, as a whole, would not be found to be discriminatory, if challenged in a court of law.

The point is not to follow this particular suggestion, but to start looking at the issue in new innovative ways that will advance the goal of *improving rental housing conditions in Regina North Central* rather than continually creating chaos with no constructive outcome.

¹⁰⁴ http://www.lcaoa.org/Wkgn_inspections/ord_02-O-37.htm
accessed January 3, 2005

Summary: The Proponents¹⁰⁵

1. The proponents of Rental Unit Licensing view the current housing situation in Regina North Central with a great deal of apprehension.
2. The existence of pervasive, poor-quality rental accommodations, in this part of the city, is a deeply-rooted problem with far reaching consequences.
3. Many of the proponent's views are encapsulated in Appendix A.
4. Rental Unit Licensing is seen as a ***systemic solution*** to a systemic problem, the solution of choice, and for some proponents as the only viable solution to a pressing problem.
5. It is seen as a ***comprehensive system*** that will provide an effective means of overcoming existing barriers to enforcing housing standards and bridging administrative gaps.
6. It is viewed as an ***economical system*** that, in the long term, will pay for itself and reap ***social dividends*** for the City of Regina, by improving housing stock and increasing the value of residential property in the impoverished areas of Regina, and by enhancing the reputation of the city through crime prevention and promoting better housing.
7. It is seen as a means of ***saving the City of Regina and its taxpayers money*** in the long term through lessening the increasingly expensive costs of fighting crime and other expenditures borne by the City.
8. It is argued that a Rental Unit Licensing system will ***discourage bad landlord practices*** by thwarting corrupt landlords who attempt to rent out substandard accommodations, and facilitate the enforcement of standards across the board.
9. It is contended that Rental Unit Licensing will ***discourage profiteers*** who thrive on renting to high-risk tenants so that they don't have to spend money fixing up their properties and they can thereby maximize their profits.
10. It is further argued that Rental Unit Licensing will ***encourage good landlord practices*** because it will place both good and bad landlords on a level playing field.

¹⁰⁵ See Appendix G for a more comprehensive summary of the Proponents' position.

11. It is thought that RUL will *benefit tenants* by removing the responsibility of having to initiate complaints and ensuring overall compliance with housing standards through regular maintenance by all landlords.
12. Better quality housing will *foster better tenants* because with better housing available, and better housing as the norm, tenants will treat rental properties with more respect.
13. It is thought that Rental Unit Licensing has the *support of the community*. Support for Rental Unit Licensing is seen, as being an essential part of the *community development* that is occurring in Regina North Central and that is essential for the rejuvenation of this area.

Summary: The Opponents¹⁰⁶

Many aspects of the opponents position has been summarized in Appendix B.

- ⊕ The opponents of Rental Unit Licensing in Regina contend that there would be more deficiencies than benefits regarding such a system in the Regina context.
- ⊕ According to the CMR, there are 3,800 rental properties within what may be considered Regina's inner city component as a whole (this area encompasses Regina North Central but is not limited to it).
- ⊕ Of the 3800 rental properties, it has been suggested that 1,800 would need considerable repairs.
- ⊕ Relying on statistics, using 2002 as a base year, the CMR asserts that it will take the current property standards inspection staff approximately 4 years to investigate, enforce and certify all 1800 substandard rental properties for licenses
- ⊕ The figure of 1,800 substandard rental properties (450 properties per year over a 4 year period) is used as a basis to determine the related start up costs and revenue potential for a RUL program in the CMR. The CMR estimated that the start up costs would be \$320,000 in total new staff expenditures and applicable startup components.
- ⊕ According to the CMR, the cost to inspect, enforce and certify the 1,800

¹⁰⁶ See Appendix H for a more comprehensive summary of the Opponents' position.

substandard rental properties would increase significantly over current costs.

- ⊕ The costs recoverable for the first year of implementing the proposed concept would be \$162,000 which is based on an estimated annual license fee of \$360 for 450 certified rental properties.
- ⊕ The net cost for the first year of implementing the licensing concept, in relation to these additional costs, would be \$158,000.
- ⊕ According to the CMR there is no specific authority for a RUL licensing system in the enabling legislation (*The Cities Act*).

According to the CMR, it is questionable if the current provisions within the *Cities Act* will enable the administration to accomplish the intended objectives of a rental licensing program in an efficient and effective manner because:

- (a) The City can only license for purposes of regulation;
- (b) It is not advisable to impose a license on only those units which are found to be substandard because the license would therefore be used more as a fine or a penalty rather than as a license which is not permissible as a matter of law;
- (c) A license scheme cannot provide additional tax revenue because that is contrary to provisions in *The Cities Act*;
- (d) There is little capacity in the Prosecution Division to take on new or additional workloads;
- (e) A licensing scheme would have to be city-wide and not restricted to a specific geographical area within Regina because a non-universal scheme would be struck down for being discriminatory.

There would be an inherent difficulty in monitoring because certain landlords constantly “flip properties”. It is contended that Rental Unit Licensing could have a negative impact upon tenants because:

- (i) Increased costs to landlords arising from the program will be passed on to the tenants;
- (ii) Property Standards Inspectors may be required to spend more time pursuing landlords for licenses rather than focusing on the issue of addressing inadequate rental accommodation in Regina.

Landlord Licensing

The “Selective licensing of private landlords: consultation paper”¹⁰⁷

The United Kingdom government, concerning England, in July 2001, presented this consultation paper.¹⁰⁸ Scotland and Wales are developing their own housing policies.¹⁰⁹ The paper examines a proposal that landlords in selected areas where there is low demand for housing should be licensed based on their record and management standards rather than on the condition of individual properties.¹¹⁰ The stated principal aims of the proposal are to:

1. Ensure that all landlords meet minimum management standards and participate with others in dealing with antisocial tenants and
2. Make certain that unscrupulous landlords who will not meet minimum standards are not allowed to rent out residential property.¹¹¹

Background

- ✦ Gateshead Council’s cabinet member, Councillor Peter Mole, launched, in 1999, “The Private Landlord Licensing Campaign” with responsibility for housing, at the House of Commons.¹¹²
- ✦ The campaign stemmed from continuous complaints about irresponsible landlords and antisocial tenants in Gateshead.
- ✦ It became apparent that these were pervasive problems that occurred across the United Kingdom.
- ✦ Local authorities reported the following incidents that residents were forced to live with:
 - ✦ anti-social tenants

¹⁰⁷ Prepared by the Government of England odpm_house_pdf_601676.pdf
From http://www.odpm.gov.uk/stellent/groups/odpm_housing/documents/page/odpm_house_601676-02.hcsp accessed January 3, 2005

¹⁰⁸ Ibid. p. 24

¹⁰⁹ Ibid. p. 2 Scottish Landlord Licensing laws were amended in 2003:
http://www.nrdf.org.uk/news_detail.asp?id=102315130&catid=11 accessed January 3, 2005

¹¹⁰ Ibid. pp 7,8

¹¹¹ Ibid. p. 2

¹¹² From <http://www.gateshead.gov.uk/whatsnew/landlordlicense2.htm> Accessed January 15, 2005

- ✦ community decline
- ✦ Wanton damage to homes
- ✦ Vandalism and graffiti
- ✦ Verbal abuse and threats of physical violence
- ✦ Loud parties and deliberately noisy activities late at night
- ✦ Rubbish and old furniture thrown into the street
- ✦ Criminal activity, such as drug dealing
- ✦ Never feeling able to leave their homes unattended
- ✦ Falling house prices

Irresponsible Landlords - the Problems¹¹³

The above noted problems were attributed in large measure to irresponsible landlords by more than 120 local authorities in England who pledged their support for Gateshead Council's national campaign for a licensing scheme for private landlords.

The local authorities gave examples of the kind of problems irresponsible private landlords have created in their areas including:

- ✦ Letting unfit properties and allowing them to deteriorate further
- ✦ Not vetting tenants to ensure they will be responsible neighbours
- ✦ Not carrying out necessary tests and maintenance to gas appliances
- ✦ Allowing tenants to behave in an anti-social manner
- ✦ Failing to evict anti-social tenants despite repeated complaints

Methodology

The paper¹¹⁴ presents the licensing proposal as an essential part of a wider plan to ensure that:

1. Anti-social tenants improve their behaviour, or are resettled with suitable support;
2. Responsible tenants benefit from a higher standard of management and an improved local environment

¹¹³ Ibid.

¹¹⁴ Prepared by the Government of England odpm_house_pdf_601676.pdf
 From http://www.odpm.gov.uk/stellent/groups/odpm_housing/documents/page/odpm_house_601676-02.hcsp accessed January 3, 2005

3. Local authorities support well-intentioned landlords and agents in carrying out their responsibilities
4. Tenants do not suffer from any reduction in the supply of rented accommodation
5. Burdens and costs on responsible landlords are minimized.¹¹⁵

The paper examines the proposal in terms of the following “key issues”:

1. Requirement to obtain a license
2. Licensing criteria
3. Relationship with licensing of Houses in Multiple Occupation (HMOs)
4. Dealing with disputes
5. Duration of licenses and provisional licenses
6. Enforcement and sanctions
7. Costs¹¹⁶

Identifying Options

Option 1 Rely on existing powers.

Option 2 Give Local Authorities the power to establish a licensing scheme ...[which] could cover production of gas, electricity, fire and furniture safety certificates, a tenancy agreement and inventory; vetting of prospective tenants; and prompt action on complaints from neighbours. The license would primarily apply to landlords, rather than dwellings.

Option 3 Give Local Authorities the power to establish a licensing scheme covering all PRS landlords ... based on the same criteria as proposed for licensing Houses in Multiple Occupation (HMOs). ... The proposed HMO licensing requires that a dwelling passes the present fitness standard, or poses no unacceptable hazard under the proposed new Housing Health and Safety Rating System HHSRS. The licensee (who may or may not be the landlord) must also abide by management

¹¹⁵ Ibid. pp 2,3

¹¹⁶ Ibid. pages 9- 15

regulations and be a fit and proper person. The requirement that a dwelling passes the fitness standard (or poses no unacceptable hazard under the HHSRS system) would mean the Local Authority inspecting all Private Rental Sector (PRS) lettings in the low demand area prior to issuing licenses.¹¹⁷

Conclusion

1. Option 2 “ provides the best balance of benefits and costs to tenants, landlords and other service providers in low demand areas where licensing might be implemented.
2. The additional costs associated with option 3 arise from the inspection of individual dwellings. It is unlikely that the benefits obtained from this in helping arrest the decline of a neighbourhood would be proportionate to the extra costs involved.”¹¹⁸

Landlord Licensing - How Will It Work?¹¹⁹

Private landlord licensing will require private landlords in a designated area to obtain a license to operate. To qualify for a license, they will need to satisfy a number of basic requirements, including:

- ✦ ***The property*** - must be fit for habitation, adequately maintained and have the necessary safety certificates, including gas and electrical testing.
 - ✦ ***The owner or manager*** – must be a fit and proper person with no relevant convictions, a good management record and an approved tenancy agreement, and adequate letting policy.
- ✦ To encourage landlords to operate within the conditions of the scheme, the payment of certain grants relating to property improvement will be dependent on the landlord having a license.

¹¹⁷ Ibid. pp 17, 18

¹¹⁸ Ibid. p. 23

¹¹⁹ From <http://www.gateshead.gov.uk/whatsnew/landlordlicense2.htm> Accessed January 15, 2005

- ✦ Licenses can be refused or revoked if a landlord or their property fails, at any time, to meet the required standards. Steps could then be taken to prohibit the property from being rented.¹²⁰

The Landlord Licensing Option: Pros and Cons

Arguments in Favor

- ✦ A respondent to the Steering committee noted that this licensing requirement would be invaluable in the field to identify the owners of properties from a complaint format as well as a fire incident scenario.
- ✦ Having multi agency access to the housing practices of a landlord would allow the authorities to cross-reference the background of the landlord as required.
- ✦ The intent of helping landlords in dealing with anti-social tenants, and in removing unscrupulous landlords from renting property, would be well received by the community and law enforcement authorities.
- ✦ Other respondents noted that this alternative might be more economical than the Rental Unit Licensing approach.
- ✦ Landlord Licensing is being introduced in Manchester, England, where the view is held that the benefits of licensing are:
 - ✦ The reduction of anti-social behavior
 - ✦ Support & training for responsible landlords
 - ✦ Stopping area decline
 - ✦ Better housing standards for private tenants
 - ✦ Benefit to wider community & business
 - ✦ Long-term economic benefits

Arguments Against

- ✦ Advocates of Rental Unit Licensing take the position that this alternative would not be as effective as the Rental Unit Licensing approach, with respect to improving the quality of available rental housing stock, and the overall availability of housing in Regina North Central.

¹²⁰ Ibid.

- ✦ Opponents of Rental Unit Licensing take the position that most, if not all of the arguments regarding administrative, legal, financial and political concerns that were raised opposing Rental Unit Licensing can be made against Landlord Licensing, too.
- ✦ There is concern that Landlord Licensing could turn into an administrative dilemma.
- ✦ A single, non-compliant property out of many that a landlord might own could threaten the tenancy with dislocation and loss of regulation compliant homes if a landlord loses his license to rent.
- ✦ A common response among Steering Committee members is that since it has only been available as an option for implementation in various locales in England since January of 2005, it is too new and not enough is known about it for it to be seriously considered as an option at this time.

Summary

Overview

In this type of system landlords are licensed based on their record and management standards rather than on the condition of individual properties alone. This approach is similar to licensing programs currently in existence for many other businesses /professions/ occupations (Cab Drivers, and Attorneys for example)

Objectives

This format is currently being implemented in England with the two stated operating directives being:

1. To ensure that all landlords meet minimum management standards and participate with others in dealing with antisocial tenants
2. To make certain that unscrupulous landlords who will not meet minimum standards are not allowed to rent out residential property

Landlord Licensing emerged as the best of three options considered in the

Consultation Paper in accordance with a wider plan to ensure that:

- ⊕ Anti-social tenants improve their behavior, or are resettled with suitable support
- ⊕ Responsible tenants benefit from a higher standard of management and an improved local environment;
- ⊕ Local authorities support well intentioned landlords and agents in carrying out their responsibilities
- ⊕ Tenants do not suffer from any reduction in the supply of rented accommodation
- ⊕ Burdens and costs on responsible landlords are minimized.

How it is supposed to work

In order to qualify for a license, a landlord or property manager would need to satisfy a number of basic requirements. Those requirements are:

1. The property would have to be deemed fit for habitation, adequately maintained and have the necessary safety certificates, including gas and electrical testing.
2. The owner or manager would have to be a fit and proper person with no relevant convictions, a good management record and an approved tenancy agreement, and adequate letting policy.

- ⊕ In order to encourage landlords to operate within the conditions of the scheme, the payment of certain grants relating to property improvement would be dependent on the landlord having a license.
- ⊕ Licenses can be refused or revoked if a landlord or their property fails, at any time, to meet the required standards. Steps could then be taken to prohibit the property from being rented.



Complaint Systems and Rent Withholding

The following complaint system has been in operation in Milwaukee, Wisconsin in the following manner:

1. Through the complaint system, Milwaukee, residents of both rental and owner-occupied units can file complaints about their unit or neighborhood.
2. Alderpersons can also file complaints on behalf of their constituents.
3. The complaints can range from safety and health risks such as electrical problems or a lack of heat to nuisance issues such as graffiti and abandoned vehicles.
4. Tenants may file a complaint with the Department of Neighbourhood Services (DNS) if their housing unit has a problem that is not being addressed by their landlord. When a complaint is filed, a DNS staff member logs it into their tracking system. Then, using the landlord contact information from the rental recording system, the landlord is usually contacted about the problem. Often the landlord remedies the problem quickly, in which case no inspection is necessary.
5. If the problem is not addressed a DNS inspector is sent to the property. If the complaint is valid, the inspector issues a work order to the landlord with a specified amount of time for completion dependent upon the type of repair.
6. After the allowable time, DNS conducts a re-inspection to see if the work order has been fulfilled. If the work order is ignored, another re-inspection is conducted at a later date.
7. The landlord is not charged for the initial inspection but is charged for re-inspections.
8. While the charge for the initial re-inspection is minimal, the fees escalate so as to provide an incentive to the landlord to make the repairs.
9. The first re-inspection costs \$50; the second \$75, the third \$150, and the fourth and subsequent re-inspections cost \$300 each.

10. In the rare case that the landlord continues to ignore the problem, the City has the legal authority to collect rent from the tenant and conduct the repairs itself in a process known as rent withholding.¹²¹

Most of the complaints that have been filed have been concerned with housing quality issues and were remedied. It has been reported that:

- ✦ In 2002 more than 13,500 complaints were filed with the Department of Neighborhood Services from rental units in Milwaukee.
- ✦ Most of the complaints involved housing quality issues.
- ✦ Nearly 100 percent of complaints filed in 2002 were closed out by DNS, indicating that repairs were made.
- ✦ Many of those complaints were about maintenance issues, with over 2,500 regarding the exterior and over 3,000 on the interior.
- ✦ A single complaint could be classified in multiple categories, so these totals are not mutually exclusive.
- ✦ An analysis of the complaint data indicates that many complaints were filed from units in poor neighborhoods in south and north Milwaukee.¹²²

The responses to the canvass of Steering Committee members and others indicated a lack of support for this option because it is viewed as unworkable in the Regina context and a potential bureaucratic nightmare.

Summary

- ✦ In this type of system, a tenant can register a complaint with civic authorities that his / her landlord has not resolved a legitimate complaint about the rental property.
- ✦ The civic authorities then contact the landlord and try to have the situation remedied.
- ✦ If the problem persists, an inspection will be ordered and a work order may be issued.
- ✦ If the work order is not complied with within the specified time, the landlord will be charged for each re-inspection that may be necessary at an escalating rate.

¹²¹ Ibid.p. 4

¹²² Ibid. p.5

- ✦ If the problem persists, the City would have the legal authority to collect rent from the tenant and conduct the repairs itself.

Comments by the steering committee members that answered the *Steering Committee Questionnaire*¹²³ indicate a lack of support for this option primarily because it could turn out to be an “administrative nightmare.”

¹²³ See Appendix D and Appendix E



Landlord Training Programs and Certification

Landlord training programs train landlords to manage their property properly, deal with tenants effectively, and minimize illegal activity on the rental property. Landlord training programs can exist either in conjunction with landlord licensing or independently.

Examples

Takoma Park, Illinois

- ✦ The City code requires certification of property owners or their agents before a license will be issued.
- ✦ To obtain certification, the property owner or his/her agent must either attend a certification seminar or pass a certification examination.
- ✦ Certification must be renewed every three (3) years.
- ✦ The intent is to provide landlords, and their agents, with a working knowledge of the laws governing the management, operation, maintenance, and sale of rental housing property in Takoma Park.¹²⁴

Milwaukee, Wisconsin

- ✦ The Department of Neighborhood Services conducts a Landlord Training program for city landlords.
- ✦ The free program offers training for landlords regarding proper management of property, lessening illegal activity being conducted on rental properties, and effectively dealing with tenants.
- ✦ The training program provides pointers regarding code compliance.

¹²⁴ <http://207.176.67.2/ecd/housing/documents/certrequ.pdf> from <http://207.176.67.2/ecd/housing/index.html> accessed January 2, 2005

- ✦ The intent of the Milwaukee program is to “ to create better landlords and better neighborhoods by educating landlords about tenant screening, increasing the need for unit maintenance, and the legal rights of both landlords and tenants.”¹²⁵

Consultation Responses

- ✦ Most parties who have been consulted during the course of conducting research for this study, recognize that that there should be better education for Regina landlords concerning their obligations and rights; possibly through a landlord training program.
- ✦ However, no one suggested a landlord training program as a “stand alone” solution to the rental housing problems being experienced by tenants in North Central Regina.

Public Disclosure of Code Offenders

This option utilizes the power of public disclosure and publicity concerning the names of code offenders, their affiliations, and documents the nature of their offences.

- ✦ For example, a website has been created in Independence Missouri known as “Town Topics” that has named individuals and their prominent role in a local church that actually owned the property and published damning pictures of the blatant code infractions.
- ✦ Comments by the Steering Committee Questionnaire respondents indicate a lack of support for this option primarily because it is seen as a negative approach and because of legal concerns concerning defamation.

Current Laws

Enacting Bylaws and Regulating Businesses and use of The Cities Act

Jurisdiction

The City of Regina derives its power to enact bylaws¹²⁶ and to regulate businesses from The *Cities Act*. It is therefore important to be aware of the relevant provisions of

¹²⁵ Ibid. p. 4

¹²⁶ According to *The Cities Act*

that piece of legislation. Among other things, Section 8 of the Act empowers cities to pass bylaws concerning:

- ✦ The peace, order and good government of the city (s.s. (1) (a))
- ✦ The safety, health and welfare of people and the protection of people and property (s.s. (1) (b))
- ✦ Nuisances, including property, activities or things that affect the amenity of a neighbourhood (s.s. (1) (d));
- ✦ Businesses, business activities and persons engaged in business (s.s. (1) (h))¹²⁷

Section 8 (3) further clarifies the powers of cities to enact bylaws and regulations. Relevant portions of that subsection are:

Without restricting the generality of subsection (1), a power to pass bylaws given by this Act is to be interpreted as including the power to do all or any of the following:

1. Regulate or prohibit;
2. Deal with developments, activities, industries, businesses or things in different ways, and, in so doing, to divide each of them into classes or sub- classes, and deal with each class or sub-class in different ways;
3. Provide for a system of licenses, inspections, permits or approvals, including any or all of the following:
 - ✦ Prohibiting any development, activity, industry, business or thing until a licence, permit or approval has been granted or an inspection has been performed
4. Providing that terms and conditions may be imposed on any license, permit or approval and setting out the nature of the terms and conditions and who may impose them
5. Setting out the conditions that must be met before a license, permit or approval is granted or renewed, the nature of the conditions and who may impose them

5(1) Unless otherwise provided by any other provision of this or any other Act, a city is required to act through its council.

(2) If required to do so by this Act, a council shall exercise a power through the passing of bylaws.

(3) With respect to powers other than those mentioned in subsection (2), a council may exercise its powers by passing bylaws or resolutions.

¹²⁷ <http://www.canlii.org/sk/laws/sta/c-11.1/20041105/whole.html> accessed January 25, 2005

6. Providing for the duration of licenses, permits and approvals and their suspension or cancellation for failure to comply with a term or condition of the bylaw or for any other reason specified in the bylaw;
7. Determining the manner in which any license, permit or approval is to be allocated;

Fees

Section 8 (3) (c) (1) allows the City, subject to subsection (4), to establish fees for the activity authorized for the purpose of raising revenue.

Subsection (4) states:

The fees that may be established pursuant to sub-clause (3) (c) (i) must not exceed the cost to the city for:

- (a) Administering and regulating the activity*
- (b) Collecting the fees*

The Scope of a City's Powers under The Cities Act

According to Section 6 of the Act:

The power of a city to pass bylaws is to be interpreted broadly for the purposes of:

1. Providing a broad authority to its council and respecting the council's right to govern the city in whatever manner the council considers appropriate, within the jurisdiction provided to the council by law; and
2. Enhancing the council's ability to respond to present and future issues in the city.

However, it has been noted that “a city's bylaws and cities generally, are still subject to other provincial legislation such as *The Planning and Development Act, 1983*, *The Tax Enforcement Act*, *The Local Government Election Act* and any regulations that may be prescribed under *The Cities Act* or other Acts.”¹²⁸

It should be noted too that the city cannot act in a manner -or pass bylaws- contrary to the *Canadian Charter of Rights and Freedoms* and must comply with all relevant case law.

¹²⁸ From <http://www.municipal.gov.sk.ca/mrd/ctyjurisdic.shtml> accessed January 23, 2005

Offences and Penalties

- ✦ Section 8 (2) of the Act empowers Cities to” ... make bylaws respecting the enforcement of bylaws ...creating offences, including continuing offences.”

Range of Potential Penalties for Single Offences

- ✦ Section 8 (2) (b) sets the limits for punishments that may be imposed for breaching a bylaw by an individual at \$10,000. For each offence committed or imprisonment up to one year or both a fine and imprisonment.
- ✦ Section 8 (2) (c) sets the limits of potential penalties for corporations contravening bylaws as being \$25,000 for each offence or imprisonment of the directors of the corporation for not more than one year, or both.

Range of Potential Penalties for Continuing Offences

- ✦ Section 8(2) (d) empowers the City in the case of each continuing offence, to impose a maximum daily fine, the total accumulation of which is not limited by the maximum fines set out in clauses (b) and (c).

Additional Penalties

- ✦ Section (8) (2)(e) enables the passage of a bylaw “ providing for the imposition of a penalty for an offence that is in addition to a fine or imprisonment so long as the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence”
- ✦ Section 8 (2) (g) empowers cities to pass bylaws providing for imprisonment for not more than one year for non-payment of a fine or penalty.

Flexibility of Penalties

The Act allows cities a great deal of flexibility with regard to the stipulation of penalties, including:

- ✦ Providing that a specified penalty is reduced by a specified amount if the penalty is paid within a specified time¹²⁹
- ✦ Providing that a person who contravenes a bylaw may pay an amount established by the bylaw within a stated period and that, if the amount is paid, the person would not be prosecuted for the contravention¹³⁰
- ✦ Providing for inspections to determine if bylaws are being complied with¹³¹

The Regina Property Maintenance Bylaw

- ✦ *The Cities Act* replaced *The Urban Municipalities Act* and came into force on January 1, 2003.
- ✦ The City of Regina enacted *The Regina Property Maintenance Bylaw #2002-105* to coincide with the coming into force of the new Act.
- ✦ The new bylaw consolidated all previous property control bylaws with the aim of setting and enforcing standards to regulate the maintenance of properties and structures within Regina.¹³²

General Landlord Obligations

- ✦ Landlords are legally responsible for keeping their rental properties safe and sound.
- ✦ Every part of the building or property must be kept in a well-maintained, structurally sound condition.
- ✦ These standards apply to the inside and outside of a house, apartment or any other type of dwelling unit.¹³³

¹²⁹ Section 8(2) (f)

¹³⁰ Section 8 (2) (h)

¹³¹ (Section 8 (2) (i)

¹³² From “The Low-Down on the Run-Down – A guide to The Property Maintenance Bylaw “published by the City of Regina.

¹³³ From “ Safe and Sound – A Tenants Guide to Minimum Maintenance Standards” published by the City of Regina

*Enforcement Procedure*¹³⁴

1. After a complaint has been received by the City's Bylaw Enforcement Division about a dwelling unit that may be substandard, an inspector can arrange a site inspection with the affected property owner or the occupant.
2. Tenants have the right to let Property Standards Inspectors from the City's Bylaw Enforcement Division inspect their dwelling unit. They do not need the permission of the landlord.
3. If an inspection reveals that there are contraventions of the standards set forth in the Bylaw, then a Notice is mailed to the property owner which lists the repairs that must be done for bylaw compliance and requests that the property owner contact the inspector within two to four weeks of the date of the Notice, depending on the circumstances, regarding their intentions concerning the repairs.
4. If the repairs are not done within the above deadline, an Order To Comply is issued giving the property owner a specific date to do the necessary repairs. The amount of time given in the Order to do the repairs will vary depending on the number and types of repairs and the time of year in which the repairs are to be done.
5. If the property owner disagrees with the requirements contained within the Order to Comply, or requires an extension of time, he or she has 15 days from the date of the Order to appeal in writing to the City's Property Control and License Committee.
6. If any person fails to do the work required by an Order within the time limit prescribed in the Order, the City may proceed to have the work done that it considers necessary for the purpose out the Order, and the cost of the work is a debt due and owing to the City and may be added to the taxes of the land on which the work is done.
7. If the repairs are not completed within the time as specified in the Order, or any extension that may have been granted, or permit the same circumstances that

¹³⁴ The Enforcement Procedure section of this presentation consists of direct quotes and paraphrasing of material contained in literature published by The City of Regina: "Safe and Sound A Tenant's Guide to Minimum Maintenance Standards " and " The Low-down on the Run-Down – A Guide To Regina Property Maintenance Bylaw. This material is augmented by and interspersed with material from the bylaw itself.

- precipitated the Order to recur, legal action against the property owner may be initiated by the inspector.
8. Voluntary payment of \$100 will be accepted by the City of Regina for failure to comply within the specified period of time and a voluntary payment of \$200. for allowing the circumstances that gave rise to the Order will be accepted by the City of Regina.
 9. The rate for the voluntary payment for each subsequent instance of allowing the circumstances that gave rise to the Order increases to \$500.
 10. Where a voluntary payment has been made, there won't be a prosecution for the alleged contravention. If a voluntary payment is not received, then there will be a prosecution for violation of the bylaw and the potential of being fined pursuant to the provisions of *The Cities Act*.
 11. Noncompliance by an individual property owner with an Order can result in a maximum fine of not more than \$10,000 in the case of a single offence. In the case of a continuing offence a daily fine may be levied which can not exceed \$2,500 for each day during which the offence continues.
 12. A corporation is liable to a fine of not more than \$25,000 and, in the case of a continuing offence, to a maximum daily fine not exceeding \$2,500 for each day the offence continues.

Standards Inside the Dwelling¹³⁵

- ✦ Generally, a housing unit should be sanitary and free from rubbish or other debris which could cause a fire, accident or health hazard.
- ✦ All houses or dwellings must have a safe unobstructed exit from the inside of the building to the street or the main level. Stairs with more than two steps require handrails.

¹³⁵ The Minimum Standards for maintenance and repair of buildings in Regina are set forth in "Schedule A" of the bylaw. Schedule A outlines minimum standards for Accessory Buildings and Building Exteriors as well as Building Interiors.

Inside the Home

- ✦ All handrails inside the home should be maintained in good repair. Every habitable room must have at least one window, which can be easily opened and held open.
- ✦ All rental units must be maintained to eliminate conditions that attract vermin, insects or rodents.
- ✦ Floors, walls, ceilings and basements should be free from dampness.

Bathroom

- ✦ Every house must contain a toilet with a seat, a washbasin with hot and cold water, and a shower or bathtub in good working order.
- ✦ Walls around a bathtub or shower should be maintained as to be water resistant and readily cleanable.

Kitchen

- ✦ Every room where meals are prepared should have a sink in good working order with hot and cold running water.
- ✦ Every kitchen must have a safe and adequate and approved gas or electrical supply for cooking purposes.
- ✦ Kitchen exhaust systems should be regularly cleaned and maintained in good working order.

Heating & Plumbing

- ✦ All plumbing, including connecting lines to the water and sewer systems should be protected from freezing and maintained in good working order.
- ✦ Every dwelling must have a heating system capable of safely heating it to the required standard of 21 degrees Celsius (70 F) for each habitable room.
- ✦ Fireplaces must be connected to approved chimneys, if they are used for burning fuel.

Electricity & Lighting

- ✦ There must be a working electrical light fixture in every bathroom, shower room, kitchen, laundry room basement, furnace room and in halls and stairways.
- ✦ The unit must be wired for adequate lighting and have adequate electrical outlets as required by the electrical code.

Business Licenses in Saskatchewan and Regina

Range of Businesses

- ✦ Saskatchewan Law requires licenses for many different kinds of businesses, ranging from Abattoir's to Women's Clothing Stores,¹³⁶ and encompassing many diverse occupations including Auctioneers, Collection Agents, Credit Reporting Agents, Direct Sellers and Motor Dealers¹³⁷
- ✦ The City of Regina currently requires licenses for a wide range of business activities, too, including:
 - ✦ Home-based businesses
 - ✦ Professional Services (accountant, architect, bookkeeper, consultant)
 - ✦ Business Services (typist, computer programmer)
 - ✦ Direct Sales (any door-to-door sales)
 - ✦ Personal Services (beauty salon, music instructor, daycare)
 - ✦ Construction Services (welder, plumber, upholsterer, painter, carpenter, furnace/heating contractor, electrician, janitor)

Mobile businesses

- ✦ Transportation Services (tow trucks, rickshaws, tour companies, couriers, horse-drawn carriages)
- ✦ Food Services (food carts, catering trucks)
- ✦ Mobile Operations (driving school instructors, mechanics, welders, mobile hair salons)

Other businesses

- ✦ Amusement arcades
- ✦ Coin dealers
- ✦ Firewood vendors
- ✦ Pawnbrokers
- ✦ Secondhand dealers
- ✦ Tree pruners

¹³⁶ See Appendix K

¹³⁷ From http://www.cbasc.org/sask/sbis/search/display.cfm?Code=5748&coll=SK_PROVBIS_E accessed January 23,2005

- ✦ Vending machine operators¹³⁸

Synopsis of Legislative provisions

RE: Placarding houses and minimum standards for rental housing in Sask.

The Public Health Act and related regulations

- ✦ **Section 22** authorizes placarding, orders to repair or demolish, and orders to vacate by local authorities.¹³⁹
- ✦ Section 23 allows a local authority to apply for a court order to enforce an order to vacate.
- ✦ **Section 25** empowers a local authority to order the removal or compel remedial action regarding an environmental health hazard, by the person causing or owning the health hazard and, in their absence, the owner or occupier of the land or building.
- ✦ **Section 26** allows the local authority to remedy the environmental health hazard if a section 25 order is not complied with and to add the cost of that action to the property taxes.¹⁴⁰
- ✦ **Section 27** authorizes a local health authority, in appropriate circumstances, to remove or remedy a health hazard without an order pursuant to section 25 at its own expense and provides for recovery of that expense through court action or through financial assistance from the Minister.¹⁴¹
- ✦ **Section 29** permits the local health authority to register a notice of a serious health hazard on the effected real property with Land Titles.
- ✦ **Section 20** stipulates that any of the aforementioned actions can only be carried out after the risk of the health hazard has been assessed in accordance with regulations made pursuant to clause 46(1)(p) which allows for regulations “specifying the matters that must be considered in assessing and managing a health hazard”

¹³⁸ From http://www.regina.ca/content/business/business_permits/index.shtml accessed January 23, 2005

¹³⁹ See Appendix J

¹⁴¹ Removing or remedying a health hazard under this section does not allow for recovery through the taxation process as is the case with section 26

Those matters should be specified in the Health Hazard Regulations. The Regulations are primarily concerned with water and air quality and sanitation. They do not specifically and directly address minimum standards for housing for rent. There is also regulatory control of public accommodations under the authority of the Public Health Act via The Public Accommodation Regulations but it is principally concerned with hotels, trailer parks etc. and not the type of rental accommodation that is prevalent in North Central Regina.

The Residential Tenancies Act

- ✦ **Section 20** stipulates that every lease has the following conditions:
 - (1) The tenant has the quiet enjoyment of the premises
 - (2) The landlord has a duty to keep the premises in safe and good repair and fit for habitation.
- ✦ These statutory conditions may be enforced by application to the Rentalsman.
- ✦ The landlord must comply with all legal requirements for health, safety, etc. with respect to residential premises.

Other Features of the Residential Tenancies Act, of note:

Certain use, etc., of premises by tenant prohibited

7(1) The tenant shall not at any time during the term of the tenancy: (a) use, exercise or carry on, or permit to be used, exercised or carried on, in or upon the residential premises or any part thereof any noxious, offensive or illegal act, trade, business, occupation or calling; or (b) make or permit in or upon the residential premises a nuisance or disturbance to other persons in adjacent residential premises. (2) Where a tenant contravenes clause (a) or (b) of subsection (1) of this condition, the landlord may, of his own motion, and shall, upon complaint made to the landlord by any person resident in adjacent residential premises if he is satisfied that the complaint is justified, request the tenant who is so contravening clause (a) or (b) of subsection (1) of this condition to discontinue or not repeat the contravention. (3) Where the tenant does not cease or discontinue the contravention or again contravenes subsection (1) of this condition after a request is made to him under subsection (2) of this condition, the landlord may apply to the Rentalsman under section 47 of The Residential Tenancies Act, for an order for possession of the residential premises occupied by the tenant.

Landlord's right of entry, etc., subject to notice to tenant to remedy breach

19 No right of entry of the residential premises or right of forfeiture or termination of the tenancy agreement under a term or stipulation in the agreement or under any of the conditions in this section, other than a provision in respect of the payment of rent, is enforceable by proceedings under this Act or otherwise by the landlord or tenant unless and until: (a) the landlord or tenant, as the case may be, has served written notice upon the tenant or landlord, as the case requires, of the breach complained of, and if the breach is capable of remedy, requiring the person upon whom the notice was served to remedy the breach; and (b) the landlord or tenant, as the case may be, fails within a reasonable time to remedy the breach if it is capable of being remedied. (2) No statutory condition set forth in subsection (1) shall be deemed to derogate from any other provision of this Act. R.S.S. 1978, c.R-22, s.20; 1979-80, c.69, s.5; 1980-81, c.40, s.3; 1992, c.37, s.7; 1993, c.55, s.184.

Safer Communities and Neighbourhoods Legislation

Overview

- ✦ *The Safer Communities and Neighbourhoods Act* allows for the closure of buildings suspected of being bases for prostitution, illegal drug grow operations and sales, child sexual abuse, solvent abuse, and illegal sale and use of alcohol. The legislation also contains provisions regarding fortified buildings.
- ✦ The new legislation will allow citizens to make confidential complaints to the newly created office of the Director of Community Operations, and investigators hired specifically to deal with such matters will conduct investigations.
- ✦ After an investigation, if it appears that there is, in fact, a problem, the landlord will be made aware of the situation.
- ✦ If the illegal activity continues a court order can be sought to shut the residence down for a three-month period, or on a permanent basis if necessary.
- ✦ Local police can also be involved to enforce the appropriate criminal law.
- ✦ *The Safer Communities and Neighbourhoods Act* follows in the footsteps of similar legislation in Manitoba where it has proven to be quite successful.
- ✦ In Manitoba, once the landlord is made aware of the problem the matter is frequently cleared up very quickly.
- ✦ More often than not the landlord resolves the issue rather than the court system.¹⁴²

¹⁴² From The Regina Leader Post *Wednesday, May 05, 2004 "No Shelter for Illegal Activities"* by Veronica Rhodes

Procedure

1. The legislation targets and where necessary shuts down residential and commercial property that is habitually used for illegal activities.¹⁴³
2. The Court can also make such an order on the basis of a single event if it is satisfied that the activities are a serious and immediate threat to the safety and security of the neighbourhood¹⁴⁴
3. Members of the public are urged to report the following signs of illegal activities:
 - ✦ Frequent visitors at all times of the day and night
 - ✦ Frequent late night activity
 - ✦ Windows blackened or curtains always drawn
 - ✦ Visitors with expensive vehicles
 - ✦ Unfriendly people who appear to be secretive about their activities
 - ✦ People watching cars suspiciously as they pass by
 - ✦ Extensive investment in home security
 - ✦ Strange odors coming from the house or garbage
 - ✦ Garbage that contains numerous bottles and containers, particularly chemical containers
 - ✦ Putting garbage out in another neighbours' collection area¹⁴⁵
4. The process can be initiated by a member of the public through a confidential¹⁴⁶ complaint to the Director of Community Operations. The Director in turn may do the following:
 1. investigate the complaint;¹⁴⁷
 2. require the complainant to provide further information;

¹⁴³ From <http://www.saskjustice.gov.sk.ca/legislation/summaries/scanact.shtml> accessed February 19, 2005

¹⁴⁴ Ibid.

¹⁴⁵ From <http://www.saskjustice.gov.sk.ca/safercommunities/default.shtml> accessed February 18, 2005

¹⁴⁶ Ibid.

According to the site “No person, including the Director, can, without written consent of the complainant, disclose the identity of the complainant or any information by which the complainant may be identified to another person, court, government institution, local authority or law enforcement agency.”

¹⁴⁷ Ibid. According to the site: “The investigation of the complaint is done by the Director of Community Operations and the Safer Communities Investigation Unit. There is an Investigation Unit in both Saskatoon and Regina. To contact the Regina office, call (306) 798-7703. To contact the Saskatoon office, call (306) 933-8373. Or call the toll free number at 1-866-51-SAFER”

3. send a warning letter to the owner of the property or its occupant, or to anyone else the Director considers appropriate;
4. attempt to resolve the complaint by agreement or informal action; or
5. take any other action the Director considers appropriate.¹⁴⁸
6. If the Director is not able to resolve the complaint on an informal basis an application for a court order may be made at the Court of Queen's Bench. If the Court is satisfied that the property is habitually being used for a purpose that negatively affects the neighbourhood, it may make a Community Safety Order.¹⁴⁹

Scope of a Community Safety Order

A community safety order may:

- ⊕ Require any or all persons to vacate the property on or before a date specified by the Court, and not to re-enter the property
- ⊕ Terminate the tenancy or lease agreement of any tenant of the property on a date specified by the Court
- ⊕ Require the Director to close the property for up to 90 days
- ⊕ Limit the order to part of the property or to particular persons; or
- ⊕ Make any other provision that the Court considers necessary for the effectiveness of the community safety order.¹⁵⁰

Effect of a Community Safety Order

The ramifications of Community Safety Order can be severe and swift:

- ⊕ All occupants of a property that is closed by a Community Safety Order will leave it immediately, even if they have not been previously served with an order.
- ⊕ If an occupant does not comply with a request to leave, the Director can obtain the assistance of a peace officer to remove them from the property.

¹⁴⁸ From <http://www.saskjustice.gov.sk.ca/legislation/summaries/scanact.shtml> accessed February 19, 2005

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

- ✦ After leaving the property, and while the property is closed, no occupant can enter or occupy the property without the Director's consent.¹⁵¹
 - ✦ *Removal of tenants* is the last resort, that will only be pursued in the face of a lack of cooperation.
 - ✦ The Act is very careful to provide due process to any owners or occupants directly affected by an order under this legislation either by the court or by the Director.
 - ✦ *This Act is not criminal legislation designed to punish offenders.*
 - ✦ Rather, this is legislation to improve public safety in our communities.
 - ✦ Previously, these issues were often addressed in city bylaws in a less direct fashion.¹⁵²
- ✦ Residential and commercial tenants who have not been involved in any illegal activities, for a variance of the Order, so that they can return to the property may appeal an Order, to the Court.
- ✦ Generally speaking, such an application must be made within 14 days after being served with an Order.¹⁵³

Appeals

By Owners, Tenants, or the Director:

- ✦ The owner or occupant of the property has a right of appeal against the order on a question of law and with leave of a judge of the Court of Appeal. In some circumstances, e.g., closure of the property, the owner, tenant or the Director may apply to the Court to vary or set aside a community safety order.¹⁵⁴

By a Complainant

- ✦ A complainant may also apply to the Court for a Community Safety Order if he or she has made a complaint to the Director who has decided not to act or to continue to act on the complaint, or if the Director has discontinued any application to the Court.¹⁵⁵

¹⁵¹ From <http://www.saskjustice.gov.sk.ca/safercommunities/default.shtml> accessed February 18,2005

¹⁵² Ibid.

¹⁵³ Ibid.

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

Costs

- ✦ If the Director is required to close a property, the costs of closure may be entered as a judgment debt due to the Crown.
- ✦ The owner of the property may appeal against the amount of the costs to the Court.

Fortified Buildings

Removal Orders

- ✦ The purpose of these provisions is to allow the removal of fortifications from a building that give rise to public safety concerns by impeding the ability of emergency response and police personnel to gain access to the building or by hindering the ability of occupants to escape the building in the event of an emergency.¹⁵⁶
- ✦ “Fortifications” include bullet proof material and metal bars on doors and windows.¹⁵⁷
- ✦ The removal order requires the fortifications to be removed by the owner or occupant within a three-week period.¹⁵⁸

Procedure

1. The legislation empowers an inspector to enter and inspect a fortified building. In the event that entry is refused the inspector may make an application to a Justice of the Peace or Provincial Court Judge for a warrant authorizing entry.¹⁵⁹
2. After an inspection the Director of Community Operations
3. May designate a fortified building as a threat to public safety and issue a removal order without further notice to the owner or occupant of the building. In making such a decision, the Director may take into account factors such as the proximity of the building to schools and playgrounds and other places where children may

¹⁵⁶ Ibid. -

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

- be present, and whether any criminal activity or other disruptive behavior has previously taken place in or around the building.
4. In the event of noncompliance, the Director may issue a closure order to allow for the removal of specified fortifications.¹⁶⁰

Appeals and Costs

- ✦ The owner or occupant has a right to appeal the removal order to the Court.
- ✦ As with community safety orders, the costs of closure may be entered as a judgment debt due to the Crown.
- ✦ The owner of the property may appeal against the amount of the costs to the Court.

Discussion

- ✦ The City Managers Report¹⁶¹ notes that there is no specific provisions authorizing a Rental Unit Licensing system in *The Cities Act*.
- ✦ There may not be specific legislative authority to enact provisions regarding many of the options discussed in this report, including Rental Unit Licensing.
- ✦ *The Cities Act* certainly gives municipalities such as Regina the general authority to do so under its very liberal provisions.
- ✦ Regina licenses many types of businesses under this general authority.

The Cities Act grants Saskatchewan urban municipalities a great deal of scope and flexibility to deal with pressing civic issues. Given the language of Section 6 of that Act which states:

“The power of a city to pass bylaws is to be interpreted broadly for the purposes of... providing a broad authority to its council and respecting the council's right to govern the city in whatever manner the council considers appropriate, ... and... enhancing the council's ability to respond to present and future issues in the city.”

¹⁶⁰ Ibid.

¹⁶¹ See Appendix B

It may be concluded that the intent of the legislation is to allow municipal authorities to find local solutions for local problems. In that light, Section 6, would certainly hold the City of Regina at an advantage if it were ever to be challenged in a court law for having passed a discerning enactment concerning housing. Section 8 and other pertinent sections are similarly broad.

It must be noted, too, that as the preceding pages illustrate, the City of Regina has a great deal of power to regulate businesses through licensing by virtue of Section (8)(3)(c) of *The Cities Act*.

- ✦ A wide variety of businesses do, in fact, require licenses in order to operate within Regina’s municipal boundaries.
- ✦ Requiring a person who owns a residential property with the intent of renting or leasing it to obtain a business license, as Vancouver does, could be the key to implementing the Rental Unit Licensing option in Regina.

The City of Regina’s current Property Maintenance Bylaw can be characterized as being “complaint driven” wherein inspections are largely conducted in response to identified problems¹⁶²

- ✦ The bylaw as it currently stands shows that City Council is willing to liberally use the flexibility of its powers as set forth in *The Cities Act*, as exemplified in the bylaw’s “Offence and Penalty” provisions.
- ✦ Based on an examination of the legislative provisions of *The Cities Act*, either the Rental Unit Licensing approach or the Landlord Licensing approach -or indeed most of the options presented in these pages -could be incorporated into a new or amended Property Maintenance Bylaw by the City of Regina.¹⁶³

It must be noted that provisions in any new bylaws or regulations concerning the options examined in these pages can not be contrary to existing provincial legislative enactments, such as those contained in *The Residential Tenancies Act*. It may very well be there will have to be amendments to that act if an option such as, for example:

¹⁶² Milwaukee study p. 5

¹⁶³ See Appendix I

1. Rent Withholding were to be put, adopted, and put forth by Regina City Council. Again, it may become a matter of political will but on the provincial level in that instance.
2. The question then is, “Would the provincial government be willing to amend legislative provisions such as *The Residential Tenancies* in order to allow municipal authorities to more effectively address housing issues?”

In some respects, the current Saskatchewan Provincial Government seems to be mindful of urban concerns and willing to embrace innovative approaches by adopting measures such as *The Safer Communities and Neighbourhoods Act*, by virtue of the Department of Health’s support of the Housing Standards Enforcement Team and its interagency approach to problem property abatement in Regina North Central.

On the other hand, as noted in the discussion concerning the changing role of the Saskatchewan Housing Corporation, there appears to be a shift away from what can be deemed the traditional Saskatchewan approach of assistance and regulation toward what’s been characterized as a more “consumer oriented” model. This model underlies the Department of Community Resources and Employment’s much-heralded *Building Independence Strategy*, wherein individuals in need of assistance have to be more independent, than was previously the case. A liberal approach by the provincial government toward housing is contrary to the adoption of many of the options discussed in this report. Therefore, it should not be taken for granted that the provincial government will readily make legislative changes that might be necessary for the adoption of measures by municipal authorities specifically to remedy local rental housing problems.

- ✦ This is more of a municipal matter and the leadership for actually enacting change is likely going to have to come from Regina City Council, not from the provincial government.
- ✦ Whatever option is advocated by the Rental Registry Steering committee or the North Central Community Association, if it is to have the force of law, it will have to be applicable across Regina.

- ✦ As noted in the City Managers Report, generally, any approach cannot be restricted to a specific geographical area within Regina because a non-universal scheme would be struck down for being discriminatory.

The success of innovative measures such as the Housing Standards Enforcement Team indicates that innovative thinking is needed to remedy North Central Regina's long standing housing and crime problems. To utilize a phrase that is fast becoming a cliché, it's time for Regina to start thinking "outside the box", and initiate changes that will improve the rental housing situation in the city as a whole, including Regina North Central.

Summary

- ✦ Landlord training programs train landlords to manage their property properly, deal with tenants effectively, and minimize illegal activity on the rental property.
- ✦ Such programs purportedly create better landlords and neighbourhoods by educating landlords about tenant screening, increasing the need for unit maintenance, and the legal rights of both landlords and tenants.
- ✦ Such programs provide tips to landlords on how to more easily comply with code requirements.
- ✦ Certification that the landlord has successfully undergone the training program gives a "stamp of approval" to the landlord.

*Many respondents to the Steering Committee Questionnaire see this approach, as a good "add-on" to other approaches, **but** not as an approach of choice unto itself.*



Other Options

Rental Registry and Public Access to Information

The Milwaukee Experience

The Rental Recording Program in Milwaukee is well established and quite extensive. The Community Housing Registry being developed for the Regina Core Community Association could potentially evolve into a system similar to that currently in place in Milwaukee. The following is a synopsis of the Milwaukee system:

- ✦ The Rental Recording program in Milwaukee, was started in 1993 as a means for the City to track all rental units and landlords.
- ✦ This mandatory program charges landlords a one-time registration \$30 fee and allows the City to maintain contact information for all rental units in the city.
- ✦ The program allows the City to keep track of individuals or businesses who rent out properties, and also provides a mechanism for the City to contact landlords in response to code violations¹⁶⁴
- ✦ The program requires all non-owner occupied property owners to record ownership information with the Department of Neighborhood Services¹⁶⁵.

The material in the Milwaukee Rental Recording Program includes information gleaned from the following forms:¹⁶⁶

- ✦ ***SELLER NOTIFICATION***: The Previous owner uses this to inform the department of the sale of a property and identifies the new owner.
- ✦ ***PROPERTY RECORDING APPLICATION***: This application is used to record a property with the department and it is filled out by the new owner.¹⁶⁷

¹⁶⁴ op cit

¹⁶⁵ Ibid.

¹⁶⁶ Ibid. The site also provides [PROPERTY RECORDING INSTRUCTIONS](#)-Detailed line-by-line instructions for filling out the Property Recording Application.

¹⁶⁷ The new owner has 15 days from the sale or title transfer to file an application.

- ✦ *ADD PROPERTIES*: This is a form for owners to add a list of additional properties to their name on one application.
- ✦ *ADD OWNERS*: This is a form to add a list of owners to a property recording application.
- ✦ *OPERATOR RESIGNATION*: This is used to notify the department that an operator is no longer in control of the property. It relieves the operator from responsibility.¹⁶⁸

Additional Information and Public Disclosure

- ✦ The Department of Neighborhood Services (DNS) has established a website that displays property data from its Neighborhood Services System (NSS) which is derived from its rental recording system.
- ✦ The information on the website includes open violations, service requests and permits contained on file on its computer records.
- ✦ According to the website, through this information, Neighborhood organizations can learn about properties on their block.
- ✦ Rental property owners can verify tenant information by contacting owners quickly.
- ✦ Tenants or buyers can verify service requests and see if any violations exist at a property they are interested in.”¹⁶⁹

The Method used to Compile Information¹⁷⁰

1. The Neighborhood Services System (NSS) records on the web are compiled and used by the staff of DNS.
2. As a service request (or complaint) comes into DNS, an operator screens the call for an appropriate response.
3. An inspector may handle the call by phone or a field inspection may be required.
4. The service request is logged into the NSS as it comes in.
5. The response to it may be a few days later.

¹⁶⁸ This site was last updated 2/16/04

¹⁶⁹ From <http://www.milwaukee.gov/display/router.asp?docid=480> accessed February 3, 2005 The information on the site was last updated on 8/13/04.

¹⁷⁰ Ibid.

6. If a violation is found and an order is processed, that order will appear in the violation history.
7. As the violations are corrected, the status is updated.
8. All open violations, service requests and permits are shown.
9. Closed violations are shown for the past two years and closed service requests are shown for five years.
10. Violations beyond the five-year history are available at the Microfilm Section of the Development.¹⁷¹

Violation Information

- ✦ The information disclosed includes the violation history, which is comprised of a list of orders that have been made to correct code violations at a particular address.
- ✦ The records are in date order starting with the most current.
- ✦ “**# Orig Viols**” : this is the number of violations that were originally cited.¹⁷²
- ✦ The date the inspection was originally made.
- ✦ The “Compliance Date” which is “the date the Department expects that the owner will comply with the order.
- ✦ This date may change if time extensions are granted.
- ✦ It typically does not change once the order is referred for court enforcement.”

Current Status

Information under this heading includes:

- ✦ *Complete Abatement (Violations Corrected)*: Complete Abatement most often means there has been complete compliance, but an order may also be abated if a

¹⁷¹ Ibid.

“Violations “include “information about orders to correct building, environmental health or zoning code violations.”

“Srv Requests” (Service Requests) include “information about requests from individuals or groups for the Department to inspect or investigate a property.”

“Permits” include information pertaining to any DNS permits taken out for that address.

¹⁷² Ibid. Note: The number does NOT change as individual violations are corrected. A high number of violations does not necessarily indicate that the property is in poor condition.

- high percentage of the serious violations are corrected and a small number of minor violations remain.
- ✦ *Dismissed*: Is a form of closing an order. Orders can be designated as “dismissed” for numerous reasons, and such a designation does not indicate whether the violations were corrected.
 - ✦ *Extended/Extension*: The compliance times on orders can be extended by an inspector or supervisor or as a result of a precourt conference agreement.
 - ✦ *Pre-court*: Prior to going to Court, the Department may provide an owner with an opportunity to have a Pre-court Conference where the owner agrees, in writing, to a final compliance plan.
 - ✦ *Unabated*: Not corrected and not re-inspected.
 - ✦ *Final*: This indicates whether status is final or not. 'Yes' indicates that the order is closed (final).
 - ✦ *Last Status*: This is the date the status was assigned.
 - ✦ *Original Inspector*: This is the name of the inspector who issued the order. It is for internal use.

Srv Request History¹⁷³

This is a list of the service requests at a particular address. The records are in date order with the most recent at the top.

- ✦ “*Srv Request Number*” is the unique number assigned sequentially to Service Requests as they are received by the Department. The number “can be useful when there are multiple requests on the same property.”
- ✦ “*Srv Req Date*” is the date the request was received by the Department.
- ✦ “*Current Status*” is the current status of the record. Common statuses include:
- ✦ “*Open*” The request is pending.
- ✦ “*Closed Verified*” The investigation has been completed and the condition referred to in the request was verified and action was taken.

¹⁷³ Other information under this heading includes: “Curr Distr” which is the inspection district currently assigned to the record. It is an internal designation which the public normally would not use. “Section” is the assigned DNS section.

- ✦ “*Closed Not Verified*” An investigation was completed but the department did not verify the condition described in the request.
- ✦ *Closed Canceled* The individual making the request canceled it before any action was taken.
- ✦ “*Final*”: An indication whether status is final or not. 'Yes' indicates that the record is closed i.e. “final”
- ✦ “*Last Status*”: The date that the status was assigned.
- ✦ “*Response By*”: The person who answered the request. It is typically, though not always, the inspector who investigated.

Permit

History¹⁷⁴

This is a list of the permits at a particular address. The records are in date order with the most recent on top.

- ✦ “*Permit Description*” describes the type of permit taken out.
- ✦ “*Permit Number*” is a unique number assigned to the permit.
- ✦ “*Permit Date*” is the original application date, not the date the permit was approved.

Current Status:

- ✦ “*Open*” (Permit approval is pending).
- ✦ “*Closed*” (The permit is closed.)
- ✦ “*Multiple*” This indicates that a single status is not available because this is a type of permit assigned to more than one section
- ✦ “*Final*” (This indicates whether the status is final or not. 'Yes' indicates that the order is closed i.e. final).
- ✦ “*Last Status*” (The date the status was assigned.)

Violation Detail

This is a listing of the individual violations and their general location.¹⁷⁵

¹⁷⁴ Ibid.

¹⁷⁵ See Appendix L

Srv Request Detail

This includes the description of the Service Request and the response. It describes the conditions that were to be investigated. The response typically describes what the inspector found and the action that was taken.

Permit Detail

This includes additional information about the permit, including the contractor name, fee, estimated cost of the job, and the status in each section assigned to the record.

Regina's Community Housing Registry

- ✦ As noted previously in the section dealing with local initiatives, the Core Community Association has developed a "Community Housing Registry" prototype with innovative software that will facilitate the task of tracking housing, housing inspections, and property ownership in that portion of Regina's inner city area.
- ✦ The United Way provided funding for the software's development with the understanding that it will be available for other community associations such as the Regina North Central Community Association free of charge after it is completed.
- ✦ The Core Community Association has been actively working with the software developer with respect to fine tuning the project and has been gathering and entering data into the system. They have established a thorough base line to work from. Their data lists all of the properties within Core's boundaries (1,773 in total) including commercial properties and owner occupied dwellings as well as residential rental properties.
- ✦ It has taken approximately 5 months for one person to enter the Core Area's data. It is anticipated that this software will be up and running for the Core Area by the end of this summer.(2005). It should be available for use by the North Central Community Association shortly.

- ✦ The Core Association, and the software's developer, John Makie A.Sc.T. Systems Management Consultant, have been kind enough to provide the following examples of the two primary "screens" for the project:

- ✦ As these two screens indicate, this software ideally will allow for readily accessible updated information concerning current and past occupants, property ownership, and the condition of the property itself.

- ✦ It is expected that the data in this respect will be similar to if not identical to the data used by the City of Regina Bylaw Enforcement Division.
- ✦ In addition, this system has the potential to note the date of the last inspection and the status of compliance orders.
- ✦ The “Owner ID Number” is a key component of the system and potentially can note multiple properties owned by individuals or corporate identities alike.
- ✦ The software that has been developed for Regina, appears to be similar to that employed in Milwaukee. It lies at the core of their endeavors to improve rental-housing conditions in that city and has reportedly been a great success.
- ✦ Like the Milwaukee data tracking system, the system developed for the Core Area is not intended to be a panacea for remedying all the problems confronting Regina’s inner city rental units, but is, rather, is seen as a tool that can be utilized and a foundation that can be built upon.

Response by the Steering Committee

The initial response by Steering Committee members to the preliminary information concerning this option was mixed. Some were supportive and others thought it would be ineffective as a solution to Regina North Central’s rental housing problems. However, this is the first opportunity for Steering Committee members to consider the option in light of the information concerning the comprehensive nature of the Milwaukee approach

Discussion

Subjective evidence suggests that tentative steps were taken in the past to implement some sort of Rental Registry for Regina North Central through the Community Association, with uncertain or unsatisfactory results. It is speculation, that the information supplied was not followed up on, or that perhaps there wasn’t an adequate mechanism in place to implement such an approach. Whatever the validity of this hearsay evidence may be, perhaps it is time to try a rental registry system again in Regina North Central, seizing the opportunity to utilize the newly developed software, and providing a service to North Central residents, possibly pending the adoption of other

options. The price (free) is right and it is not contrary to other courses of action, should they be pursued.

Summary

- ⊕ A mandatory rental-recording program would charge landlords a one-time registration fee per each rental unit, and allow the City to maintain contact information for all rental units.
- ⊕ Such a program would allow the City to keep track of individuals or businesses that rent out properties, and also provide a mechanism for the City to contact landlords in response to code violations.

The Milwaukee Experience

- ⊕ The Rental Recording Program in Milwaukee is well established and quite extensive.
- ⊕ The Community Housing Registry, being developed for the Regina Core Community Association, could potentially evolve into a system similar to Milwaukee.
- ⊕ The program allows the City to keep track of individuals or businesses that rent out properties, and also provides a mechanism for the City to contact landlords in response to code violations.
- ⊕ The program requires all non-owner occupied property owners to record ownership information with the Milwaukee Department of Neighborhood Services.
- ⊕ The City of Milwaukee's Department of Neighborhood Services (DNS) established a website that displays property data from its Neighborhood Services System (NSS) which is derived from its rental recording system.
 - ⊕ The information on the website includes open violations, service requests and permits contained on file on its computer records.
 - ⊕ According to the website, neighborhood organizations can

learn about properties on their block.

- ✦ Rental property owners can verify tenant information by contacting owners quickly.
- ✦ Tenants or buyers can verify service requests and see if any violations exist at a property they are interested in.”

This option was given support by some Steering Committee members but not by others who viewed it as an ineffective measure. However, this is the first opportunity for Steering Committee members to consider the option, in light of the information, concerning the comprehensive nature of the Milwaukee approach.



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APPENDIX A



Memo

May 23, 2003

To: Bob Linner, City Manager
Brian Hamblin, Director of Corporate Services
Peggy Clark, Director of Community Services
Ron Pitchko, Manager of Bylaw Enforcement
Mike Myslick, Senior Property Standards Inspector

Re: Licensing Rental Property

Background

Over the past decade, we have continued to struggle with the deterioration of our inner city neighbourhoods. Inner city residents have seen drastic changes in the ownership of their neighbourhoods as more and more property is being purchased by absentee landlords. The effects have been devastating in both a social and physical fabric of the neighbourhood. Housing prices have continued to fall as crime and vandalism increased.

Ten years ago residents of North Central, Core and Al Ritchie banded together to begin a proactive role in upgrading their neighbourhoods. Each community established Neighbourhood Watches and began an active role in dealing with slum housing. The communities implemented a community improvement request form, which notified Bylaw enforcement of slum housing in the community. Inner City communities began to host community clean-ups and problem solving initiatives to deal with the high crime rate and especially the unregulated slum housing conditions. Residents began to empower themselves by reading and understanding the laws that governed them. They researched ideas and concepts throughout North America on best practices to deal with the growing condition of housing.

One of the key concepts unanimously recommended by community residents and inner city housing agencies was to:

1. Classify rental properties as businesses
2. License and regulate all residential rental properties to ensure that all units are compliant with all municipal, health and fire regulations.

Discussion

Today throughout North America, many municipalities have moved to a licensing model to control the condition of housing in their communities. In all the research, it is concluded that housing standards and conditions have improved at a remarkable pace with an aggressive licensing and inspection program. Those interviewed agreed that there are no half measures municipalities that opted for less stringent regulations continue to suffer the blight of urban decay in their inner city neighbourhoods.

Residents of Regina have seen the research and have advocated for the last seven years the need to implement this best practise in order to address our growing issues. Interviews with those municipalities state that although there was huge opposition from landlords on the implementation, that after a few years' landlords endorsed the program and pushed for continued change as property prices increased with the improvement of the housing stock. Informal interviews with large property owners such as Boardwalk Properties indicated that they would support a licensing program that would ensure quality housing throughout the city. All municipalities found that licensing was also an answer to shrinking budgets and gave them the resources through fees to proactively engage the issue of substandard housing.

In Regina the Department of Social Services has not increased the shelter allowance for over a decade. Indication from the department was that any increase to the shelter allowance would not see tenants moving to better accommodations and that current landlords would absorb the increase. Further discussion at a conceptual level was that the department could conceive of a shelter increase if there was a legislated municipal policy that would ensure quality housing.

In regards to tenants, many jurisdictions used licensing as a means not only regulate landlords, but also receive compliance from renters on city bylaws and ordinances. Tenancy was based on both the landlord and tenant fully understanding each other's rights and responsibilities. Tenants agreed to respect the property and the community with specific details to occupancy limits, noise bylaws, trash, weeds, and snow removal ordinances. This concept endorses a program used by police forces throughout North America that includes a provision from tenants that the property shall also be crime free. Crime free housing is currently being researched by the Regina Police Community Service Centres and all indications show that by licensing landlords with mandatory rental agreements we can achieve this additional goal and provide safer communities.

One of the largest obstacles that cities had to overcome was from within their own administrations. Licensing meant a new way of doing business, not only did it create a new level of bureaucracy it meant that traditional roles of various departments had to change or be discontinued as enforcement was placed under one department. In many cases the role of inspection was given to the fire department since they were already integrated at the community level, had sufficient manpower with the ability and the time to do inspections. In many cases inspections could happen at all hours since fire halls are manned 24/7/365 and fully staffed with competent employees that understood housing conditions.

The appendices of our research are attached for your information. The City of Elgin is recognized as one of the leaders in this field and has supporting documentation on the community process, implementation, and successes to date.

Conclusion

The concept of licensing of Rental Property continues to be community driven. Inner City residents are discouraged by the lack of support they are receiving from the municipality on new ideas and concepts and fear that volunteered initiatives lack the means for sustainability. As an administration, we must embrace our residents and support those communities that have empowered themselves to proactively address change within their community. We must be careful to not suppress grass roots initiatives and acknowledge those community organizations that have empowered themselves and have the capacity to make change. We must be able to look outside our boundaries and understand that growth is all about change.

Respectfully submitted,



Rob Deglau
Councillor Ward 6

- | | | |
|---|----------------------------------|-------------------------------------|
| c | Welfare Rights | North Central Police Service Centre |
| | North Central Community Society | Al Ritchie Police Service Centre |
| | Core Community Association | Association of Regina Realtors |
| | Al Ritchie Community Association | Regina Police Service |
| | Eastview Community Association | Regina Fire Department |
| | Community Action Coop Ltd | Council on Social Development |
| | Ehrlo Community Services | Regina District Food Bank |
| | Regina Anti Poverty Ministry | Social Services |

Attachments:

- Appendix A: Howard County Rental Property License
- Appendix B: City of Takoma Park info on purchasing property and licensing regulations
- Appendix C: Mount Pleasant Michigan, information on Licensing Rental Property and responsibilities of tenants.
- Appendix D: City of Boulder Colorado, Rental Housing and Inspection Information
- Appendix E: City of Boulder Colorado, Lease Disclosure
- Appendix F: City of Boulder Colorado, Rental Housing and Inspection Legislation
- Appendix G: City of Elgin, Rental Residential Property Inspection and Licensing Information Guide
- Appendix H: Des Plaines Iowa, Licensing of Residential Properties used for Rental Purposes Bylaw
- Appendix I: Mankota Minnesota, Uniform Housing and Residential Maintenance Code
- Appendix J: City of Bellevue Kentucky, Rental Property License Application
- Appendix K: City of Boulder Colorado, Rental Unit Disclosures Form, includes recognition of ordinances for tenants
- Appendix L: City of Minneapolis Rental License Application, Rental Fees and Inspection Form
- Appendix M: Lincoln Nebraska Housing Inspector II Job Description, addresses information gathering responsibility of inspectors and the need to search Land Titles
- Appendix N: City of Vancouver, Business License for Rental Properties.

APPENDIX B

April 7, 2003
File No. 0500 GEN

To: His Worship the Mayor
and Members of City Council

Re: Licensing Residential Landlords

BACKGROUND

At its meeting of January 23rd, 2003, the Executive Committee adopted the following motion:

“The City Manager be requested to prepare a report for City Council with the 2003 Budget Documents identifying the start up costs and revenue potential for a program of licensing rental properties.”

The purpose of this report is to address this request.

This report is being considered pursuant to Sections 8, 324, 325 and 328 of *The Cities Act*.

DISCUSSION

The concept of licensing residential landlords, as put forward by City Council, is to have rental dwellings adhere to minimum quality standards. Further, the concept places the primary responsibility on landlords to come forward to meet related regulations rather than inspection staff pursuing enforcement. Consequently, the overall objective for a licensing requirement is to establish a regulatory tool that yields compliance with all related regulations and codes. To support the concept, the following major benefits are suggested by proponents of such a proposal:

1. Increases the number of rental dwellings that are repaired and maintained at minimum standards.
2. Encourages tenants to stay longer in better quality rental dwellings.
3. Provides a system for tracking the physical condition of all applicable rental dwellings.
4. Removes the housing stock that is in the poorest condition from the market.
5. Creates an opportunity for the provincial government to provide financial assistance only to those landlords/rental properties that are licensed.
6. Provides the possibility of some additional property tax over time, due to the housing stock being improved.

Survey of Major Prairie Cities

On the basis of the proposed concept, city representatives from Edmonton, Calgary, Saskatoon and Winnipeg were contacted to determine if residential landlords and/or residential dwellings within their respective municipal boundaries are subject to licensing requirements. It should be noted that in Edmonton, Calgary and Winnipeg, only rooming, boarding and lodging houses, as well as apartment buildings are subject to licensing requirements. The purpose of the requirements is to regulate the condition and adequacy of the existing facilities, exits and washrooms in relation to the number of people residing in these types of rental units based on

applicable building codes. It should also be noted that single family detached rental dwellings in the above mentioned cities are not subject to licensing requirements due to difficulties with identification of ownership status and the high number of related properties. The results of the survey are outlined as per Appendix A.

From a general perspective, the survey revealed the following key points:

1. One licence is applicable to a rental property, regardless of the number of rental units on that property.
2. Rental dwellings are licensed by category on a city-wide basis rather than within a specific geographical area in an effort to avoid discriminatory targets.
3. Approval and renewal of licences are on an annual basis and subject to compliance with applicable regulations enforced by other affected authorities.
4. Annual licensing fees did not reflect all related costs to inspect, enforce and administer the program efficiently.
5. Related inspections of rental dwellings were undertaken over a long time period to establish a start-up database and to determine initial eligibility for a licence.
6. Related follow-up inspections of rental dwellings for compliance of the unit to minimal standards were undertaken on a complaint basis.
7. The program was expensive to set up.
8. The program does not guarantee that all targeted rental dwellings are licenced on an annual basis.
9. Many landlords were upset with the additional licencing fees, as well as the associated requirements; and transferred these costs onto the tenants.
10. Substantial fines were included as a provision within the Licensing Bylaw as a quicker, more effective deterrent rather than the protracted prosecution process.

In order to properly assess the full scope and potential of implementing the proposal within the City of Regina, the rental licensing concept was evaluated based on the following criteria:

1. The program should be sustainable based on cost recovery principles associated with all related inspection and administration processes.
2. Licensing of rental dwellings should be a legal requirement established via applicable provincial legislation and the Licensing Bylaw.
3. A licence renewal process should be based on an effective, but practical time frame due to the high number of rental dwellings and limited number of current inspection staff.
4. Significant penalties should be established for failure to comply that would provide a quick/effective deterrent.
5. A requirement should be established that places the onus on landlords to request inspections and obtain licences when warranted.

The primary objective of the proposed licensing program within the City of Regina would be to ensure that rental dwellings are adequately maintained to minimum standards. Ideally, the focus of such a program would apply to all rental properties within the inner city, with an emphasis on dwellings that are in the poorest physical condition. Further, the Administration presumes that the intent of the above referenced motion is to specifically target substandard single family detached rental dwellings in older neighbourhoods that are owned by absentee landlords.

Based on 1996 census information, it is estimated that there are currently 27,000 rental dwelling units in the City. The Administration has accessed related assessment information and suggests

that there are approximately 11,700 rental properties (containing single family dwellings and multi-unit buildings) in Regina. Further, within a designated district containing older areas of the city (based on the arbitrary boundaries of the CNR mainline to the north, Lewvan Drive on the west, College Avenue on the south and Park Street on the east) it is estimated that there are 3,800 rental properties. Unfortunately, the associated methods used to determine this rental information from assessment records cannot provide accurate data based on certain assumptions. Therefore, individual property inspections would be a more reliable method to identify and confirm the applicable rental information.

Current Property Standards Enforcement Program

Due to the ongoing cycle of deterioration, it is difficult to accurately determine the number of rental dwellings within selected areas of the city that are currently in substandard condition and require related repairs. In response to this issue, there are seven Property Standards Inspectors in the Bylaw Enforcement Division who spend approximately ninety percent of their time inspecting residential dwellings that have been identified as being in substandard condition in response to public complaints or proactive housing condition surveys undertaken in selected inner city neighbourhoods. The majority of these inspections focus on rental dwellings. With respect to violations of the Regina Property Maintenance Bylaw, substandard conditions can include a variety of deficiencies pertaining to the exterior and/or interior of the dwelling.

To illustrate the typical range of inspection issues, as well as the associated investigation, administrative and enforcement procedures and costs, two different scenarios are presented as per Appendices B and C. These scenarios include an example of minimal and serious problems/violations pertaining to typical situations discovered through site investigations of rental dwellings by Property Standards Inspectors. In addition, the scenarios are based on the level of cooperation and compliance by the affected property owner.

Recent estimates by property standards staff suggest that of the 3,800 rental properties within the designated area, approximately 1,800 would likely require considerable repairs and be subject to the enforcement action process to comply with minimum standards. Therefore, the other 2,000 rental properties may only require one inspection to confirm that they meet minimum standards and are eligible for a licence.

It should be noted that in 2002, 615 inspection/enforcement actions for substandard housing violations were initiated within the city of which 527 were within the above referenced designated district. With respect to the 527 inspection/enforcement actions, 448 were rental dwellings. If the primary objective of the proposed concept within Regina is to focus on repairing and licensing all deteriorated dwellings first, and the above inspection/enforcement action ratio is maintained, it would take the current property standards inspection staff approximately 4 years to investigate, enforce and certify all 1,800 substandard rental dwellings for licenses.

Circulation Comments

Due to the significant impact of the proposed concept, comments were requested from the following:

- a) Regina-Qu'Appelle Health Region
- b) Fire Department

- c) Licensing and Municipal Fines Section (Finance Department)
- d) Legal Department

The key concerns and comments from the Legal Department are presented below:

1. There is no specific authority in *The Cities Act* for such a licensing system. Therefore, the authority will have to be inferred from the existing sections.
2. The basic legal issue that arises in this case is one of discrimination. A difficulty may arise in that there is such a wide variety of rental activity in Regina. It is probably preferable to differentiate between the types of rental properties, rather than the landlords as individuals, as the legislation seems to be aimed at differentiating between the activity, rather than the persons involved in the activity. It would probably be more helpful to discriminate based on the type of rental unit, rather than location, so that all rental units of a certain type are regulated in the same way.
3. The City must arrive at a cogent, consistent method of discriminating between landlords. It is probably not advisable to impose a licence only on those units which are found to be "substandard". If this sort of scheme was imposed, the licence would not be serving its purpose because a tenant could be living in squalor long before the inspectors determined that the unit was "substandard". In this way, the licence would be used more as a fine, or a penalty, than a licence. That would not be permissible.
4. The City can only licence for the purpose of regulation. The licence serves both as a registry to enable regulation and as a means of stopping licenced activities which contravene the regulations by revoking the licence, which then prevents the activity from continuing unlawfully. This is fundamental to any City licensing scheme.
5. A licence would not provide additional tax revenue, because a licence fee is not a tax. It would be a contravention of the legislation to try to levy a tax through a licence fee. It should also be noted that *The Cities Act* does not permit charging the cost of property inspections to the taxes.
6. Notwithstanding the above comments, another key concern relates to the issues of both cost and capacity of prosecutions should the licensing proposal be implemented. There have been previous discussions with the Bylaw Enforcement Division in relation to proposals to replace actions to repair properties with prosecutions seeking fine penalties and court orders to repair. Generally, this has been discouraged as it is believed to be a less effective means of achieving compliance and remedying building nuisances and also because there is little capacity left in the Prosecution Division to take on new or additional workload.

The general comments and related concerns from the District Health Region and above referenced City Departments are provided as per Appendix D.

Associated costs of proposed rental licensing program.

For the purposes of this report, the 1,800 substandard rental properties within the designated district will be used as the basis to determine the related start up costs and revenue potential for a proposed licensing program.

The current annual cost of one Property Standards Inspector, which includes base salary, related benefits and car allowance, is approximately \$54,000. Therefore, the total annual cost for seven Property Standards Inspectors is \$378,000. The table presented below shows the associated annual costs of the existing property standards staff, three additional fire inspectors, as well as applicable start up components and two additional positions associated with the Licensing and

Municipal Fines Section required to investigate, enforce and certify all 1,800 substandard rental properties over a four year period. Based on cost recovery, the estimated annual licence fee to be applied when all 1,800 dwellings are certified after the fourth year would be approximately \$360. Applying the \$360 licensing fee to the total number of properties licensed in each of the four years on a cumulative basis would result in the recoverable costs as shown on the table. The net costs, which are shown at the bottom of the table, illustrate that although this approach is cost recovery in theory, it would take several years to achieve.

Time Frame	1 st Year	2 nd Year	3 rd Year	4 th Year	Total After 4 years
Number of substandard rental properties inspected, enforced and licensed each year.	450	450	450	450	1,800
Annual cost of seven existing property standards inspectors.	\$378,000	\$378,000	\$378,000	\$378,000	\$1,512,000
Annual cost of three additional fire inspectors.	\$219,000	\$219,000	\$219,000	\$219,000	\$876,000
Annual cost of two additional Licensing and Municipal Fines Section positions.	\$53,000	\$53,000	\$53,000	\$53,000	\$212,000
Related Licensing and Municipal Fines Section costs to initiate start-up components of new rental licensing system.	\$48,000	N/A	N/A	N/A	\$48,000
TOTAL COST	\$698,000	\$650,000	\$650,000	\$650,000	\$2,648,000
COSTS RECOVERABLE based on estimated \$360 annual licensing fee. (Cumulative annual total*)	\$162,000 (based on 450 licensed properties)	\$324,000 (based on 900* licensed properties)	\$486,000 (based on 1,350* licensed properties)	\$648,000 (based on 1,800* licensed properties)	\$1,620,000
NET COSTS (Total costs less annual recoverable costs).	\$536,000	\$326,000	\$164,000	\$2,000	\$1,028,000

The evaluation of the proposed concept resulted in various problems or issues being identified which are highlighted below:

1. The proposed concept will be very expensive and time consuming to set up with regards to the number of inspection and administrative staff required to effectively implement and maintain the program, particularly if single family detached rental dwellings are to be subject to a licensing requirement.
2. Any added costs incurred by the landlords will be most likely transferred to the tenants.
3. Although inspection staff would focus on repairing and licensing substandard rental dwellings first, all other applicable rental dwellings which may meet minimum standards would have to be inspected to confirm eligibility for licensing.
4. Any exemptions of certain types of rental units or geographical areas will most likely be seen as discriminatory by other landlords.
5. Current annual licence fees will not reflect all related costs to inspect, enforce and administer the proposed program effectively and efficiently.
6. It is most likely that landlords that have substandard rental properties will avoid/disregard the licensing requirements which defeats the original purpose and intent of the proposal.
7. **There would be no added value by implementing a rental licencing policy as the landlords will still be subject to the same regulations under the Regina Property Maintenance Bylaw, *The Cities Act*, as well as applicable regulations as per public health and fire codes.**

Current enforcement of the Regina Property Maintenance Bylaw and *The Cities Act* focuses on dwellings in most need of repair. As a result, this enforcement program increases the number of rental dwellings that are repaired and maintained at minimum standards as well as removes the housing stock that is in the poorest condition from the market. Further, tenants are being encouraged to stay longer in better quality rental units. These benefits are similar to those identified with the proposed licensing concept.

It should be noted that the North Central Community Society, which represents the largest inner city area with the highest proportion of rental units, has established a rental registry program as a pilot project within the neighbourhood which is facilitated by representatives from several outside governmental agencies and affected city departments. The intent of this program is to develop a system for tracking the physical condition of all applicable rental units within the neighbourhood. The specific objective of the registry is to provide a centralized inventory for public use that identifies all rental units that have been inspected and meet or exceed minimum standards. As of March 15, 2003 there were 162 dwelling units eligible to be on the rental registry. It is anticipated that the rental registry program will be gradually expanded into other inner city neighbourhoods starting in 2004.

The Administration is also following up on motions passed by City Council with respect to requesting additional support from the Saskatchewan Community Resources and Employment Department (formerly Social Services) for \$200,000 to be matched by the City to address substandard housing. Based on recent discussions with provincial officials, the Administration has been advised that various funding options and the possibility of a pilot project for North Central are being contemplated but, unfortunately, will not be put forward for consideration until the 2004 provincial budget.

The redeployment of bylaw enforcement personnel to focus on housing conditions and the availability of suitable rental accommodation has resulted in a more enhanced proactive program

within older neighbourhoods. The increased level of inspections and necessary actions has reduced the number of substandard dwellings within the inner city at a more accelerated rate. As indicated in the 2002 "Annual Report – Enforcement of Property Control Bylaws", which was provided for Council's information at their March 29, 2003 meeting, the number of actions initiated within the inner city last year was more than double the highest previous annual total. Further, the proactive inspection blitzes not only resulted in a record number of substandard dwellings being repaired through enforcement actions, prosecutions and Court Orders, but prompted other property owners within the targeted neighbourhoods to initiate repairs prior to site investigations being undertaken by the Property Standards Inspectors.

It is questionable if the current provisions within *The Cities Act* will enable the Administration to accomplish the intended objectives of a rental licensing program in an efficient and effective manner. Further, if such a program is implemented, there would be a significant deficiency between costs and revenues for several years with little or no value being added to the standards of the affected rental dwellings. Increased licensed fees could mean the landlords and tenants in compliance must pay a higher fee for the costs associated with initiating enforcement action against those landlords and tenants in violation. In addition, the Property Standards Inspectors may be required to spend more time pursuing landlords for licenses rather than focusing on the issue of addressing inadequate rental accommodation. Consequently, the emphasis will continue to be placed on the positive actions the Administration can undertake to achieve the overall objective of better property standards. Such standards are being attained through the enforcement of existing bylaw regulations to address substandard housing conditions.

BUDGET IMPLICATIONS

If the proposed rental licensing concept is approved and implemented, the cost to inspect, enforce and certify the 1,800 substandard rental properties, as referenced in this report, would increase significantly. It should be noted that the proposed 2003 Budget does not include the funds for three additional fire inspectors (\$219,000) as well as the applicable start up components (\$48,000) and two additional positions (\$53,000) associated with the Licensing and Municipal Fines Section.

The costs recoverable for the first year of implementing the proposed concept would be \$162,000 which is based on an estimated annual licence fee of \$360 for 450 certified rental properties. Consequently, the net cost for the first year of implementing the licensing concept, in relation to these additional costs, would be \$158,000.

COMMUNICATION PLAN

A communication plan has been discussed with Public Affairs. All affected city departments and outside agencies will receive notification of City Council's decision. Further, if the proposed concept is approved, a public awareness campaign would be required to inform the community of the licensing requirements.

ENVIRONMENTAL IMPLICATIONS

The enhanced enforcement by the Property Standards Inspectors under the current proactive program, in conjunction with Health and Fire Inspectors, has a positive effect on the community and promotes the health, safety and wellbeing of the people that reside in this city.

DELEGATED AUTHORITY

This report has been prepared for City Council in accordance with the related resolution adopted by the Executive Committee at its meeting of January 23, 2003.

CONCLUSION

The primary objective for licensing rental properties is to establish a regulatory tool that yields compliance with all related requirements and codes. However, a review of the rental licensing concept has revealed more deficiencies than benefits associated with the proposal.

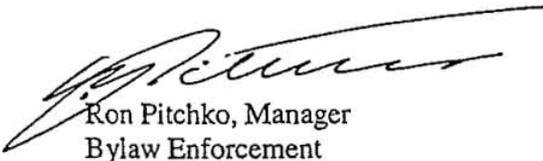
Enhanced enforcement under the current proactive inspection program within selected inner city neighbourhoods has resulted in the highest number of actions for compliance to date. This accomplishment has been achieved without the need to implement a new licensing system that would require an extended time period to set up and increased costs to facilitate the associated inspection, enforcement and administrative activities. Therefore, if the purpose of an effective regulatory program is to increase compliance with building maintenance standards for rental dwellings, the Administration should continue to focus on the enforcement activities currently being implemented. Further, other initiatives such as the development of a rental registry program are being undertaken in an effort to provide assistance to the public who are seeking suitable rental accommodation.

RECOMMENDATION

Your Administration recommends that:

1. The enhanced enforcement undertaken by Property Standards Inspectors continue under the current proactive inspection program for substandard housing within inner city neighbourhoods.
2. The City continue to facilitate the community associations' rental registry program which may be gradually expanded to other neighbourhoods within the inner city commencing in 2004.
3. This report be removed from the list of outstanding items for the Executive Committee.

Respectfully submitted,



Ron Pitchko, Manager
Bylaw Enforcement

RP/mvc

Respectfully submitted,



Peggy Clark, Director
Community Services

APPENDIX A

**COMPARISON OF RENTAL LICENSING REQUIREMENTS
IN MAJOR PRAIRIE CITIES**

	Edmonton	Calgary	Saskatoon	Winnipeg
1. Rental Licence Requirement	Yes (Landlord, per property location).	Yes (Landlord, per property location).	No	Yes (Landlord, per property location).
2. Applicable Rental Units	- rooming/boarding houses (3 or more rental units). - apartment buildings.	- lodging houses (4 or more persons). - apartment buildings. - hotels/motels.	N/A	- rooming houses (3 or more rental units).
3. Reason for Licensing Requirement	- a method of monitoring selected rental properties. - provides standards for regulatory compliance.	- a method of monitoring selected rental properties. - provides standards for regulatory compliance.	N/A	- a method of monitoring selected rental properties. - provides standards for regulatory compliance.
4. Regulatory Authority	Licence Bylaw	Licence Bylaw	N/A	Licence Bylaw* *to be reviewed in 2004.
5. Other conditions for Licence Approval/ Renewal	Must also comply with applicable Fire, Health and Building regulations.	Must also comply with applicable Health, Planning and Fire regulations.	N/A	Must also comply with applicable Zoning regulations and certificate from Fire Chief is obtained.
6. Related Licence Fees	\$150 Flat Fee* (Inspection referrals - \$50/inspection per agency). *On an annual basis.	Lodging House - \$150*. Apartment Buildings (1-3 storeys) - \$100*. Apartment Building (4 or more storeys) - \$200* *On an annual basis.	N/A	\$315* *\$340 in 2004. *On an annual basis.
7. Related Inspections of Rental Units to Determine Eligibility for Licence	Yes	Yes	N/A	Yes
8. Related Follow-Up Inspections of Rental Units	Complaint basis only	Complaint basis only	N/A	Complaint basis only

	Edmonton	Calgary	Saskatoon	Winnipeg
9. Renewal of Fees	Annually	Annually	N/A	Annually
10. Penalty for related Violation of Licensing Bylaw Regulation(s)	Fine (minimum - \$200 maximum - \$10,000).	Fine* (maximum \$10,000). *Fine doubled if same violation within 2 years.	N/A	5% of outstanding balance per month.
11. Advantages of Current Licensing Program	<ul style="list-style-type: none"> - Provides a system for tracking status of known/identified rental units. - Potential to increase the number of rental units that are repaired/ maintained at minimum standards. 	<ul style="list-style-type: none"> - Provides a system for tracking status of known/identified rental units. - Potential to increase the number of rental units that are repaired/ maintained at minimum standards. 	N/A	<ul style="list-style-type: none"> - Provides a system for tracking status of known/identified rental units. - Potential to increase the number of rental units that are repaired/ maintained at minimum standards.
12. Disadvantages of Current Licensing Program	<ul style="list-style-type: none"> - Expensive and time consuming to set up. - Does not guarantee that <u>all</u> targeted rental units are licensed on annual basis. - Follow-up inspections of rental units only undertaken on a complaint basis. - Expensive to administer program (Licence Fees are below cost recovery level). - Many landlords upset with additional fees and transfer costs onto tenants. 	<ul style="list-style-type: none"> - Expensive and time consuming to set up. - Does not guarantee that <u>all</u> targeted rental units are licensed on annual basis. - Follow-up inspections of rental units only undertaken on a complaint basis. - Expensive to administer program (Licence Fees are below cost recovery level). - Many landlords upset with additional fees and transfer costs onto tenants. 	N/A	<ul style="list-style-type: none"> - Expensive and time consuming to set up. - Does not guarantee that <u>all</u> targeted rental units are licensed on annual basis. - Difficult to monitor as certain landlords constantly buy/sell rental property. - Follow-up inspections of rental units only undertaken on a complaint basis. - Many landlords upset with additional fees and transfer costs onto tenants. - Exemption of certain types of rental units seen as discriminatory by affected landlords.

APPENDIX B

SCENARIO #1 **PROCEDURE/COSTS ASSOCIATED WITH**
(Property Standards **INSPECTION/ENFORCEMENT ACTION PROCESS OF A TYPICAL**
Inspection) **RENTAL DWELLING WITH MINIMAL PROBLEMS/VIOLATIONS**

	Procedure/Components	Associated Costs
1.	Initial Investigation - Property Standards Inspector (includes travel, site investigation, pictures, prepare inspection report) - Health Officer (includes travel, site investigation, pictures and follow-up)	\$103.00 \$100.00
2.	Search of Title at Information Services Corporation* (*Note: fee to increase from \$6.00 to \$10.00 effective April, 2003)	\$10.00*
3.	Letters/Notice prepared and sent to registered/assessed owner(s) and occupant via regular mail. - postage/clerical/administrative	\$13.00
4.	Follow-up investigation by Property Standards Inspector (includes travel, site inspection*) *Note: action continues (some repairs not completed)	\$38.00
5.	Order to Comply sent to all interested parties via registered mail. - postage/clerical/administrative	\$21.00
6.	Follow-up investigation by Property Standards Inspector - (includes travel, site investigation*) *Note: action closed (repairs completed/compliance) - Clerical/administrative	\$42.00
		\$327.00 (TOTAL)

APPENDIX C

SCENARIO #2 **PROCEDURE/COSTS ASSOCIATED WITH**
(Property Standards **INSPECTION/ENFORCEMENT ACTION PROCESS OF A TYPICAL**
Inspection) **RENTAL DWELLING WITH MANY PROBLEMS/VIOLATIONS**

	Procedure/Components	Associated Costs
1.	Initial Investigation - Property Standards Inspector (includes travel, site investigation, pictures, prepare inspection report) - Health Officer (includes travel, site investigation, pictures and follow-up)	\$111.00 \$100.00
2.	Search of Title at Information Services Corporation* (*Note: fee to increase from \$6.00 to \$10.00 effective April, 2003)	\$10.00*
3.	Letters/Notice prepared and sent to registered/assessed owner(s) and occupant via regular mail. - postage/clerical/administrative	\$13.00
4.	Owner files an appeal to Property Control and License Review Committee via City Clerk's Office - Notice of meeting (mailed to all interested parties)/clerical	\$12.00
5.	Inspection of site for Committee meeting (Includes travel, site inspection, pictures)	\$61.00
6.	Owner appeals at Committee. Compliance date set. - Decision mailed to all interested/clerical	\$12.00
7.	Follow-up inspection (includes travel, site inspection*) *Note: no compliance. - Pictures taken/prosecution prepared/search & certified title obtained (for prosecution)/Clerical. - Administration review of prosecution	\$151.00
8.	Prosecution forwarded to Legal Department - Review and draft charge/clerical	\$20.00
9.	Re: Court - Preparation for/attendance at Court (Legal Department) - Follow-up inspection* for Court. *Note: no compliance. - Owner pleads not guilty. Trial date set by Judge	\$86.00
10.	Re: Trial - Preparation for/attendance at Trial (Legal Department) - Follow-up inspection* for Trial. *Note: No compliance. - Attendance at Trial (Inspector). Judge sets compliance date	\$178.00
11.	Follow-up Inspection (includes travel, site inspection*) *Note: Compliance. Clerical/Administrative	\$42.00
		\$796.00 (TOTAL)

APPENDIX D

CIRCULATION COMMENTS/CONCERNS

1. Regina-Qu'Appelle Health Region

- a) Our major concern is with the amount of resources that would be needed to start and maintain such a licensing program. In order to meet suggested levels of site inspections under the proposed concept, we would require a minimum of four additional Health Inspectors on a full time basis. Unfortunately, with other competing priorities, we would not be in a position to request related funding for these additional positions until the 2004 Budget at the earliest.
- b) Owners who think their properties might not meet minimum standards would be less likely to apply for a licence. City staff and our Health Inspectors would need to spend additional time tracking these owners.
- c) Another concern is that the fees to cover such a program would not come from the owners' profit, but would rather come from the tenants' rent. On a very expensive suite, this percentage would be small, but on an economical suite, the cost to the tenant might be very significant.

2. Fire Department

- a) The reference to rental properties should clarify whether it refers to the building or individual suites. The fire inspectors may be able to investigate a particular building for compliance, but may not be able to access all individual sites.
- b) Currently, the Fire Department only inspects buildings that have three or more suites unless there is a specific complaint. Therefore, those buildings with less than three suites would not be inspected under our current program. This may be considered as a liability with respect to the proposed concept.
- c) It is not practical or desirable to have other inspection staff investigate buildings and suites for fire code related violations and/or inadequacies. The fire inspectors enforce the National Fire Code and a significant portion of the National Building Code which involves extensive training and experience.
- d) Under the present program, the rotation for the inspection of buildings is approximately every 24 months. However, if all qualifying properties had to be inspected as part of the proposed concept, this department would have to hire additional fire inspection staff in order to keep up with the number of investigations required each year.
- e) With respect to significantly reducing the current rotation cycle of fire regulation inspections for affected residential buildings, a minimum of three more inspectors would be required if all applicable rental properties within the designated district must be inspected. The current annual cost of one Fire Inspector, which includes base salary and related benefits is approximately \$73,000.00. Therefore, if three more inspectors are to be hired, the related total cost would be an additional \$219,000.00

3. Licensing and Municipal Fines Section

- a) There are restrictions on licence fees. Subsection 8(4)(a) and 8(4)(b) of *The Cities Act* states:
“(4) The fees that may be established pursuant to subclause (3)(c)(I) must not exceed the cost to the city for:
(a) Administering and regulating the activity; and
(b) Collecting the fees.”

This section restricts the licence fee from generating revenue from licensing.

- b) Additional resources would be expended to administer and enforce the licensing component of the proposed concept if deemed to be the responsibility of the Licensing and Municipal Fines Section. The fee for a "licence" would be substantial in order to recover our costs. Additional staff would be required in the following areas:
- (a) Administration - processing information, handling inquiries, issuing licences, related prosecutions.
 - (b) Accounting – invoicing, reconciling payments, collecting outstanding accounts & refunds.
 - (c) Licensing and Municipal Fines Officers – follow up on approvals/denials, prosecutions with respect to the licensing component for the proposed concept.

It should be noted that the Licensing and Municipal Fines Section would issue or revoke the licence based on the recommendation of the Bylaw Enforcement Division.

- c) The minimum related fee under the general licensing category is \$180/year (but does not include the cost of inspections for compliance with minimum maintenance standards).
- d) If all 1,800 targeted properties had to be licensed, the start up components would cost approximately \$48,000. These components would include the development of a new access database, gathering landlord/rental information, licence mail outs and a public notification campaign.
- e) The level of staffing would be directly related to the number of inspections required each year. Additional resources would have to be expended to ensure compliance with the licensing component of the proposed concept. Therefore, if all 1,800 substandard rental properties within the designated district had to be licenced, the following additional positions* would be required:
 - 1 Control Clerk (\$34,000)
 - .5 Accounting Clerk III (\$19,000)

*NOTE: These additional positions do not represent an initial start up cost but would be required as of the implementation date for the rental licensing program. Subsequent costs for these positions would be on-going.

4. Legal Department

- (a) (i) There is no specific authority in *The Cities Act* for such a licensing system. Therefore, the authority will have to be inferred from the existing sections. The applicable provisions are as follows:
 - "8 (1) A city has a general power to pass any bylaws for city purposes that it considers expedient in relation to the following matters respecting the city:
 - (b) the safety, health and welfare of people and the protection of people and property;
 - (d) nuisances, including property, activities or things that affect the amenity of a neighbourhood;
 - (h) businesses, business activities and persons engaged in business;
 - (3) Without restricting the generality of subsection (1), a power to pass bylaws given by this Act is to be interpreted as including the power to do all or any of the following:
 - (a) regulate or prohibit;
 - (b) deal with developments, activities, industries, businesses or things in different ways, and, in so doing, to divide each of them into classes or subclasses, and deal with each class or sub-class in different ways;
 - (c) provide for a system of licences, inspections, permits or approvals including any or all of the following:

- (i) subject to subsection (4), establishing fees for the activity authorized for purpose of raising revenue;
 - (iii) prohibiting any development, activity, industry, business or thing until a licence, permit or approval has been granted or an inspection has been performed;
 - (iv) providing that terms and conditions may be imposed on any licence, permit or approval and setting out the nature of the terms and conditions and who may impose them;
 - (vi) setting out the conditions that must be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them;
 - (vii) providing for the duration of licenses, permits and approvals and their suspension or cancellation for failure to comply with a term or condition of the bylaw or for any other reason specified in the bylaw;
- (4) The fees that may be established pursuant to subclause 3(c)(I) must not exceed the cost to the city for:
 - (a) administering and regulating the activity; and
 - (b) collecting the fees.”
- (ii) Any of these sections could be relied upon to support the proposed licensing regime, but the most relevant sections would probably be 8(3)(a), 8(3)(c)(iii),(iv),(vii) and (viii). They are drafted in very general terms and it is our opinion that licensing landlords would fall into at least one of the above-noted sections. The restrictions in fees are contained in s. 8(4).
- (b)
 - (i) It should be kept in mind at all times that the purpose of the bylaw is to regulate landlords so as to ensure safe and properly maintained housing for tenants in Regina. A search of case law has revealed no prior consideration of such a bylaw by the Courts. This paucity of judicial consideration makes it very difficult to forecast the result of a court challenge to such a bylaw in Regina.
 - (ii) The basic legal issue that arises in this case is one of discrimination. In order for the City to enact a valid bylaw, there must be authority in the legislation to treat persons in the same situation in different ways. The relevant section is s. 8(3)(b). The most applicable part of s. 8(3)(b) is the authority to deal with “activities” or “things” in different ways. We do not believe that renting out property could be called a “development”, an “industry” or a “business” in the case of individual landlords.
 - (iii) Section 8(3)(b) appears to give the authority to deal with activities or things in different ways by dividing them into subclasses. One option would be to divide the properties (ie. houses, duplexes, apartments, etc) into different classes, and deal with them differently. A difficulty may arise in that there is such a wide variety of rental activity in Regina. It is probably preferable to differentiate between the types of rental properties, rather than the landlords as individuals, as the legislation seems to be aimed at differentiating between the activity, rather than the persons involved in the activity.
- (c)
 - (i) The City must arrive at a cogent, consistent method of discriminating between landlords. It is probably not advisable to impose a licence only on those units which are found to be “substandard”. If this sort of scheme was imposed, the licence would not be serving its purpose because a tenant could be living in squalor long before the inspectors determined that the unit was “substandard”. In this way, the licence would be used more as a fine, or a penalty, than a licence. That would not be permissible.
 - (ii) The City can only licence for the purpose of regulation. The licence serves both as a registry to enable regulation and as a means of stopping licensed activities which contravene the regulations by revoking the licence, which then prevents the activity from continuing unlawfully. This is fundamental to any City licensing scheme.

- (iii) With regard to only licensing rental units within the inner city, the City would have to be careful to make sure that this type of discrimination, based on location, actually served the underlying purpose of the bylaw. It would probably be more helpful to discriminate based on the type of rental unit, rather than location, so that all rental units of a certain type are regulated in the same way.
- (d)
 - (i) If the City is relying on the right to prohibit activity until a licence is obtained, inspections would have to be performed so that the City could be sure that a property complied with the necessary standards. Requiring landlords to come forward and ask for inspections would be ineffective, as the landlords that habitually cause trouble for the property inspectors would be unlikely to do so. If they did not come forward, they would have to be charged and convicted by the Court, which would require an investigation and expenditure of resources.
 - (ii) It would be far more effective for inspection staff to inspect to see whether a premises met the criteria for a licence and then decide whether or not one would be issued. This will require an initial inspection of all regulated rental properties.
- (e) A licence would not provide additional tax revenue, because a licence fee is not a tax. It would be a contravention of the legislation to try to levy a tax through a licence fee. The amount of the licence fee is subject to the restrictions in s. 8(4). It should also be noted that *The Cities Act* does not permit charging the cost of property inspections to taxes. According to s. 333(1)(d), it permits only the charging of "unpaid expenses and costs incurred by the city in remedying a contravention of a bylaw or enactment if the contravention occurred on all or part of the parcel of land". There is no provision for adding inspection charges to taxes.

APPENDIX C

Regina North Central 2020 Vision Statement

Regina North Central is a safe, healthy and caring community and a source of pride for the area's residents.

Located in the heart of the city, its strength is derived from the cultural diversity of its members working together and their emphasis on the value of family, seniors, children and youth.

The area's character stems from the well-kept homes and the mature natural environment of this section of the Queen City. The ease of access to the numerous facilities, services and educational facilities located within its parameters adds to its attraction.

Confident in its future with its many opportunities for community participation, home ownership, employment and business development, Regina North Central enjoys its reputation of being proud and forward looking, ready to meet the challenges and embrace its vision for 2020 and beyond.

APPENDIX D

Questionnaire

1. (a) From your perspective (as a professional and/ or community representative) what do you see as the most pressing issue concerning rental housing in Regina in general and in North Central in particular?

(b) Why?

2. In your opinion, how can this situation best be improved?

3. What are the pros and cons of this solution?

4. Overall, what would you like to see done to improve the rental housing problems of Regina and Regina North Central?

5. Any further comments?

APPENDIX E

1

Steering Committee Questionnaire

(a) Rental Unit Licensing

A Rental Unit Licensing program would differ from the current complaint driven system currently in play in Regina because such a program would mandate periodic inspections of all rental units rather than inspections being conducted in response to problems. It is more proactive than reactive.

(1) In your opinion will this option improve the quality of the available rental housing stock in Regina North Central? Yes____ No____
Please explain.

(2) In your view will this option have an effect (either positive or negative) on the overall availability of affordable housing in Regina North Central?
Please explain. Yes____ No____

(3) In your opinion will this option help further the wishes of North Central Residents as expressed in the 2020 Vision for Regina North Central?
Yes____ No____
Please explain.

(4) In your view is this a feasible option in terms of political, legal, administrative and financial concerns? Yes____ No____
Please explain.

(b) Landlord Licensing

In this type of system landlords are licensed based on their record and management standards rather than on the condition of individual properties. This is similar to licensing programs currently in existence for many other businesses/professions/ occupations (Cab Drivers, and Attorneys for example). This format is currently being implemented in England with the stated principle aims being to (i) ensure that all landlords meet minimum management standards and participate with others in dealing with antisocial tenants and (ii) make certain that unscrupulous landlords who will not meet minimum standards are not allowed to rent out residential property.

(1) In your opinion will this option improve the quality of the available rental housing stock in Regina North Central? Yes _____ No _____

Please explain.

(2) In your view will this option have an effect (either positive or negative) on the overall availability of affordable housing in Regina North Central?

Please explain. Yes _____ No _____

(3) In your opinion will this option help further the wishes of North Central Residents as expressed in the 2020 Vision for Regina North Central?

Yes _____ No _____

Please explain.

(4) In your view is this a feasible option in terms of political, legal, administrative and financial concerns? Yes _____ No _____

Please explain.

(c) A Rental Recording Program

A mandatory rental recording program would charge landlords a one-time registration fee per each rental unit and allow the city to maintain contact information for all rental units in the city. Such a program would allow the city to keep track of individuals or businesses that rent out properties, and also provide a mechanism for the city to contact landlords in response to code violations.

(1) In your opinion will this option improve the quality of the available rental housing stock in Regina North Central? Yes ____ No ____
Please explain.

(2) In your view will this option have an effect (either positive or negative) on the overall availability of affordable housing in Regina North Central?
Please explain. Yes ____ No ____

(3) In your opinion will this option help further the wishes of North Central Residents as expressed in the 2020 Vision for Regina North Central?
Yes ____ No ____
Please explain.

(4) In your view is this a feasible option in terms of political, legal, administrative and financial concerns? Yes ____ No ____
Please explain.

(d) The Complaint System and Rental Withholding and similar provisions

In this type of system a tenant can register a complaint with civic authorities that his or her landlord has not rectified a bona fide complaint about the rental property. The civic authorities then contact the landlord and try to have the situation remedied. If the problem persists, an inspection will be ordered and a work order may be issued. If the work order is not complied with within the specified time, the landlord will be charged for each reinspection that may be necessary at an escalating rate (in Milwaukee it is \$50., \$75., \$150., then \$300. for each further reinspection). . If the problem persists, the city would have the legal authority to collect rent from the tenant and conduct the repairs itself.

1) In your opinion would this option improve the quality of the available rental housing stock in Regina North Central? Yes _____ No _____

Please explain.

(2) In your view will this option have an effect (either positive or negative) on the overall availability of affordable housing in Regina North Central?

Please explain. Yes _____ No _____

(3) In your opinion would this option help further the wishes of North Central Residents as expressed in the 2020 Vision for Regina North Central?

Yes _____ No _____

Please explain.

(4) In your view is this a feasible option in terms of political, legal, administrative and financial concerns? Yes _____ No _____

Please explain.

(e) Landlord Training Programs and Certification

A landlord training program will train landlords to manage their property properly, deal with tenants effectively, and minimize illegal activity on the rental property. Such programs purportedly create better landlords and neighbourhoods by educating landlords about tenant screening, increasing the need for unit maintenance, and the legal rights of both landlords and tenants. Such programs provide tips to landlords on how to more easily comply with code requirements. Certification that the landlord has successfully undergone the training program gives a “stamp of approval” to the landlord.

1) In your opinion would this option improve the quality of the available rental housing stock in Regina North Central? Yes____ No____
Please explain.

(2) In your view will this option have an effect (either positive or negative) on the overall availability of affordable housing in Regina North Central?
Please explain. Yes____ No____

(3) In your opinion would this option help further the wishes of North Central Residents as expressed in the 2020 Vision for Regina North Central?
Yes____ No____
Please explain.

(4) In your view is this a feasible option in terms of political, legal, administrative and financial concerns? Yes____ No____
Please explain.

(f) Public Disclosure of Code Offenders

This system publicizes the names of the offenders, their affiliations, and documents the nature of the offence. For example, a website has been created in Independence Missouri known as "Town Topics" that has named individuals and their prominent role in a local church that actually owned the property and published damning pictures of the blatant code infractions.

1) In your opinion would this option improve the quality of the available rental housing stock in Regina North Central? Yes____ No____
Please explain.

(2) In your view will this option have an effect (either positive or negative) on the overall availability of affordable housing in Regina North Central?
Please explain. Yes____ No____

(3) In your opinion would this option help further the wishes of North Central Residents as expressed in the 2020 Vision for Regina North Central?
Yes____ No____
Please explain.

(4) In your view is this a feasible option in terms of political, legal, administrative and financial concerns? Yes____ No____
Please explain.

(g) Other options

Please indicate other options that you think warrant consideration and state

1) In your opinion how this option will improve the quality of the available rental housing stock in Regina North Central.

(2) In your view how will this option have an effect (either positive or negative) on the overall availability of affordable housing in Regina North Central.

(3) In your opinion how would this option help further the wishes of North Central Residents as expressed in the 2020 Vision for Regina North Central.

(4) In your view how this is a feasible option in terms of political, legal, administrative and financial concerns.

(h) Combinations

Some of the above options may be more effective if they are used in conjunction with one another. Various combinations of the identified options will be examined in the Final Report. Please state the combinations you would like to see examined and note how

1) In your opinion how this combination will improve the quality of the available rental housing stock in Regina North Central.

(2) In your view how will this combination have an effect (either positive or negative) on the overall availability of affordable housing in Regina North Central.

(3) In your opinion how would this combination help further the wishes of North Central Residents as expressed in the 2020 Vision for Regina North Central.

(4) In your view how this is a feasible option in terms of political, legal, administrative and financial concerns.

Appendix F

Synopsis of Milwaukee Study

Reason for the Study

Milwaukee conducted its study because of concerns that its housing inspection system failed to achieve the goal of improving the quality of rental housing within its jurisdiction. At the time of the study, like Regina and many other cities, their system was not designed to provide regular inspections of all buildings. But, rather, was primarily complaint driven with respect to the interior condition of residential dwellings. 1

Issues stemming from their complaint system provided the impetus for the study. Those issues included.

The reactive nature of the complaint system and the perceived imbalance of power between landlords and tenants “If a problem exists with a unit, the tenant must take action to address it with the landlord or file a complaint ... Some tenants appear unwilling to file a complaint for fear of retribution from their landlord.”¹

Ignorance of Tenant’s Rights perpetuating maintenance problems. “It is possible that some tenants might not even know about the ...complaint system and decide to live with their maintenance problem if it is not addressed by their landlord”.¹

Low Expectations “ ...[Due to] lack of information, and, particularly, low expectations, there will be many tenants who fail to recognise (sic) that they have cause for dissatisfaction, let alone complain” and “it is frequently the most vulnerable people and those with the most acute problems who remain silent or fail to pursue a complaint after an initial unsuccessful contact” 1

It must be noted too that at the time of the study Milwaukee had an escalating fee structure whereby the landlords had to pay a re-inspection fee in the event that a meritorious complaint had been made. This escalating fee structure led to opposition to the complaint driven system by landlords and residential builder groups and helped motivate the exploration of alternatives such as RUL1

Methodology

The Milwaukee study examined RUL licensing programs in 15 other American cities and found that, in those cities there had been no quantitative analysis of the effects and costs of the programs. Due to the paucity of research material they relied on general economic and regulatory analysis within a qualitative case study framework. They evaluated two versions of rental licensing: (1) universal and (2) licensing schemes targeted at substandard housing. They compared those two systems to Milwaukee's Current practices in terms of policy goals related to rental housing markets. According to the study,

Housing policy is concerned both with economic development and with maintaining an adequate stock of affordable housing for low-income residents. Building and housing codes are designed to ensure the safety of homeowners and renters alike.¹

Based on this method, the conclusion was reached that

Milwaukee should not implement RUL because

The policy would be very expensive, meet strong political opposition, and cause more problems to the city's rental markets than it would solve.¹

The Situation in Milwaukee at the time of the study

As is the case in Regina, the complaint system is the principle means by which housing maintenance issues are addressed by the City Of Milwaukee. However, their overall system is far more comprehensive than ours. For example, Milwaukee had a free Landlord Training Program in place with the aim to better educate landlords concerning tenant screening, dealing with tenants effectively, the need for unit maintenance and the legal rights of both landlords and tenants. The program also "provides tips to landlords on how to more easily comply with code requirements" ¹

Milwaukee has a tracking system in place stemming from their rental recording system and an escalating fee for rental inspections that is charged to the landlords. When a complaint is filed it is logged onto the tracking system. Then the landlord is usually contacted about the problem and frequently the landlord remedies the problem expeditiously and no inspection is necessary. However, if it is not addressed an

inspection is ordered. If, upon inspection it appears that the complaint's valid, a work order will be issued and the landlord will be given an opportunity to make repairs within an allotted period of time (which depends on many factors such as the nature of the necessary repairs).¹The landlord is not charged for the initial inspection but is charged for any re-inspections that are necessary.

According to the study,

... The fees escalate so as to provide an incentive to the landlord to make the repair. The first re-inspection costs \$50, the second \$75, the third \$150, and the fourth and subsequent reinspection cost \$300 each. ¹

The study goes on to note that

In the rare case that the landlord continues to ignore the problem, the city has the legal authority to collect rent from the tenant and conduct the repairs itself in a process known as rent withholding. ¹

Despite the concerns expressed in the study regarding the complaint driven system, it appears that it in combination with the escalating re-inspection fee scheme is effective as far as it goes in Milwaukee. According to the study, 13,500 complaints were filed in 2002. The complaints were primarily concerned with housing quality issues.¹

The study goes on to note that

Nearly 100 percent of complaints filed in 2002 were closed out by DNS, indicating that repairs were made. Many of those complaints were about maintenance issues, with over 2,500 regarding the exterior and over 3,000 on the interior. A single complaint could be classified in multiple categories, so these totals are not mutually exclusive. An analysis of the complaint data indicates that many complaints were filed from units in poor neighborhoods in south and north Milwaukee.¹

Rental Unit Licensing Programs in Other Cities

“A rental unit licensing program would differ from the current complaint driven system in that it would have mandated periodic inspections of many rental units, would

better capture owner information, and would theoretically recover program costs through fees. Unlike the current complaint system, wherein inspections are conducted in response to problems, licensing programs mandate periodic inspections of all rental units. In principle such programs thus provide a more effective mechanism for improving the quality of rental housing.” (p. 5)

“Cities implement rental unit licensing programs for diverse reasons. It appears that some cities are compelled legally, some monetarily, and some out of concern for public welfare. The data suggest that these programs are multipurpose, and when combined with inspections, can be molded to fit the needs of a particular city.” (p. 8)

“Most staff prefer to avoid using the threat of monetary or legal penalties to promote compliance. Generally, rental unit licensing programs are flexible and rely on case-by-case relationship building to make sure both public safety and aesthetics are enhanced. Licensing administrators repeatedly emphasized the importance of building trust with the landlords and remaining flexible. “(p. 12)

Program Effectiveness

“No comprehensive data are available to confirm or refute the effectiveness of rental unit licensing programs. Nearly all administrators of such programs said that violations decreased significantly following the first cycle of inspections. The majority of survey respondents also indicated that housing stock improved, and vacancy rates fell, although these factors were difficult to isolate from greater housing market trends. A more detailed analysis of the impacts of rental unit licensing is not possible because of lack of data and the relative infancy of several programs.” (p. 12)

Other Important Observations

“A number of additional observations can be made as a result of our research and interviews. Administrators of licensing programs consistently addressed the following topics:

- ✦ Cooperation with other branches of city government is very important.
 - ✦ Licensing staff generally work well with the police and fire departments, and this coordination is vital to the success of rental unit licensing programs.
 - ✦ It is imperative to educate landlords about their obligations and how licensing operates. Most cities make great efforts to contact landlords prior to inspections and explain how the licensing process will work. Many cities also instituted a focused landlord training program.
 - ✦ A rental unit licensing scheme will not be effective without fostering trust between staff and landlords.
 - ✦ Flexibility to address landlords on a case-by-case basis is very important. Rules are also important, but the program must be flexible enough to adapt to different circumstances.
 - ✦ Licensing programs are split on whether they can operate a licensing program to generate revenue. About half of the programs indicated they could not charge a higher fee than what the inspections actually cost.
 - ✦ Landlords complain about how owner-occupied housing is not as strictly regulated as they are. Landlords feel unfairly targeted, though licensing administrators generally feel that owner-occupied housing is in better shape than rental units.
 - ✦ Most rental unit licensing programs do not cover their costs with inspection fees.”
- (p. 13)

Appendix G

Proponents' Position on Rental Unit Licensing

General

The proponents of RUL view the current housing situation in Regina North Central with a great deal of trepidation. They note that the existence of pervasive poor quality rental accommodations in this part of the city is a deeply-rooted problem with far reaching consequences. The existence of poor rental accommodation is seen as systemic in origin and they are of the view that only a systemic solution will suffice. RUL is viewed by many as the systemic solution of choice. For many local proponents, a switch to a RUL system from the current complaint driven model is seen as not only the best solution, but also as the only viable solution.

A Comprehensive System

For its proponents, the comprehensive nature of a RUL system is one of its chief merits. It has been noted that currently there are different government offices and agencies concerned with housing standards such as the Regina Fire Department, the Department of Health and Bylaw Enforcement, and that each has its own means of investigation and enforcement. Currently, there is not any systematic means by which housing standards can be set for rental accommodations, and no systematic means by which all housing standards can be enforced. The current placarding initiative being undertaken by the Housing Standards Enforcement Team only addresses dwellings with acute problems and does not address the needs of North Central or Regina as a whole. A RUL system is seen as an effective means of overcoming existing barriers and bridging administrative gaps and providing a way of setting and enforcing standards on a community wide basis.

An Economical System

With respect to cost, in the proponents view, a reasonable licensing fee should be assessed for each rental unit and it is argued that by levying such fees the scheme will

practically pay for itself. Therefore, apart from initial start up costs, it should not be an expensive proposition for the city.

An Investment with Long Term Benefits

RUL is seen as a long term investment that, despite what may appear to be a prohibitive cost to initiate such a program, will ultimately save the City of Regina money. It is argued that RUL will benefit the Regina as a whole by:

improving housing stock and increasing the value of residential property in impoverished areas of Regina.

enhancing the reputation of Regina through crime prevention and save the City of Regina and its taxpayers money through lessening the increasingly expensive costs of fighting crime in the city in the longer term.

In this view, if more inspectors and other staff are needed to implement and run a RUL system, then more staff should be hired because any additional cost occasioned by the adoption of a RUL system would be well worth it. In other words, it is thought that RUL will go a long way in the continuing fight against urban blight in Regina. It is seen not only as an investment in the future, but also as a method of guarding against throwing good money after bad – a practice that is currently occurring.

RUL Will Discourage Bad Landlord Practices

The present process is seen as not working. It is viewed as a piecemeal approach that allows landlords to fix one problem, while blithely ignoring others. Presently often only the bare minimum of necessary repairs are completed when so ordered. The perception is that some landlords are adept at circumventing current housing standards and enforcement procedures. RUL is seen as an effective means of thwarting unscrupulous landlords attempting to rent out substandard accommodations and facilitate the enforcement of standards across the board.

RUL Will Encourage Good Landlord Practices

Proponents of RUL recognize that there are good and bad landlords. Good landlords are those that provide a quality product and reap a legitimate profit. Bad landlords are those that do not provide a quality product and act in an unscrupulous manner and who reap a windfall profit through playing the angles of the current complaint driven system.

RUL is also seen as being beneficial to landlords that act in good faith because it will put all landlords on a level playing field and not reward unsavory behaviour by unscrupulous landlords. Many observers note that some landlords are quite adept at manipulating the current regulatory system to allow them to continue to rent out substandard property. For example, they are adroit at getting extensions to orders that have been made that allow them to ameliorate immediate problems and then continue renting out the property after an extension has been granted. Proponents of RUL are of the view that a comprehensive RUL system would mitigate the effectiveness of such evasive actions.

RUL Will Discourage Profiteers

It is thought that the current lack of RUL in Regina encourages profiteers that are in the rental market solely for the sake of making a quick buck rather than earning a legitimate profit through the provision of a much needed product. Profiteering landlords are exploiting the poor and the social assistance system by receiving unearned money through the provision of substandard rental accommodations. It is further thought that such unscrupulous landlords actually don't want the current system to work toward improving living conditions for tenants. The view is that these profiteers thrive on renting to high risk tenants so that they don't have to spend money fixing up their properties and they can thereby maximize their profits.

Benefit to Tenants

The current complaint driven system is not working for many tenants because they fear landlord retribution if they complain. It is thought that the distinct power imbalance that exists between landlords and tenants can be ameliorated through an across the board RUL system.

Many tenants are unaware of their rights and are not aware that they currently have recourse through the complaint driven system. They and their children continue to live in substandard housing not out of choice but rather due to ignorance. A RUL system would take the onus to initiate action off of tenants who may be unaware of their rights and the landlord's responsibilities and place the onus upon landlords to be vigilant concerning the need for continued maintenance of rental property.

Better Housing/Better Tenants

It is contended that, with a RUL system in place, all landlords would have to be more conscious of keeping all rental units in good repair in a more consistent manner.

Consistently good maintenance will have an overall benefit because if there is better quality housing available, tenants will treat rental properties with more respect.

Dwellings in a good state of repair could and should become the norm that is adhered to with the implementation of a RUL system.

During the late 1970's there was the Regina Low Income Housing Corporation. Its object was to provide transitional housing (along with counseling etc.) to higher risk tenants until such time as they could go into regular housing. Some proponents of RUL think we need a holistic approach like that again and RUL could provide a first step toward such a holistic approach.

Community Development and Community Support.

There are many indications that the community is strongly in favour of adopting a RUL approach. According to this view this support is part and parcel of the Community Development that is occurring in Regina North Central. Community Development should be supported because it is vital to revitalizing Regina North Central. As Rob Degleau, writing in his capacity as City Councilor for Ward 6 noted:

The concept of licensing of Rental Property continues to be community driven. Inner City residents are discouraged by the lack of support they are receiving from the municipality on new ideas and concepts and fear that volunteered initiatives lack the means of sustainability. As an administration, we must embrace our residents and support these communities that have empowered themselves to proactively address

change within their community. We must be careful not to suppress grassroots initiatives and acknowledge those community organizations that have empowered themselves and have the capacity to make change. We must be able to look outside our boundaries and understand that growth is all about change. (Rob Degleau's memo at p. 3)

Appendix H

I- Synopsis of the City Managers 2003 Report Re: Licensing Residential Landlords

On April 7, 2003 the City Manager delivered a report to Regina City Council identifying start up costs and revenue potential for a program of licensing rental properties in Regina as per a request from the Executive Committee (April 7,2003, File No. 0500 Gen CMO3-4 p. 1 – please see the Appendix) The City Manager’s Report (CMR) concluded that its review of the proposal revealed more inherent deficiencies than benefits and recommended the continuation of a proactive inspection program for substandard housing within Regina inner city neighbourhoods and support for community associations rental registry programs instead of the adoption of the proposed licensing program.(Ibid. p. 8)

The concept of licensing landlords as put forward by City Council in the request focused on requiring rental dwellings to adhere to minimum quality standards. The licensing scheme considered in the CMR therefore falls within the ambit of “Rental Unit Licensing” (RUL) rather than “Landlord Licensing” as those terms is used within the pages of this report. For ease of reference, therefore, where appropriate, the term RUL will be substituted for Landlord Licensing in the following synopsis of the CMR.

The CMR offers a pointed and concise critique of the RUL concept in the Regina context and by extension is also instructive regarding administrative, legal, and financial concerns with respect to other regulatory schemes under consideration by the North Central Rental Registry Steering Committee.

Methodology used in the CMR

The CMR noted that ideally the focus of a RUL program in Regina “would apply to all rental properties within the inner city, with an emphasis on dwellings that are in the poorest physical condition.”(Ibid. p. 2) and that “the Administration presumes that the intent ... is to specifically target substandard single family detached rental dwellings in older neighbourhoods that are owned by absentee landlords.”(Ibid.)

The CMR utilized available data from the 1996 Census and determined that there are approximately 11,700 rental properties in Regina as a whole. (Ibid. p.3) The CMR then went on to break the data down utilizing the boundaries of the CNR mainline to the north, Lewvan Drive to the west, College Avenue to the South and Park Street to the east. Within those boundaries, or what may loosely be termed Regina’s inner city, the CMR estimated that there are approximately 3,800 rental properties.(Ibid.)

This admittedly arbitrary designation encompasses the boundaries of Regina North Central. Regina North Central is not explicitly dealt with as an entity unto itself within the pages of the CMR.

Findings

According to the CMR, estimates by the property standards staff suggested that of the 3800 rental properties within the designated area, 1,800 would need considerable repairs. Based on inspection/enforcement statistics using 2002 as a base year, the CMR asserted that it would take the current property standards inspection staff “approximately 4 years to investigate, enforce and certify all 1800 substandard rental properties licenses.”(Ibid. p. 3)

The method of calculation utilized to arrive at this figure is set forth in the CMR in the following manner:

- ⊕ It should be noted that in 2002, 615 inspection/enforcement actions for substandard housing violations were initiated within the city of which 527 were within the above referenced designated district.
- ⊕ With respect to the 527 inspection/enforcement action, 448 were rental dwellings. If the primary objective of the proposed concept within Regina is to focus on repairing and licensing all deteriorated dwellings first, and the above inspection/enforcement action ratio is maintained, it would take the current property standards inspection staff approximately 4 years to investigate, enforce and certify all 1,800 substandard rental dwellings for licenses. (Ibid.)

The figure of 1,800 substandard rental properties (450 properties per year over a 4 year period) is used as a basis to determine the related start up costs and revenue potential for a RUL program in the CMR. The CMR estimated that the start up costs would be \$320,000 in total new staff expenditures and applicable startup components (Ibid. p. 7) According to the CMR,

If the proposed rental licensing concept is approved and implemented, the cost to inspect, enforce and certify the 1,800 substandard rental properties ... would increase significantly [over current costs]. ...The costs recoverable for the first year of implementing the proposed concept would be \$162,000 which is based on an estimated annual license fee of \$360 for 450 certified rental properties. Consequently, the net cost for the first year of implementing the licensing concept, in relation to these additional costs, would be \$158,000 (Ibid.)

Legal Concerns

- ⊕ The City’s Legal Department views on this matter were canvassed. The Department’s key concerns can be paraphrased as follows:
- ⊕ There is no specific authority for a RUL licensing system in the enabling legislation (*The Cities Act*)
- ⊕ Since the “legislation seems to be aimed at differentiating between the activity, rather than the persons involved in the activity”, discrimination in a RUL licensing scheme should be based upon type of rental unit rather than location, so that all rental units of a certain type are regulated in the same way.
- ⊕ It is not advisable to impose a license on only on those units which are found to be substandard because the license would therefore used more as a fine or a penalty rather than as a license which is not permissible.

- ✦ The City can only license for purposes of regulation.
- ✦ A license scheme cannot provide additional tax revenue because that is contrary to provisions in the Cities Act.
- ✦ There is little capacity in the Prosecution Division to take on new or additional workloads. (Ibid. p. 4)

The CMR summarizes its concerns over a RUL licensing type of plan in the following manner:

- ✦ It is questionable if the current provisions within the Cities Act will enable the Administration to accomplish the intended objectives of a rental-licensing program in an efficient and effective manner.
- ✦ Further, if such a program is implemented, there would be a significant deficiency between costs and revenues for several years with little or no value being added to the standards of the affected rental dwellings.
- ✦ Increased licensed fees could mean the landlords and tenants in compliance must pay a higher fee for the costs associated with initiating enforcement action against those landlords and tenants in violation.
- ✦ In addition, the Property Standards Inspectors may be required to spend more time pursuing landlords for licenses rather than focusing on the issue of addressing inadequate rental accommodation.
- ✦ Consequently, the emphasis will continue to be placed on the positive actions the Administration can undertake to achieve the overall objective of better property standards.
- ✦ Such standards are being attained through the enforcement of existing bylaw regulations to address substandard housing conditions.(Ibid. p. 7)

II- Additional concerns of the City Of Regina Bylaw Enforcement Division

In addition to the matters listed in the CMR, the Bylaw Enforcement Division has expressed the following concerns and questions relating to the RUL approach:

1. Related inspections of rental units would have to be undertaken over a protracted period of time to establish a start-up data base and to determine initial eligibility for a license.
2. Should each rental unit in a multi-unit building be subject to a separate license?
3. If a specific inner city area becomes designated to be subject to such a program, how are the boundaries of such an area rationalized?
4. Can substantial fines be included as a provision within the Licensing Bylaw to act as a quicker more effective deterrent rather than the current drawn out prosecution process?
5. Due to the high number of rental dwellings and limited number of inspection staff, is it possible to have license renewal process in Regina based on an effective, but practical time frame?

6. It is most likely that landlords that have substandard rental properties will avoid/disregard the licensing requirements which would defeat the original purpose and intent of the proposed concept.
7. There would be little or no added value by implementing a rental licensing policy as the landlords will still be subject to the same regulations under The Regina Property Maintenance Bylaw, The Cities Act, as well as applicable regulations as per public health and fire codes to repair and maintain substandard dwellings to acceptable minimum standards.
8. There would be an inherent difficulty in monitoring because certain landlords constantly “flip properties”.
9. Exemptions of certain types of rental units and/or geographical areas within the city could be seen as discriminatory by affected landlords.
10. Inspection staff will have difficulty keeping up with the number of rental units to be inspected.
11. RUL programs in other cities tend to focus more on multi-unit properties rather than detached Single Family Dwellings due to difficulties with ownership status and the high number of related properties. Single Family Dwellings are common in Regina North Central.
12. At present there is a great deal of difficulty in gaining access to dwellings in order to conduct inspections, perhaps 1 in 20 tenants will allow access to the premises. There is no reason to believe that this will change simply because a RUL scheme is in place. Education of tenants and landlords regarding their rights and responsibilities is essential.
13. More vigorous prosecutions and tougher sanctions are needed to combat the difficulties created by problematical landlords.
14. There has to be greater co-operation among all levels of government in order to quell the rise of substandard housing in Regina.

Appendix I

The Cities Act, Section 8

Authority for passing a bylaw, utilizing an approach to license individual landlords can be found in The Cities Act at Section 8 (1) (h), which allows a city to pass bylaws concerning businesses, business activities and **persons engaged in business** [emphasis added].

- ⊕ Section 8 (3) further supports this view and supports the view that a Rental Unit Licensing scheme could be enacted in Regina as per the provisions of the Cities Act. Section (8) (3) states, in part:

Without restricting the generality of subsection (1), a power to pass bylaws given by this Act is to be interpreted as including the power to do all or any of the following:

(a) regulate or prohibit;
(b) deal with developments, activities, industries, businesses or things in different ways, and, in so doing, to divide each of them into classes or sub-classes, and deal with each class or sub-class in different ways;

(c) provide for a system of licences, inspections, permits or approvals, including any or all of the following:

...
iii) Prohibiting any development, activity, industry, business or thing until a licence, permit or approval has been granted or an inspection has been performed;

(iv) providing that terms and conditions may be imposed on any licence, permit or approval and setting out the nature of the terms and conditions and who may impose them; ...

(vi) setting out the conditions that must be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them;

(vii) providing for the duration of licences, permits and approvals and their suspension or cancellation for failure to comply with a term or condition of the bylaw or for any other reason specified in the bylaw;

(viii) determining the manner in which any licence, permit or approval is to be allocated; [emphasis added]

Appendix J

Pertinent definitions from the Public Health Act include:

(n) "dwelling unit" means a room or series of rooms of complementary use that are operated as a household unit and are **intended to be used as a domicile by one or more persons**;

(o) "environmental health" means the aspect of public health that is concerned with the forms of life, substances, **forces and conditions in the surroundings of human beings that may exert an influence on human health and well-being**;

q) "health hazard" means: (i) a condition of premises; (ii) a solid, liquid or gaseous substance, a combination of substances or a combination of different states of a substance; (iii) a thing; (iv) a plant; (v) an animal other than a human being; or (vi) **a condition, state, agent or process; that is or may become harmful or dangerous to health, that hinders in any manner the suppression of disease or the prevention of injury or that is prescribed as a health hazard**;

t) "local authority" means a local authority appointed pursuant to section 6;

w) "municipality" means an urban municipality, a rural municipality or a northern municipality;

ee) "public accommodation" means: (i) a building or structure or a part of a building or structure in which dwelling units or sleeping accommodation is available to the public; (ii) an area of land that is used or permitted to be used by the travelling public for overnight stay as a camping or parking ground; (iii) an area of land that has two or more spaces or lots that are available for use by dwelling units that are capable of being moved from place to place; or (iv) an area of land, together with any buildings or temporary structures situated on the land, that is used by groups of 10 or more persons for recreational purposes and temporary accommodation;

ii Chapter P-37.1 of the Statutes of Saskatchewan, 1994 (section 17, clause 26(1)(b) and subsections 26(2) and (3) and 73(5) are not yet proclaimed, please consult Tables of Saskatchewan Statutes for effective dates) as amended by Statutes of Saskatchewan, 2000, c.L-5.1; 2001, c.T-14.1; and 2002, c.C-11.1 and R-8.2. Last update posted: 11 July 2003

Appendix K

The following is the table of contents for the Kinds of Businesses that are regulated by the Province of Saskatchewan from http://www.cbosc.org/sask/kob/Table_of_Contents.pdf
Accessed January 23, 2005

KINDS OF BUSINESS INFORMATION

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C.	CAMPGROUND/TRAILER PARK CARWASH CHILDREN'S CLOTHING STORE CONSTRUCTION CONVENIENCE STORE	L.	LANDSCAPING/LAWN CARE LUMBER/BUILDING MATERIALS
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		U.	UPHOLSTERY
		W.	WELDING WOMEN'S CLOTHING STORE

Appendix L

Sample Program Details

Srv Request Detail for Request Number: 117275	Address: 841 N BROADWAY Taxkey: 392-1323-112
<p style="text-align: center;">Description of Service Request</p> <p style="text-align: center;">No heat.</p> <p style="text-align: center;">Response</p> <p>Contact made with complainant and owner. Owner agreed to contact contractor immediately.</p>	