



RentSafe: Intersectoral Action on Healthy Housing for Tenants on Low Income

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About CELA, CPCHE, and RentSafe

- CELA - non-profit, public interest, legal aid clinic
- Legal representation and law reform, including public legal education
- Among CELA's strategic priorities – children's environmental health
- RentSafe brings together:
 - legal rights and remedies for low-income tenants in Ontario
 - environmental health risks often occur indoors and are poverty-related



RentSafe Overview

Phase 1: Baseline Assessment & Report on Existing Capacities and Challenges to Address Unfit Housing

- Tenant focus groups
- Public Health Unit survey
- Legal Aid Clinic survey
- Front-line /direct service providers survey
- Landlord survey
- Property Standards/By-Law Officers survey



Phase 2: Stakeholder Engagement & Strategy Development

- Baseline Report
- Multi-stakeholder RentSafe Roundtable
- Collaborative path forward



Phase 3: Capacity Building and Outreach

- Tenant-led outreach, materials development
- Capacity building for health/social services (training video, RentSafe Connector, outreach materials)

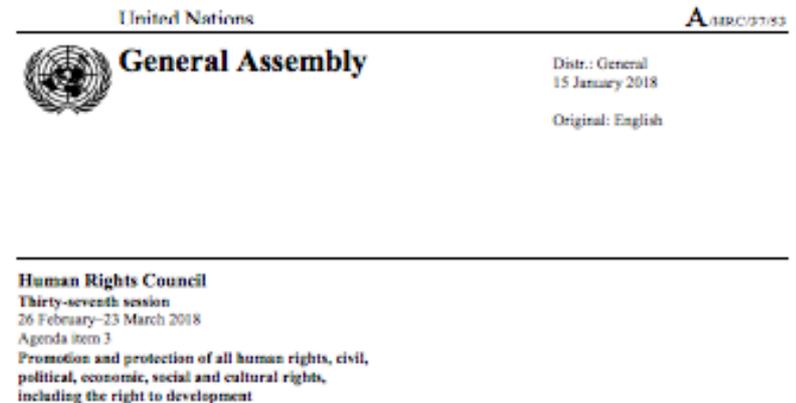
The right to (adequate/healthy/dignified) housing



UN Universal Declaration of Human Rights Article 25.

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, **housing** and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

- Federal Government (Rights based) Housing strategy (Nov 2017)
- UN Special Rapporteur report (March, 2018)



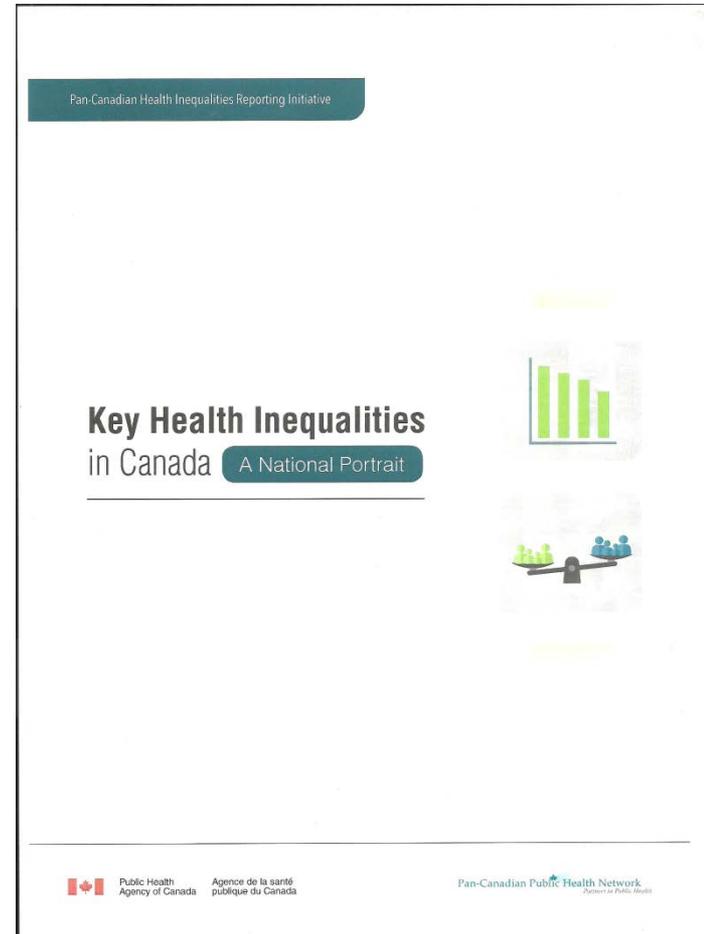
Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Note by the Secretariat

In the present report, the Special Rapporteur on adequate housing as a component of

Key Health Inequalities in Canada, A National Portrait (2018)

- Pronounced inequalities in housing persist in low income and marginalized populations
- Addresses housing need in terms of affordability and need for major repairs
- Statistics on prevalence of below-standard housing
- Failure to meet housing standards results in greater exposure to physical and env'l toxins and allergens
- Highlights need for policy interventions



<https://www.canada.ca/en/public-health/services/publications/science-research-data/key-health-inequalities-canada-national-portrait-executive-summary.html>

Housing-related health risks

- **Mould, dampness** – asthma, respiratory symptoms
- **Lead** – reduced IQ, attention and behavioural effects
- **Pests** – physical discomfort (e.g., bites), stress, infectious disease and allergens
- **Pesticides** – neurological/developmental effects, poisonings, cancer risk
- **Radon** – lung cancer
- **VOCs in reno and cleaning products** – acute symptoms (e.g., eye irritation, headaches); exacerbation of asthma, multiple chemical sensitivities (MCS)
- **Insufficient heating/cooling** – increased infectious disease, heat exhaustion/stroke, exacerbation of existing health conditions

Focus Groups with Tenants

Ten sessions, held in both rural and urban settings

- Common experiences with unfit housing conditions, frustration with getting problems fixed
- Physical/mental/social health impacts
- Mitigation hampered by:
 - landlord apathy
 - unclear/unenforced standards
 - lack of knowledge of rights and how to exercise them
 - overwhelming Landlord-Tenant Board process
 - lack of \$

Survey of Small-scale Landlords

> 120 respondents, landlords with fewer than 9 rental units in Ontario

- Good appreciation for housing conditions and health
- ~ 85% see tenant behaviour as a challenge to their ability to maintain healthy housing
- > 50% feel they lack guidance, financial supports for repairs, remediation
- ~40 % feel there is insufficient guidance, lack of clarity on landlord responsibilities for maintaining housing conditions
- Many unclear on the role of various agencies (e.g., public health, legal aid)

Survey of Legal Aid Clinics

- Clinic staff perceive many barriers for tenants
 - Fear of eviction/need to move/pay higher rent for repairs
 - Not knowing who to call
 - Mental health also a key barrier
- Lack confidence in referrals
 - Many refer to landlord, by-law enforcement, public health unit
 - > 50 % lack confidence that referrals will address concerns
- Challenges for clinics representing tenants
 - Finding and paying for experts
 - Lack of follow-up by Landlord Tenant Board to enforce repair orders (~60% lack confidence that orders are enforced)
- Many respondents noted need for legal reform
 - 91.2% agree landlords should be required to provide healthy housing

Survey of Public Health Units

- Responses varied across the province and by issue
- Only 39% of PHUs agree that *the majority of concerns they receive fall within the Public Health mandate*
- ~ ½ agreed they have capacity and expertise to respond
- ~ ½ always know where to refer tenants
- ~ 86% agree/strongly agree that *confounding factors (e.g., mental health; landlord-tenant relationships; hoarding) challenge their ability to respond*
- 64% agree/strongly agree that *applicable law limits their ability to respond*

Survey of Property Standards Inspectors/By-law Officers

Preliminary key findings:

- 57% agreed that substandard housing adversely affects physical/mental health of marginalized people
- 68% agreed that confounding factors challenge their ability to respond effectively (e.g., mental health, landlord-tenant relationships, hoarding)
- 62% agreed that they collaborate effectively with other agencies
- 75% agreed that complaints and concerns about housing could be more effectively addressed by increased collaboration with other agencies

Progressive Action in Grey Bruce

- Wide variation in scope of property stds bylaws across multiple municipalities
- Wide variation in bylaw enforcement resources/priorities
- Lots of overlap in the types of housing complaints received
- Lots of uncertainty about “who does what” and what legislation applies in dealing with housing complaints
- PSO's interested in partnering with PH to explore solutions
- **CIPHI Ontario Seminar Series: Healthy Housing - Exploring the Interface between Public Health and Municipal Property Standards (held Nov 14, 2018) (available on CIPHI youtube channel)**
- Grey Bruce By-law Language Initiative - sample language for ppty standards bylaws developed by health unit legal counsel to address known indoor environmental health hazards

Survey of Social Service/Frontline Workers

- > 400 respondents including social workers, public health nurses, settlement workers, adult educators, case workers, etc.
- 96% worked with clients in unhealthy housing
 - 91% agreed that substandard housing condition adversely affecting health of their clients
 - 88% agreed they have a role to play in supporting tenants to resolve unhealthy housing conditions
 - Only 23% agreed they have the resources needed to support clients
 - Almost 80% needed information on where to refer clients
 - Only 30% confident that clients' concerns are adequately addressed when they refer them to other agencies

Legal Framework for Tenants: Reaction vs. Prevention

Complexity, Lack of Integration, Inherently Reactionary

- *Residential Tenancies Act (RTA)*
- Local Property Standards By-laws (enacted under the *Building Code Act*) (+ Fire Code, etc.)
- *Health Protection and Promotion Act (HPPA)*
- *Ontario Human Rights Code*

Maintenance/Housing “standards” are Poorly Defined

Under RTA, landlords must maintain premises:

- In state of good repair
- Fit for habitation
- In compliance with health, safety, housing and maintenance standards

Local Property Standards By-laws

- Primary tool at local level; don't include “health”
- Local by-laws can be weaker than provincial law (cf. to *Fire Code*: applies to all buildings; where are multiple applicable rules, most stringent provisions apply)

Who enforces?

Tenants; or local by-law enforcement

- Tenants to Landlord and Tenant Board (difficult; costly; intimidating; success often only in most egregious situations)
- Tenants rely on municipal bylaws, inspectors and inspection reports (widely varied across Province)

“Lack of effective municipal enforcement dooms tenants to pursue litigation”

Comment from Legal Aid Clinic Survey

Health Protection and Promotion Act

- Focuses on communicable disease/serious health hazards
- Outside of prescribed issues, HPPA is complaint-driven
- “Health” – narrowly defined
- Mould, bed bugs, etc. challenging issues
- Reliance on education, negotiation
- PHUs unclear on use of HPPA tools and use them inconsistently
- Section 10 (power to inspect); Section 13 (orders)
- Inconsistent integration with property standards by-laws
- Promising new tools and responsibilities with changes to Ontario Public Health Standards and associated guidelines

“Health” Varies Across Legal Framework

Definition of “health”

- HPPA – narrowly defined
- RTA and PS by-laws – not defined
- Case law – can be broader; includes mental health

Application of “health” standards

- Inconsistent – Landlord & Tenant Board (LTB) decisions
- Lack of expertise – Tenants with no \$ to hire experts; ill-informed LTB decisions
- Challenges compounded by complexity of issues

Updates to Ontario Public Health Standards (2018)

- Greater focus on health equity and on the indoor environment
- New guidance directing review of PS bylaws, addressing housing conditions, pests, etc. in context of Social Determinants of Health



Recommendations in 5 areas

Collaboration to achieve healthy housing for all

- Intersectoral capacity and connectivity among service providers (public health, municipalities, social services)
- Strengthening legal bases for the right to healthy housing (update municipal bylaws)
- Knowledge, research and data (housing conditions and health; indicators of housing quality)
- Education and empowerment (equip all sectors for success incl. tenants, landlords, service providers)
- Unifying a vision of the right to healthy, adequate housing (applied through an equity lens to address drivers of housing inadequacy)



Resources and tools

- Videos:
 - “Home” whiteboard video
 - Tenants Rights Advocates’ (3 videos)
 - RentSafe “Frontline Connections” video for service providers
- RentSafe Connector
- Print resources



RentSafe *Home* whiteboard video

Video for frontline workers

Frontline Connections: Supporting Tenants' Rights to Healthy Housing
- A RentSafe video (English and French)

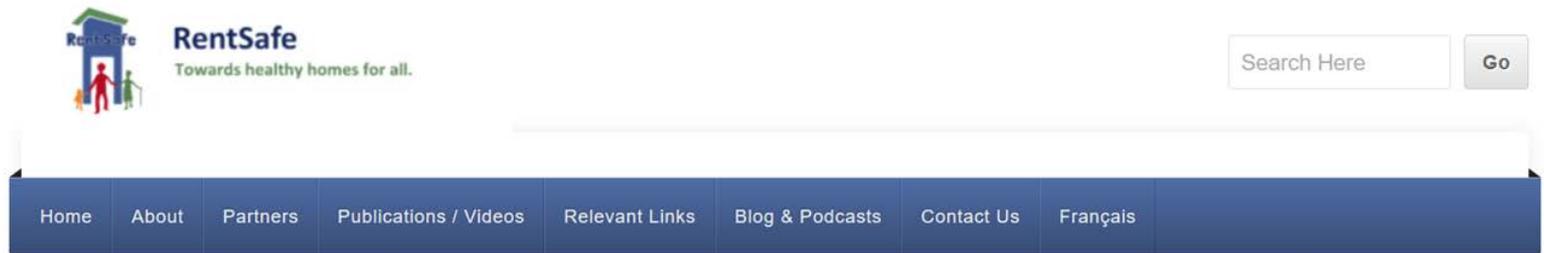
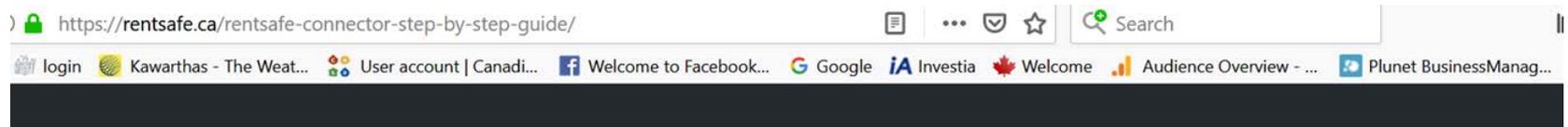
<https://www.youtube.com/watch?v=OBukO2zngml>

s & TV



RentSafe Connector

- One person as lead coordinator for community or region
- Guide provides step-by-step instructions to set up online Connector
- Use it to build/strengthen a network of people and agencies



RentSafe Connector, Step-by-step guide

[RentSafe Connector, Step-by-step guide](#)

[RentSafe Connector, live sample](#)

Welcome to the RentSafe Connector.

This guide is intended for those who will serve as the lead coordinator of a RentSafe

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RentSafe Updates

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Print and on-line resources

Information for Tenants in Ontario – Fact Sheet Series

- Bed Bugs and Pesticides
- In preparation:
 - Pests and Pesticides
 - Mould
 - MCS
 - Radon

For Service Providers

- The *Health Promotion and Protection Act* and Residential Tenancies – Information for Lawyers, Public Health Inspectors and Property Standards Officers
- Clinic-wide webinar Jan 16/19

And more to come...

Next steps

Improving response to individual situations

- Use of PLE resources – fact sheets, videos, briefing notes
- RentSafe Connector – to facilitate coordination and referrals

Community-wide reforms

- RentSafe Connector – to organize/prompt action by and across local agencies
- Use of PHAC Canada-wide data and calls for policy intervention
- Use of new tools in OPHS and assoc'd guidelines
- Best practices – PHU and PSO coordination

Thanks to:

- RentSafe colleagues (Erica Phipps, CPCHE; Helen Doyle, OPHA; Bob Hart, GBHU; Jill McDowell, TPH; Caryn Thompson, SRCHC; Kenn Hale, ACTO)
- Gina Cockburn, CALC

More information:

www.cela.ca and www.rentsafec.ca

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