Court File No. CV-21-00077187-0000

ONTARIO SUPERIOR COURT OF JUSTICE

B E T W E E N:

KRISTEN HEEGSMA, DARRIN MARCHAND, GORD SMYTH, MARIO MUSCATO, SHAWN ARNOLD, CASSANDRA JORDAN, JULIA LAUZON, AMMY LEWIS, ASHLEY MACDONALD, COREY MONAHAN, MISTY MARSHALL, SHERRI OGDEN, JAHMAL PIERRE, and LINSLEY GREAVES

Applicants

-and-

CITY OF HAMILTON

Respondent

APPLICANTS' APPLICATION RECORD

VOLUME 13 – TABS 111-114

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VOLUME 13 INDEX – *HEEGSMA ET AL.* v. *CITY OF HAMILTON*

TAB (EXHIBIT LETTER)	Document
APPLICATION RECORD VOLUME 13	
RESPONDENT'S WITNESSES	
CITY OF HAMILTON EMPLOYEES	
BRETT ASTON (Employee of St. Matthew's House)	
111.	Affidavit of Brett Aston, employee St. Matthew's House dated July 23, 2024
112.	Transcript of the Cross Examination of Brett Aston dated August 19, 2024
a.	Exhibit A – Reducing Homelessness and Managing Encampments
DANIELLE BLAKE	
113.	Affidavit of Danielle Blake dated July 30, 2024
a.	Exhibit A – Encampment Protocol with Amendments (25/271)
b.	Exhibit B – City Council Minutes 23-105 from the August 18, 2024 Council Meeting (P 36/271)
c.	Exhibit C – Report to the General Issues Committee dated Jan 18 2023 (P 50/271)
d.	Exhibit D – Relevant Pages from the February 8, 2023, Council Meeting Minutes (P 83/271)
e.	Exhibit E – Report to the General Issues Committee dated May 17, 2023 (P 90/271)
f.	Exhibit F – Relevant Pages from the May 17, 2023 General Issues Committee Minutes (P 141/271)
g.	Exhibit G – Report to the General Issues Committee dated August 14, 2023 - (P 145/271)
h.	Exhibit H – Relevant pages from the August 14, 2024 General Issues Committee (P 245/271)
i.	Exhibit I – Relevant pages from the June 26, 2024 Council meeting Minutes (P 252/271)
j.	Exhibit J – Summary of Requests for Service re Encampments (P 261/271)
k.	Exhibit K – 2023 Encampment Protocol (P 269/271)
114.	Transcript of the Cross Examination of Danielle Blake dated August 19, 2024
a.	Exhibit 1 - Addressing the Needs of Unsheltered Individuals and Emergency Shelter Capacity (August 14, 2023)
b.	Exhibit 2 - Encampment Observation Report (May 15, 2024)
c.	Exhibit 3 - Reducing Homelessness and Managing Encampments dated June 19, 2024
d.	Exhibit 4 - Encampment Protocol Distance Proposals (August 12, 2024)
e.	Exhibit 5 - Point in Time Connection Results 2021

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and

CITY OF HAMILTON

Respondent

APPLICATION UNDER 14.05 OF THE *RULES OF CIVIL PROCEDURE*

AFFIDAVIT

I, Brett Aston, of the City of Hamilton, in the Province of Ontario, AFFIRM:

1. I am an employee of St. Matthew's House, seconded to the City of Hamilton and, as such, have knowledge of the matters contained in this Affidavit. Where I rely on the information of others, I state the source of that information and verily believe it to be true.

2. I am employed by St. Matthew's House, seconded to the City of Hamilton as a Street Outreach Worker as a member of the Housing Focused Street Outreach Team (the "HFSOT"). The HFSOT is under the Housing Services Division of the

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City of Hamilton's Healthy and Safe Communities Department. I have held this title since approximately October 2020.

3. My previous title, prior to October 2020, was Street Outreach Worker within the City of Hamilton's Public Health department. This was also a seconded position through St. Matthew's House. In total, I have been employed by St. Matthew's House and seconded to the City of Hamilton for 8.5 years.

4. My role as a Street Outreach Worker for the Public Health department involved connecting with unhoused people and working to connect them with mental health, physical health, addiction, housing, and financial support programs. My role also involved connecting people with to health professionals who go out into the community to provide services such as general physical and mental health checkups and COVID screenings (during the COVID-19 pandemic); and distributing water, food, and harm reduction supplies; and administering the VI-SPDAT assessment in order to help people access assistance that may be available to them based on acuity.

5. Within my current role as Street Outreach Worker for HFSOT, my responsibilities include, among other things:

   (a) Connecting with unhoused people in the City of Hamilton and referring them to appropriate resources such as housing, physical and mental health and addiction support;

   (b) Helping individuals apply for or access income supports, such as Ontario

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Works, or Ontario Disability Support Program (ODSP);

(c) Helping individuals obtain identification, if they do not have any, which assists them in accessing resources;

(d) Arranging housing, medical, Ontario Works and/or other appointments for individuals who need assistance in accessing these resources on their own;

(e) Attending the above-noted appointments with individuals to make introductions and provide assistance;

(f) Connecting individuals to Shelter Health Network in order to facilitate obtaining assistance.

6. I have reviewed the Affidavit of Michelle Semonovitch dated October 6, 2021 (the "Semonovitch Affidavit"), and confirm that paragraphs 7 through 12 (describing how HFSOT does its work) remain accurate.

7. Through my work with the HFSOT, and in my work with the Public Health department, I have observed encampments throughout the City of Hamilton. Prior to the COVID-19 pandemic, I observed that encampments were smaller and less visible to the community. During the COVID-19 pandemic, I observed that encampments became larger and more visible. Since the implementation of the current Encampment Protocol in the City of Hamilton, I have observed that encampments appear to be more numerous and more established.

8. In my observations of encampments I have seen a few well-kept areas where the

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people living in the encampment worked together and demonstrated a sense of pride, and supported one other. An example of this is the area near Sir John A. McDonald secondary school near York Boulevard and Bay Street, around the beginning of the COVID-19 pandemic.

9. I have also observed that people living in encampments will at times report a sense of safety in encampments.

10. Much more frequently, I observe encampments containing a lot of garbage and debris; open substance use as well as the evidence of substance use such as discarded needles and other paraphernalia. Based on my observations and conversations with people who live in encampments, I believe these encampments to be environments where people are at risk of being taken advantage of due to their vulnerability, such as being at risk for sexual assault or trafficking.

11. I confirm that paragraph 14 of the Semonovitch Affidavit, describing common conditions that she observed at encampments, is consistent with my observations.

12. I have also witnessed anger directed at people within the Encampments by others, such as members of the public yelling at people in the Encampments. Less frequently, I have also had incidents where I felt my own safety was threatened; I estimate this occurred approximately four times over my years seconded to the City.

13. Over time, I have seen fewer children using parks where encampments are located. I have observed parents expressing hesitance to allow their children to

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use parks near encampments, due to concerns such as being injured by discarded drug paraphernalia, fires, or debris; or witnessing aggressive behavior, sexual acts, drug use, or overdose.

14. Since the current Encampment Protocol was implemented in 2023, I have observed an increase in waste and refuse at encampment sites, which I conclude is due to encampments being there for longer periods of time for the waste to accumulate.

15. I have also observed since the current Encampment Protocol was implemented in 2023, that I am frequently encountering people in encampments with what I would describe as a sense of ownership over the encampment site. People are less willing to consider going to shelter.

16. It has also been my observation that the presence of encampments in parks makes the parks less accessible to other members of the public who are not living in the encampments. In addition to the practical reality of not being able to use the space when it is physically occupied by an encampment, members of the public have expressed to me they are hesitant to use parks for similar reasons described at paragraph 13 above, namely concerns such as being injured by discarded drug paraphernalia, fires, or debris; or witnessing aggressive behavior, sexual acts, drug use or overdose.

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AFFIRMED by Brett Aston at the City of Hamilton, in the Province of Ontario, before me on 7/23/2024, ... in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:
Bevin Shores
75E43E7F402846F...

Commissioner for Taking Affidavits
(or as may be)

BEVIN SHORES

Signed by:
D45273E432B14CB...

BRETT ASTON

Docusign Envelope ID: 2EF99DC6-1028-4690-A2EB-D011B05E8B10

Court File No. CV-21-00077187-0000

KRISTEN HEEGSMA et al. - and - CITY OF HAMILTON

Applicants Respondent

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT HAMILTON

AFFIDAVIT

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Lawyers for the respondent

File Number: H227899

Court File No. CV-21-77187

ONTARIO

SUPERIOR COURT OF JUSTICE

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Applicants

- and -

CITY OF HAMILTON

Respondents

--- This is the Cross-Examination of BRETT ASTON, upon his affidavit sworn July 23, 2024, taken via video conference hosted by the offices of Nimigan Mihailovich Reporting Inc., 1 James Street South, Suite 701, Hamilton, Ontario, L8P 4R5, on the 19th day of August 2024.

A P P E A R A N C E S :

Sujit Choudhry, Esq., for the Applicants
& Sharon Crowe, Esq.,
& Curtis Sell, Esq.,
& Nnonyechi Okenwa, Esq.

Bevin Shores, Esq., for the Respondents

Also Present: Liz Marr, Vivian Caldas

REPORTED BY: Lorraine Fedosoff, (CSR) Ontario

A7889

I N D E X

WITNESS: BRETT ASTON

PAGE

CROSS-EXAMINATION BY MR. CHOUDHRY..... 5

The following list of undertakings, advisements and refusals is meant as a guide only for the assistance of counsel and no other purpose

INDEX OF UNDERTAKINGS

The questions/requests undertaken are noted by U/T and appear on the following pages: None

INDEX OF ADVISEMENTS

The questions/requests taken under advisement are noted by U/A and appear on the following pages: None

INDEX OF REFUSALS

The questions/requests refused are noted by R/F and appear on the following pages: 11:16

INDEX OF EXHIBITS

NUMBER/DESCRIPTION	PAGE NO.
1: Document entitled "Reducing Homelessness and Managing Encampments" marked for identification.	9

A3605

--- upon commencing at 3:03 p.m.

BRETT ASTON: Affirmed.

CROSS-EXAMINATION BY MR. CHOUDHRY:

1. Q. I'll begin, then, Mr. Aston. Am I pronouncing it correctly?

A. Yes.

2. Q. Good afternoon. My name is Sujit Choudhry as my friend, Ms. Shores, introduced me, and I am the lawyer for the -- one of the lawyers for the applicants and I'll be conducting your examination today.

Just at the beginning, I have a bit of a spiel that I give all the witnesses and I'm going to give it to you as well. So just bear with me.

So as you know, today I'm cross-examining you on your affidavit, which has been filed by the City in a court case regarding homeless encampments, and your affidavit and cross-examination will be put into evidence before the Court, and so it's important that you tell the truth as you've already sworn to.

And if you would like me to repeat a question, please do. If you would like a moment to collect your thoughts to answer a question, please take it. If you -- and I think you've probably

been advised you're only -- the only aids you're allowed to have with you are your affidavit --

A. Yes.

3. Q. -- and exhibits and you're not allowed to have any notes.

A. Yes.

4. Q. And you can confirm that that's the case?

A. Yes, I do.

5. Q. Okay. Good. Thank you. And so if I were to refer to any evidence or materials, I'll put them on the screen and give you time to review them.

A. Okay. Thank you.

6. Q. Okay. So Mr. Aston, I just want to step back a bit and ask you for this affidavit, this is based upon your personal observations of encampments you've visited; correct?

A. Yes, it is.

7. Q. And these are encampments that you visited in what time period?

A. Well, I've been working in an outreach role prior to the protocol. So I've been doing outreach and visiting encampments for about eight and a half years now.

A7890

8. Q. Okay. And so what I'm trying to just get a grip on is that you offer a lot of specific observations about encampments, about people's reaction to them, and I'm trying to establish some dates for these observations.

Are these dates the entire time period that you've been working in your current role, or do they -- are they focused on the post August 2023 period? Could you help me with that, please?

A. I'm going to say that most of my observations for my affidavit came with the new protocol. I sort of kept that in mind.

9. Q. Okay. Great. That's --

A. Like with the original protocol.

10. Q. Right. I'm sorry, you mean the original -- what do you mean --

A. Not the revised protocol of this year. So the original protocol.

11. Q. And by "original", do you mean August 2023?

A. Yes.

12. Q. Okay. That's helpful, thank you. Okay. So just some more preliminary questions. How many encampments are there in Hamilton?

A. I don't have an exact number for

that.

13. Q. How many of you have you visited?

A. I don't have an exact number of the ones that I've actually visited, but a lot.

14. Q. So could you estimate, please, since August 2023 how many encampments you've visited in Hamilton?

A. I wouldn't be able to come up with that number right now. It would be a large number.

15. Q. Okay. So I want to take you to paragraph 10 of your affidavit. Do you have it there?

A. Yes, let me just pull it up here.

16. Q. Okay. And so you've made a number of factual assertions in your affidavit and I want to just talk to you or ask you some questions about some of those.

A. Okay.

17. Q. So the first actual factual observation you've made is about garbage and I'm going to read what you said. You said:

"I have observed encampments containing a lot of garbage and debris."

Is that correct?

A3606

A. Yes.
18. Q. And at paragraph 14 you state -- also in relation to garbage you say:
"Since the current encampment protocol was implemented in 2023, I have observed an increase in waste and refuse at encampment sites."
Correct?
A. Yes.
19. Q. Okay. So I want to take you to a City document. I'm not sure if you've seen it before, but I'm going to put it up.
MR. CHOUDHRY: And it's going to be Exhibit 1, Madam Reporter.
EXHIBIT NO. 1: Document entitled "Reducing Homelessness and Managing Encampments" marked for identification.
BY MR. CHOUDHRY:
20. Q. So I'm going to do a screen share here.
MS. SHORES: And counsel, I should confirm. I think we identified this in earlier examinations, possibly not in David Buckle's, which is on me. These are being marked for identification; correct?

A7891

A. Okay, yes.
25. Q. Okay. So just tell me when you're ready, okay?
A. Okay.
26. Q. Okay. So I'm just going to scroll down. I'm sorry, I should have clarified. I only need you to read to the end of this table.
A. Okay, yes. I'm ready now. I'm done.
27. Q. Okay. Great. Thank you. So it's not clear -- this table doesn't have a title, but there's one column that says "Inquiry" and another "Mitigation". And so I would put to you that the inquiry is complaints from the public and then mitigation is what the City staff recommend.
R/F MS. SHORES: No, that's a refusal, counsel. He's never seen the document before and it's not on him --
MR. CHOUDHRY: Okay.
MS. SHORES: -- to interpret it for you.
BY MR. CHOUDHRY:
28. Q. Well, I'm going to then take you to what is said here under -- in the column next to "Waste and Debris". It says:

MR. CHOUDHRY: Yes, correct, yeah.
BY MR. CHOUDHRY:
21. Q. Okay. And so this is the document. I'm going to go to the top. This is a document that's called "Reducing Homelessness and Managing Encampments". Do you see it?
A. Yes, I do.
22. Q. And the City has confirmed that there's a typo in the date of this document. It says June 19th, 2023, but it's in fact June 19th, 2024. Have you read this document before?
A. No, I have not.
23. Q. Okay. So is this the first time you're seeing it?
A. Yes, it is.
24. Q. Okay. So with that understanding, I just want to take you to one thing, if I could. So I'm going to take you to pages 15 to 16.
So this is -- there is a table here that begins on this page and proceeds to the next page, and it's quite a lot of information and, since you haven't seen this before, I just want to give you time to read what's on this page and, when you're done, I'll scroll to the next page. Is that okay?

"Collection of waste is already in place and occurring daily in some places. Staff do not recommend a change to this process."
So based on your experience, because you've testified about waste and debris, I want to ask you whether you agree based on your experience if waste -- collection of waste is already in place; is that true?
A. I have seen waste collection in place, yes.
29. Q. Okay. And based on your experience, is waste collection occurring daily in some places?
A. I have -- I cannot speak to that. I have not witnessed it myself daily in some places.
30. Q. Okay. So I want to go back to your affidavit and back to paragraph 10, and I want to take you back to this statement:
"I believe these encampments to be environments where people are at risk of being taken advantage of due to their vulnerability such as being at risk for sexual assault or

A3607

trafficking."

A. Okay.

31. Q. And so based on your experience, have you observed any sexual assault in an encampment?

A. I have only had individuals report that to me, individuals that are staying in the encampments.

32. Q. But have you ever observed it?

A. No, I have not.

33. Q. Okay. And have you observed any trafficking in an encampment?

A. No, I have not. Again, it's only been reported to me by individuals staying in the encampments.

34. Q. Okay. But you haven't seen it yourself?

A. No, I have not.

35. Q. Okay. So I want to take you to paragraph 12. I want to take you to this last sentence:

"Less frequently I have also had incidents where I felt my own safety was threatened. I estimate this occurred approximately four

times over my years seconded to the City."

So I want to ask you in what years did those four incidents occur?

A. I don't have exact dates. I'm just trying to think here. One would have been earlier this year.

36. Q. Mm-hmm.

A. And then prior to that, that would have been prior to -- the other times would have been prior to the protocol, prior to Covid. So I don't have an exact time for those.

37. Q. So when you say "prior to Covid", do you have a date in mind? Because that seems to be a demarcation point of some kind for you.

A. I would say February, that sort of February/March when sort of the lockdown went into place.

38. Q. Sir, would that be February/March of 2020?

A. Unfortunately, my dates are horrible. So if that's when sort of the lockdown went into place, then yes.

39. Q. Okay. So I want to focus in, if I could, on one incident that occurred. Well, I want

A7892

to focus on, actually, all four of these incidents and I want you to take them one -- if you're able to, take them one at a time. Could you tell me where they occurred?

A. I'm trying to think here. One was at an encampment located sort of in the Linden/Barton area. That would have been probably five -- probably six or seven years ago.

Individuals did not want us to be there and just approached us in a hostile manner, and we just backed off and left them alone. This year, we were -- I don't have the other two exactly in my mind, but probably May of this year I went to an encampment where individuals just asked us to leave and that if we didn't they would harm us.

40. Q. Okay. So I'm just looking. So May of 2024 they said -- they asked you to leave and said they wouldn't harm you?

A. Yeah.

41. Q. Did they say how they would harm you?

A. Just basically we would -- can I use F'ing kill us?

42. Q. Okay. That's -- I think that's good enough for present purposes. Did you call the

police?

A. No, we did not.

43. Q. You didn't file a police report?

A. No.

44. Q. Okay. And so were you actually -- and why didn't you call the police?

A. I believe it was a reaction of the situation and that it wasn't an actual -- I don't believe that it would have been followed through with.

45. Q. Sorry, followed through with by whom?

A. By the individuals. I don't think I would have actually been killed. I believe it was just a reaction to maybe us waking them up or them just not wanting us to be there. So we just left them to their own accord.

46. Q. So is it fair to say that they used very vulgar and angry words with you?

A. Yes.

47. Q. They expressed their anger at you?

A. Yes.

48. Q. But you didn't think they were going to follow through and actually kill you?

A. No.

A3608

49. Q. Okay. Can we talk about the other incident that you recall from six or seven years ago? When you say you were approached in a hostile manner, could you share more details of that incident?

A. We approached an encampment. Individuals -- I was there with another person on shift. One individual was -- well, one individual was walking towards us saying that we better leave right now, that we're not wanted there, and I believe, to my recollection, they said that they would beat the shit out of us or something like that, along that line. So we just left the area.

50. Q. And did you call the police then?

A. No.

51. Q. And why didn't you?

A. I believe it was just a reaction to our presence. It wasn't an actual threat. And also, just with my role creating rapport with individuals does not come well when we contact the police.

52. Q. So again, vulgar words, angry words directed at your physical presence, but not an actual threat?

A. Yes.

A7893

in one section. I almost -- those are just two examples I can think of at this time.

57. Q. Okay. So Fairfield Park. And sorry, did you say Mountain?

A. Mountain Drive Park.

58. Q. Pardon me. Mountain Drive Park. Okay. So how often do you visit those two parks?

A. Mountain Drive Park I visit pretty regularly, weekly if not multiple times a week. Fairfield Park is little bit less for myself, although other members of my team do go more frequently.

59. Q. So when you say "a bit less", could you be a bit more specific or provide us with an estimate?

A. An estimate of?

60. Q. How frequently you visit it.

A. I would say for myself probably monthly.

61. Q. Monthly. Okay. And so do you go the same time of day when you visit these parks?

A. No, we'll go at different times of day.

62. Q. And do you go on the same day of the week, or do you go on different days?

53. Q. Okay. I want to go to paragraph 13 and you've said here:

> "Over time, I have seen fewer children using parks where encampments are located. I have observed parents expressing hesitance to allow their children to use parks near encampments due to concerns such as being injured by discarded drug paraphernalia, fires or debris or witnessing aggressive behaviour, sexual acts, drug use or overdose."

You said that; correct?

A. Yes.

54. Q. So I understand there's a lot of parks in Hamilton?

A. Yes.

55. Q. Do you have any specific parks in mind?

A. I would say probably some of the smaller parks such as maybe Fairfield Park.

56. Q. Mm-hmm.

A. I'm just trying to think here. Maybe Mountain Drive Park could be included in that

A. Multiple -- different days of the week.

63. Q. And do you actually count the number of children who are at these parks?

A. No, I do not.

64. Q. Do you keep any records of your observations of the number of children playing at these parks?

A. No, I do not.

65. Q. So this is based on your memory?

A. Yes, I would say so.

66. Q. Okay. And so I want to go to paragraph 16. You say that -- if you just give me a second here, you say:

> "Members of the public have expressed to me that they are hesitant to use parks for similar reasons described at paragraph 13 above."

You see that; correct?

A. Yes, I do.

67. Q. How many times have they expressed this to you?

A. I don't have an exact number, but I'm going to say within the last year ten plus.

A3609

68. Q. Okay. Ten times, ten plus. And when you say "within the last year", you mean since the August 2023 protocol?
A. Yes.
69. Q. Okay. And I want to take you now up to paragraph 15, and you say:
"I am frequently encountering people in encampments with what I would describe as a sense of ownership over the encampment site."
Do you see that?
A. Yes.
70. Q. Did an encampment resident ever say to you that they own their encampment site?
A. They do say, "This is our spot."
71. Q. This is our spot. Did they put up a sign saying don't trespass?
A. I have seen that before, yes.
72. Q. How many times?
A. Multiple times.
73. Q. So could you be a bit more precise or give us an estimate?
A. I wouldn't be able to give an estimate. I've -- the same sign might not be up at the same encampment every day, but I have seen --

last month I saw two that I can think of.
74. Q. Two. And --
MS. SHORES: Counsel, he said a few that I can think of.
BY MR. CHOUDHRY:
75. Q. I'm sorry --
A. Yeah, I meant a few that I can think of.
76. Q. What's a few?
A. Three, four maybe.
77. Q. Three or four. Okay. And you observed those in the last month, you said, right?
A. Yes.
78. Q. And how many do you think you've observed -- different signs you've observed since August 2023?
A. I wouldn't be able to put a number to it, unfortunately.
79. Q. You couldn't estimate?
A. No, I would not be able to estimate.
80. Q. Okay. Good. Well, those conclude my questions, Mr. Aston. Thank you very much.
-- Whereupon the proceedings adjourned at 3:24 p.m.

A7894

REPORTER'S CERTIFICATE

I, LORRAINE FEDOSOFF, Chartered Shorthand Court Reporter, certify;

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

That the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct transcript of my shorthand notes so taken. Commissioner of Oath effective to May 1, 2025.

Dated this 26th day of August 2024

Lorraine Fedosoff

_____

PER: LORRAINE FEDOSOFF, CSR (Ontario)

A3610

Ex # 1 m/d/y 8/19/2024 Pg 1 of 16
Exam of Brett Aston
Heagerty et al v City of Hamilton et al
Nimigan Mihailovich Reporting Inc.
A7895

Hamilton

CITY OF HAMILTON
Healthy and Safe Communities Department
Housing Services Division

TO:	Chair and Members General Issues Committee
COMMITTEE DATE:	June 19, 2023
SUBJECT/REPORT NO:	Reducing Homelessness and Managing Encampments (HSC24027) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shannon Honsberger Danielle Blake Rob Mastroianni
SUBMITTED BY: **SIGNATURE:**	Michelle Baird Director, Housing Services Division Healthy and Safe Communities Department

RECOMMENDATIONS

(a) That staff report back with the results of a call for information on the feasibility and costs associated with creating new shelter beds with 25% being pet friendly, in the following bed numbers: Men's singles: 110, Women's singles: 50, Couple's: 55.

(b) That Council approve enhancements to the homeless-serving system for an approximate cost of $1,556,000 between August 1 and December 31, 2024, to be funded first from any available government funding, then from any 2024 Housing Services Division surplus, then from any 2024, Healthy and Safe Communities Departmental Surplus, and lastly from any 2024, Corporate Surplus or any source deemed appropriate by the General Manager of Corporate Services; and that those enhancements are as follows:

(i) approximately $940,000 be added to enhance existing shelter operator contracts by 25% to rectify historic underfunding;

(ii) approximately $266,000 in additional funding to enhance the Hamilton Regional Indian Centre's indigenous drop-in program;

(iii) approximately $210,000 to enhance Rapid Rehousing and Intensive Case Management supports to improve outflow from shelters into permanent housing;

(iv) approximately $40,000 be approved for one full-time equivalent for Housing Service Division to provide tax filing support for those experiencing homelessness; and

(v) approximately $100,000 to be provided to housing landlords for exceptional unit damage as a result of housing an individual from City-funded case management programs.

(c) That staff be directed to prepare a motion to amend the Encampment Protocol to mitigate impacts on those living in and around encampments as outlined in Appendix “A”, which was approved by Council on August 18, 2023, including:

(i) removing the following provision from Section D, indicating the removal of encampments, temporary shelters, or tents “on or within 50 metres of the Hamilton Alliance for Tiny Shelters model site. For the purpose of this site the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North, will be considered the site.”;

(ii) adding an exclusion from allowing encampments, temporary shelters, or tents for the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North until further park development options can be explored;

(iii) Establishing a minimum distance of 100m for additional sensitive uses, specifically around funeral homes and long-term care residencies as well as spaces that are designed and programmed for children as an amendment to the encampment protocol;

(iv) Amending the requirement to keep 5 metres from sidewalks during the winter months to be a full year requirement, and to include walkways and pathways in this requirement; and

(v) Establishing a minimum 25m distance from active construction sites

(d) That Council approve additional investments into encampment management, for an approximate cost of $286,000 between August 1 and December 31, 2024, to be funded first from any available government funding, then from any 2024, Housing Services Division surplus, then from any 2024, Healthy and Safe Communities Departmental Surplus, and lastly from any 2024, Corporate Surplus or any source deemed appropriate by the General Manager of

Corporate Services; and that those enhancements are as follows:

(i) approximately $108,000 be approved to increase Housing-Focused Street Outreach support;

(ii) One permanent FTE to provide program coordination, at an approximate cost of $48,000;

(iii) Make permanent one Community Services Program Analyst FTE supporting the Housing Focused Outreach Team, at an approximate cost of $42,500;

(iv) approximately $130,000 to provide two Social Navigator Paramedic by Hamilton Paramedic Service; and

(e) That the following items be referred to the 2025 municipal tax operating budget for an annual cost of $4,186,000

(i) approximately $2,255,000 be added to enhance existing shelter operator contracts by 25% to rectify historic underfunding;

(ii) approximately $400,000 for ongoing operations of the Hamilton Regional Indian Centre's indigenous drop-in program;

(iii) approximately $500,000 for enhanced Rapid Rehousing and Intensive Case Management supports to improve outflow from shelters into permanent housing;

(iv) approximately $90,000 for one permanent full-time equivalent for Housing Service Division to provide tax filing support for those experiencing homelessness;

(v) approximately $250,000 for exceptional unit damage because of housing an individual from City-funded case management programs;

(vi) approximately $266,000 for increased Housing-Focused Outreach support;

(vii) One permanent FTE to provide program coordination, at an approximate cost of $115,000;

(viii) Make permanent one Community Services Program Analyst FTE supporting the Housing Focused Outreach Team, at an approximate cost of $100,000;

(ix) approximately $310,000 to provide enhancements for two Social Navigator Paramedics by Hamilton Paramedic Service; and

(f) That the appropriate General Managers of Public Works and the Healthy and Safe Communities Department or their designate be directed and authorized, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to implement recommendations (a) and (b), inclusive of all sub-sections, outlined above on terms and conditions satisfactory to the respective General Manager or their designate and in a form satisfactory to the City Solicitor.

(g) That two Outstanding Business items be removed from the list including:

(i) A 2023 OBL item respecting increasing beds in Residential Care Facilities

(ii) A 2023 OBL Item respecting reporting back on a proposed investment ratio for Housing Services Division

EXECUTIVE SUMMARY

This report follows Report HSC240020/PED24080/PW24030, Encampment Observation Report, to provide recommendations on how the City may reduce instances of acute and chronic homelessness in the community and reduce impacts of encampments on neighbourhoods. This work is rooted within the housing continuum, with recommendations to better connect those covered under the encampment protocol to emergency shelter and outflow supports, and subsequently into more permanent housing solutions as governed by the Housing and Homelessness Action Plan and Housing Sustainability Investment Roadmap.

The high rates of homelessness in Hamilton are a shared issue influenced and intensified by the failure to increase Ontario Works and Ontario Disability Support Program rates; rising inflation, interest rates, and the cost of living; an influx of refugee claimants and asylum seekers; and an extreme shortage of affordable and deeply affordable housing options exacerbated by bad faith renovictions. As the Service Manager for Hamilton, staff continue to assess whether enhancements are needed to manage demand, but also advocate with government partners and prioritize investment into homelessness prevention and outflow supports.

That said, Hamilton's response to the homelessness crisis is improving. The most recent data shows that vacancy in CityHousing Hamilton units decreased from 9% in March 2023 to 5.5% in April 2024, and is on track to a target of 2% vacancy by the end of the year. CityHousing Hamilton has also completed 66% of repairs that were funded by Council, and is on track to complete these repairs by November. There has also been successes in homelessness services, like the reduction of family hotel stays from 400 in 2023 to 87 days in 2024. This is largely due to the concerted efforts of community partners, City investments, and forward-thinking policy decisions. Work

continues to implement the interventions approved as part of Report HSC23041: Addressing the Needs of Unsheltered Individuals and those Relying on Hamilton's Emergency Shelter System (HSC23041), and those approved in Budget 2024. Despite some successes, the demand for services continues to be larger than the available or approved resources and the number of encampments in Hamilton continues to be high. We know that the shelter system is consistently at 99-100% occupancy with many individuals and families being turned away each night. While we continue to provide 52 hotels rooms (or 208 beds) as overflow, this paired with the current capacity of 345 permanent and 20 temporary shelter beds does not come close to meeting the needs of the roughly 1592 people experiencing homelessness in the City. The need for shelter spaces is not easily quantifiable, as there is no accepted model of need per capita, and Hamilton has several social and econonomic factors that increase our need compared to other similar sized cities. Also contributing to a lack of shelter outflow is a shortage in available Long Term Care beds, limiting options for seniors experiencing homelessness. To improve our sector's ability to respond to the continued homelessness crisis and reduce the resulting impacts on other areas of the City, staff are recommending a variety of investments into encampment management, the shelter system, and outflow supports. This is intended to improve the rate at which individuals and families can be served within the emergency system and enter permanent housing, thereby reducing the prevalence of encampments in Hamilton.

Recommendations to reduce instances of homelessness include:

- Conducting a Call for Information to assess the costs associated with expanding the shelter system.
    - This recommendation would seek information from shelter operators the costs associated with adding 110 single men, 50 single women, and 55 couple spaces with 25% being pet friendly, to right-size the shelter capacity and close known service gaps for pet owners and couples. Staff will return with this information, as well as any additional resources needed to support that expansion including staff resources as well as potential investments into outflow supports like rent supplements.

- Approving a one-time adjustment of shelter operating costs by 25%
    - This is in recognition of historic underfunding across the last two decades and is intended to bring operations to a more appropriate baseline. The 2023 approval for cost-of-living adjustments would continue and better support funding adjustments.

- Enhance funding for Indigenous drop-in spaces, an important support for connecting individuals with culturally appropriate programs
    - funding for a portion of this program expired in March 31, 2024 despite this program being a critical support and entry point for unhoused indigenous people in Hamilton.

- A 10% funding increase to case management programs to expand caseloads as well as improve the quality of supports provided.

- Improving access to and prioritization of unhoused individuals on the Access to Housing Waitlist
    - Staff are recommending one Housing Services Clerk to help clients file their taxes, an identified barrier to completing an Access to Housing application.
    - Within current complement, staff will be reviewing the prioritization of homeless individuals on the waitlist to increase the rate of offers being provided to individuals on the By-Name-List. Any changes to the process would be brought to Council for approval.

- Beginning a Landlord Engagement program whereby staff can support landlords that house individuals out of homelessness.
    - As part of this program, staff are recommending providing up to $250,000 in financial aid to landlords experiencing excessive unit damage.

Recommendations to mininimize unintentional consequences of encampments include:

- A variety of updates to the Encampment Protocol, as shown in Appendix “A” to Report HSC24027, including
    - Including a minimum distance of 100 metres around funeral homes, long-term care facilities and spaces that are designed and programmed for children as an amendment to the encampment protocol; in recognition of family members attending these locations, as well as a minimum distance around construction sites of 25m for the safety of those living encamped.
    - Extending the requirement of a minimum distance from sidewalks of 5m during winter to accommodate snow clearance to be a full year requirement to address concerns around walkways and sidewalks.

- Increased resourcing for the Housing-Focused Outreach Team to
    - better resource winter response programs and address rising encampment numbers in the warmer months.
    - Create a permanent program coordinator to coordinate inquiries from the public, internal stakeholders and members of Council.

- Increase services to those living in encampments and those around encampments through:
    - Enhancing the Social Navigation Program provided by Hamilton Paramedic Services and Hamilton Police Services. This program provides short-term intensive case management, including assessments, connection to experts,

point-of-care testing and wound care to improve the health outcomes of those living unsheltered.

Recommendations to remove items from the Outstanding Business List include:

- Expanding Residential Care Facilities
    - Residential Care Facility subsidies are funded through provincial funding which is currently fully expended with no anticipated increase. Further, there are consistently vacancies in the program based on low demand. Staff do not recommend spending further funding on a program that may not get utilized
- Housing Investment Ratio
    - Staff researched this area further and have not found reliable data to inform a recommendation to Council. Without reliable data, staff are not able to recommend an evidence-based approach and recommend continuing efforts to promote prevention of homelessness and outflow supports with the eventual goal of reducing funds directed towards emergency supports in accordance with decreasing demand in the community.

In addition, staff are recommending one confidential item to be considered in closed session. The closed session recommendation pertains to staff recommendation to make the Community Services Program Analyst a permanent position. This position supports data collection and analysis for the encamped population to inform management of encampments and improving services for those living unsheltered.

With these investments, as well as continued quality improvement work within the Division, we can create capacity within shelter and housing supports to accommodate more of those living in encampments, accelerate and improve housing outcomes for those already in receipt of emergency supports, and reduce the impacts of encampments on those living or working nearby.

Alternatives for Consideration – Page 14

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are financial implications to recommendations (c) and (e). Most are prorated in 2024 to begin funding in August 2024, however the Hamilton Regional Indian Centre is prorated to April, as there was previously available funding that concluded March 31, 2024.

Recommendation	2024 Cost (approximate)	Annualized Cost (approximate)
Closed session recommendation (a)	$42,000	$100,000

Recommendation	2024 Cost (approximate)	Annualized Cost (approximate)
(c)(ii) Shelter operating costs	$940,000	$2,255,000
(c)(iii) HRIC Drop-In	$266,000	$400,000
(c)(iv) Case management	$210,000	$500,000
(c)(v) Tax Filing Resourcing	$40,000	$90,000
(c)(vi) Unit Repairs	$100,000	$250,000
(e)(i) Housing Focused Outreach Resourcing	$108,000	$266,000
(e)(ii) Program Coordination	$48,000	$115,000
(e)(iv) Social Navigators	$130,000	$310,000
Total	$1,884,000	$4,286,000

Staffing: Staff recommend 3 additional permanent FTEs, one each for data collection, tax filing, and program coordination. The remaining work would be completed within existing complement or as an enhancement to an existing contract.

Legal: support is needed to develop and review contracts.

HISTORICAL BACKGROUND

On March 23, 2023, the Ending Chronic Homelessness Report (HSC23021) was received by Council. The report provides an outline of the comprehensive approach and investments required to end chronic homelessness in Hamilton. A performance update on Q1 and Q2 was provided to council on November 16, 2023 (HSC23076).

The Housing Sustainability and Investment Roadmap (HSIR) was published in April 2023 and updated in November 2023. This roadmap builds upon the Housing and Homelessness Action Plan. On April 19, 2023, the General Issues committee approved report HSC23028/FCS23055/PED23099 Housing Sustainability and Investment Roadmap to guide affordable housing issues cross-departmentally.

August 14, 2023, the report Addressing the Needs of Unsheltered Individuals and those Relying on Hamilton's Emergency Shelter System (HSC23041) was presented to Council. The report identified that the number of individuals living unsheltered and the number of individuals who are homeless continues to rise in Hamilton and the shelter system continues to be over capacity. This report included recommendations to continue funding shelter overflow beds for families and make investments into shelter bed expansion and homelessness prevention.

On August 18, 2023, Council adopted and ratified an Encampment Protocol in Encampment Response Update – August 2023 (HSC23066), identifying approaches, processes, and service levels associated with responding to encampments in the City. In addition, Council provided necessary resources in staffing and equipment to support the implementation of the Protocol. While a broad approach involving sanctioned sites was not recommended by Staff due to its prohibitive costs better utilized in prevention efforts and/or housing, Council also approved a two-year Hamilton Alliance for Tiny Shelters pilot for up to 25 tiny homes on City lands at no cost to the City. The City was asked to provide a location, and while the City continues to work with HATS to secure a location, none has yet been agreed upon.

The Annual Winter Response Strategy (HSC23012) was approved by Council in September 2023 and an amendment was made in March 2024 (HSC23012(a)) to extend the response from April 2024 until December 1, 2024, as it has been demonstrated that the need for services in the community continues beyond the winter season.

The Encampment Observation Report (HSC24020 / PED24080 / PW24030) was presented to General issues Committee on May 17, 2024 which detailed information around the first eight months of using the Encampment Protocol. It also recommended returning to Council with recommendations on how to reduce homelessness, and staff were directed to include recommendations on reducing the impact of encampments on neighbourhoods.

The Housing and Homelessness Action Plan (HHAP) was published in 2013 and updated in 2020 demonstrating Hamilton's commitment to ending homelessness. In 2019, the Coming Together to End Homelessness report was published, which provides an outline of Hamilton's strategy to end homelessness.

RELEVANT CONSULTATION

In July 2022, The Social Planning and Research Council of Hamilton released a key findings report, *Hamilton Post-Pandemic Emergency Shelter Size Review* for the City of Hamilton. This was included as Appendix "A" to Report HSC23041. The preparation of this report included interviews and focus groups with agencies providing shelter services, outreach, diversion, and prevention, and/or drop-in services. Qualitative data was also gathered in consultation with partners from Indigenous-led agencies, youth, women's, men's and family services as well as service providers that provide outreach services to shelter clients and unsheltered populations. This report includes recommendations for prioritization of additional supports in the shelter system including prioritizing the Indigenous community, safe and deeply affordable housing with supports, staff recruitment and retention, and an increase in emergency shelter responses particularly for the Indigenous, women's and family sectors.

The November 2023 Report HSC23076, Ending Chronic Homelessness Performance Update, included performance results that had been provided, reviewed, or confirmed by representatives from the individual reporting programs through multiple engagement sessions and data collection points. At that time a full list of the reporting and engagement opportunities was included as Appendix “B” to Report HSC23076.

In November 2023, the Homelessness Policy and Programs team from the City of Hamilton’s Housing Services Division hosted an event entitled *Coming Back Together to End Homelessness*, bringing together community partners from across the homeless-serving sector, healthcare, settlement services, social housing providers, and people with living experience to learn from each other, collaborate, and to discuss opportunities for greater impact in ending homelessness. Discussions highlighted strengths of the sector, areas for improvement and acknowledgement of the existing challenges and limitations experienced in the sector.

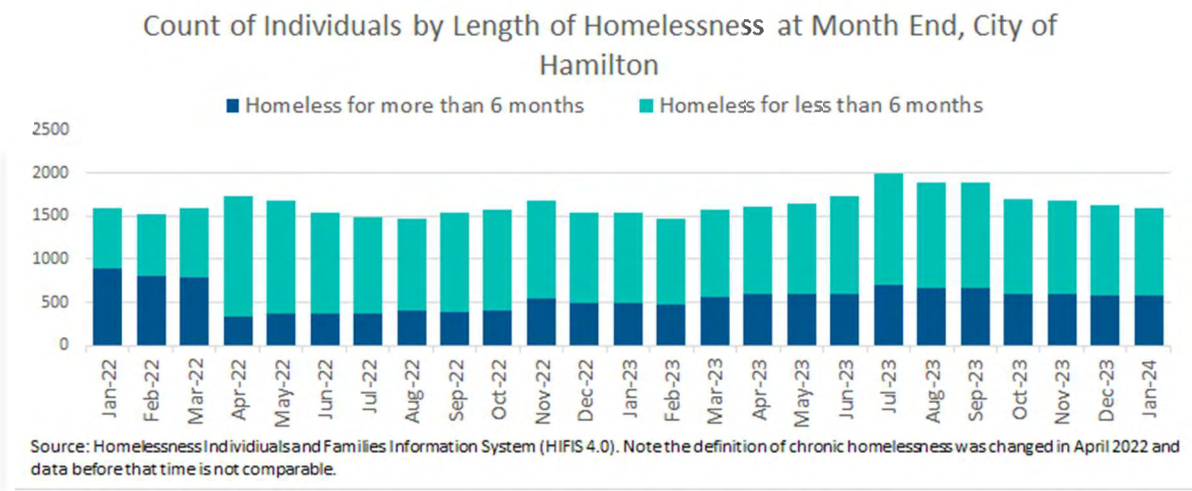
Since the establishment of the Encampment Protocol in August 2023, the operation of a centralized inbox allows staff to respond quickly to community correspondence and monitor community perspectives. Concerned citizens make up 31% of the correspondence with the Housing Focused Street Outreach team, the other categories include Municipal Law Enforcement (15%), Public Works (12%), Councillor’s Offices (11%), the City’s Contact Centre (10%), as well as other groups in less significant numbers such as Hamilton Police, Business Improvement Areas, schools and hospitals.

Staff also worked closely across Planning and Economic Development, Public Works, and Healthy and Safe Communities to determine areas for improvement.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

While the data availability has been hampered by the cyber-security incident, staff do have trend-level data up until January, as well as informal data collected through weekly visits to encampments that has informed the recommendations within this report. Figure 1 shows population count across the last two years, divided by length of homelessness.

Figure 1: Count of Individuals by Length of Homelessness at Months End[1]



An important factor in this graph is the proportion of individuals experiencing homelessness for more than 6 months. These individuals are often of higher acuity, and in need of more services to become “rent-ready” and successful in maintaining their housing. As such, they are often clients within the Rapid Rehousing and Intensive Case Management programs. There has been between 500 and 700 individuals in that category across 2023. To ensure that more individuals gain access to these supports, staff recommend increasing funding to these programs to increase the caseload capacity and improve service.

Figure 2: Approximate Demographics of Those Living Unsheltered

Current Approximate Total Number of Individuals Living Unsheltered in Hamilton: **205**					
Demographic Breakdown:					
Couples		Singles (Males)		Singles (Females)	
41 (*82 individuals)*		84		39	
Couples with Pets	Couples without Pets	Single Males with Pets	Single Males w/o pets	Single Females with Pets	Single Females without Pets

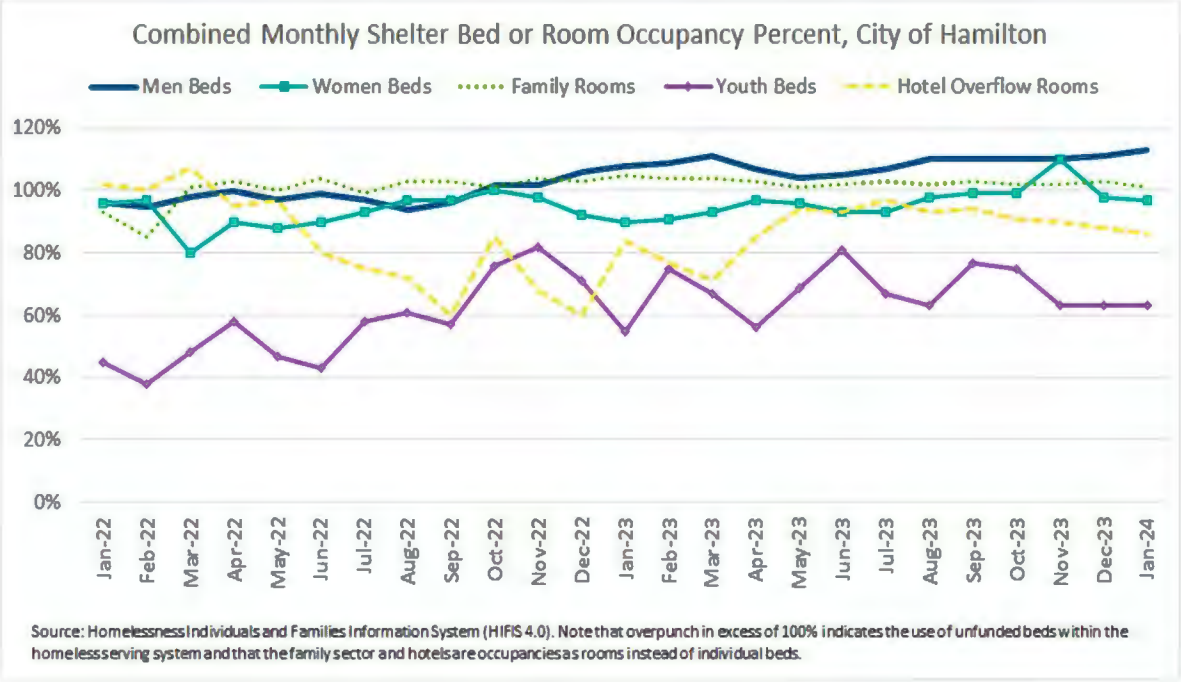
[1] Note: the increase in the total count of individuals increasing in the summer of 2023 was a result of changes in data reporting. The count of individuals is consistently approximately 1600.

11 *16 dogs total*	30	19 *20 dogs total*	65	9 *18 dogs total* *6 cats total*	30
Total People with Pets: 50 (18 individuals, 11 couples) **Total Pets:** 60 (54 dogs, 6 cats)					

Further, Housing-Focused Outreach staff maintain an informal count of individuals living in encampments. There are currently over 90 encampment sites with over 200 individuals. While there will always be individuals who prefer to live outside, there are individuals who would shelter within City-funded programs if there were appropriate spaces. However, city-funded shelters are consistently at, or over, capacity (Figure 3). In addition to these capacity pressures, there are gaps in service for individuals with pets and couples without children. Because there is no space for those who are unwilling to access shelter separately from their partners, these individuals often chose to live in encampments. Without additional resources in these targeted areas, encampments are likely to persist. As such, staff used peak encampment population numbers, plus 10%, from last summer to develop the number of new shelter beds to consider funding through the recommended Call for Information.

Drop-in programs are funded, in part, to capture individuals who are not otherwise sheltered. However, a critical drop-in program serving the indigenous population recently lost some of their funding and had to downsize their program. To rectify this, for an already over-represented group within the homeless population, staff recommend the City fund the gap.

Figure 3: Combined Monthly Shelter Bed or Room Occupancy Percent

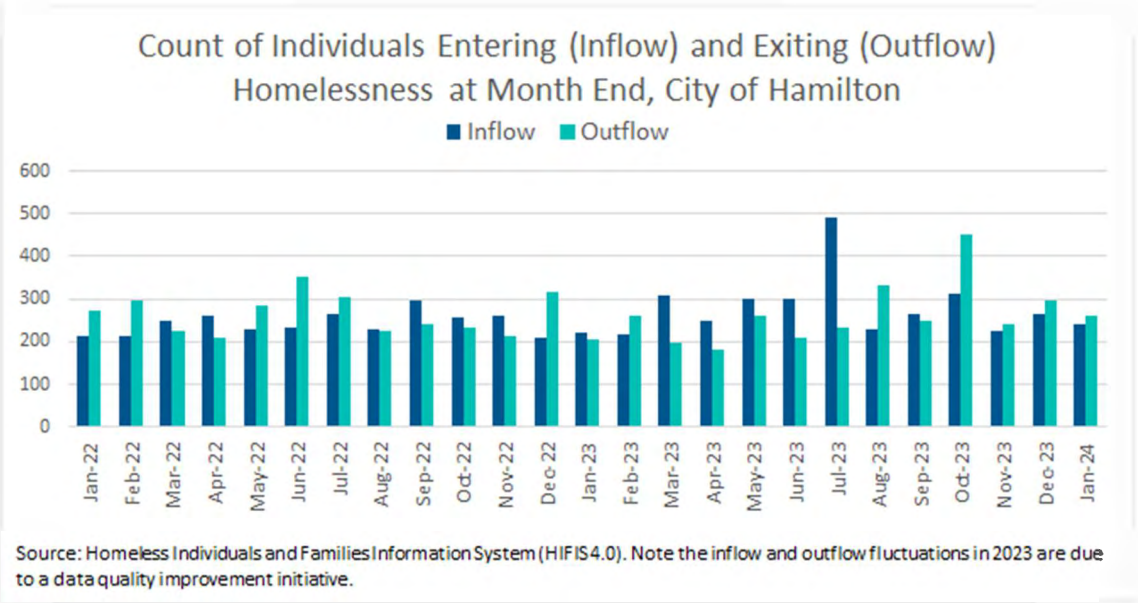


Source: Homelessness Individuals and Families Information System (HIFIS 4.0). Note that overpunch in excess of 100% indicates the use of unfunded beds within the homelessserving system and that the family sector and hotelsare occupanciesas rooms instead of individual beds.

In tandem with the high demand for services, shelter operators are been chronically underfunded. As part of Budget 2023, Council approved an ongoing cost-of-living adjustment for all City-Funded shelters. While this assuages issues of continued underfunding, it does not resolve the cumulative effect over the past several years. Staff are recommending a percentage increase to all shelter contracts to reestablish more appropriate funding levels. This percentage rate is based on the percentage of total operating costs that operators augment through other funding sources such as donations. This other funding ranges between approximately 12 and 35% of their total operating costs.

Inflow and Outflow are the terms used to describe those entering and exiting the emergency support system. Figure 4 depicts the rate of inflow and outflow, including an increase to inflow between February and July 2023. This aligns with the observed increase in encampments over last summer. However, outflow numbers improve from August onward as population numbers decreased. Investments into prevention of inflow and accelerated outflow is how the City can reduce overall reliance on the emergency system. Some factors which influence inflow remain outside of the City's control, however, including the rate of asylum seekers and refugee claimants that choose to settle in Hamilton.

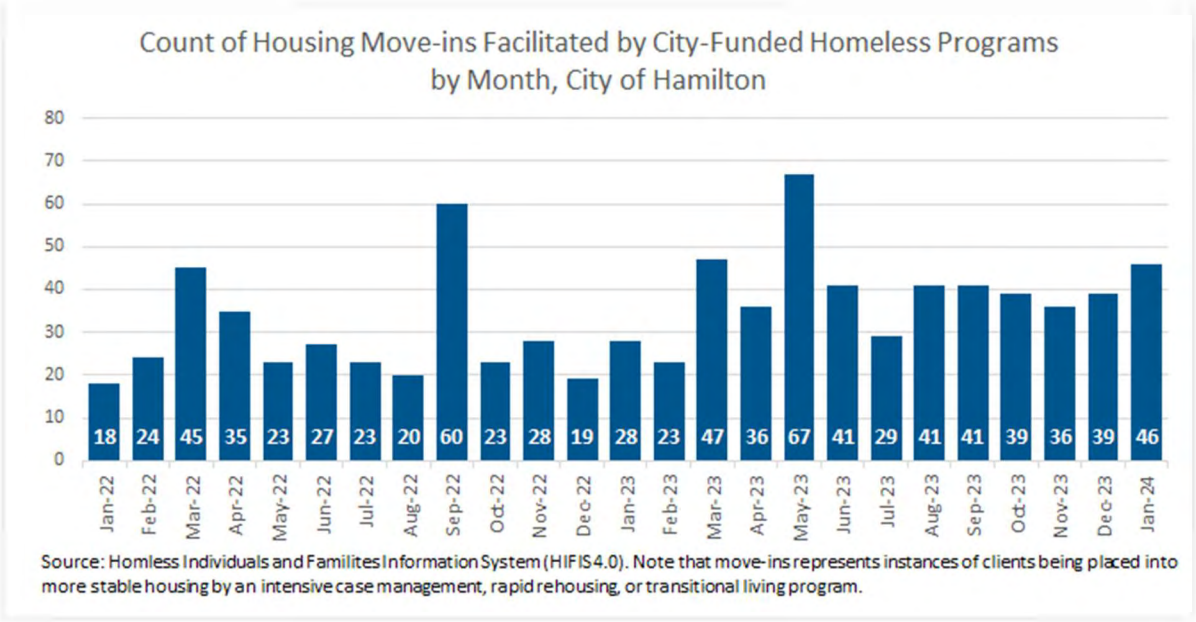
Figure 4: Count of Individuals Entering and Exiting Homelessness at Month End



Source: Homeless Individuals and Families Information System (HIFIS 4.0). Note the inflow and outflow fluctuations in 2023 are due to a data quality improvement initiative.

In addition, Hamilton is improving the rate at which individuals are housed through City-funded programs. Figure 5 shows the number of individuals moved into housing that was facilitated by City programs. In 2022, the City averaged 28.75 'move-in's' per month and increased that to an average of 38.9 in 2023. This may be attributed, in part, to the opening of Dorothy Day Place in May 2023. However, removing outlier months of 60 move-ins or more, the averages still show an increase to outflow in 2023 (25.9 and 36.4, respectively).

Figure 5: Count of Housing Move-Ins Facilitated by City-Funded Homeless Programs by Month



Source: Homless Individuals and Familites Information System (HIFIS 4.0). Note that move-ins represents instances of clients being placed into more stable housing by an intensive case management, rapid rehousing, or transitional living program.

Despite these improvements at the population level, the effects of further investment will take time to realize. During that time, encampments will continue across the City. To better manage any impacts to those living in or around encampments and those working nearby, staff recommend several improvements in alignment with program design needs and community concerns.

Inquiry	Mitigation
Reporting an encampement (27% of inquiries)	Increase the Housing Focused Street Outreach complement to support anticipated increased encampment numbers during the summer, and support winter response programs during the winter months.
Feelings of intimidation and lack of safety (25%)	Implementing minimum distances from walkways and pathways, and maintaining a minimum distance from roads throughout the year (instead of only during snow plowing season). Establishing a minimum distance from funeral homes, long-term care homes and spaces that are designed and programmed for children.
Requesting Enforcement (19%)	Staff do not recommend changing the enforcement approach
Waste & Debris (15% of inquiries)	Collection of waste is already in place and occurring daily in some places. Staff do not recommend a change to this process.
Healthy and Safety of those living unsheltered	Increase the Social Navigator Program with two additional Paramedics to better connect those living

(11%)	unsheltered with healthcare, and provide onsite supports like wound care, point-in-care assessments, and harm reduction supplies. Establishing a minimum distance from construction sites to ensure individuals are a safe distance from active work

The Community Services Program Analyst supports analysis of encampment correspondence, as well as data collection from encampment residents. This enables Housing Services to continue to optimize the application of the Encampment Protocol and better connect individuals to emergency supports. Due to the prevalence of encampments, and the anticipated continuation of encampments, staff recommend making this position permanent. In addition, staff recommend an additional permanent FTE in Housing Services Division to coordinate responses to community inquiries.

ALTERNATIVES FOR CONSIDERATION

Additional amendments may be considered for the Encampment Protocol including:

1. A setback from private property line. While staff recognize the need to limit impacts to private property, increasing the setback beyond 5m would restrict smaller downtown compliant sites.
2. Limiting to five tents in parks, regardless of size. Staff do not recommend this approach as it would be very limiting and not an equitable approach across the city.
3. Exclude tents from all parks with construction. This is also not recommended as it would close all parks for any type of construction and reduce the number of compliant sites.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report HSC24027 – Proposed Updates to the Encampment Protocol

Court File No. CV-21-00077187-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

KRISTEN HEEGSMA, DARRIN MARCHAND, GORD SMYTH, MARIO MUSCATO, SHAWN ARNOLD, BRADLEY CALDWELL, CHRISTINE DELOREY, GLEN GNATUK, TAYLOR GOGO-HORNER, CASSANDRA JORDAN, JULIA LAUZON, AMMY LEWIS, ASHLEY MACDONALD, COREY MONAHAN, MISTY MARSHALL, SHERRI OGDEN, JAHMAL PIERRE, LINSLEY GREAVES and PATRICK WARD

Applicants

and

CITY OF HAMILTON

Respondent

APPLICATION UNDER 14.05 OF THE *RULES OF CIVIL PROCEDURE*

AFFIDAVIT OF DANIELLE BLAKE

I, Danielle Blake, of the City of Hamilton, in the Province of Ontario, AFFIRM:

1. I am an employee of the City of Hamilton as such I have knowledge of the matters set out in my affidavit. Where I rely on the information of others, I state the source of that information and verily believe it to be true.

2. I am employed by the City of Hamilton as the Manager of Housing Focused Street Outreach within the Housing Services Division of the Healthy and Safe Communities Department at the City. I have been employed with the City for 20 years and have been in this position since approximately March of 2023.

3. My role involves, materially, acting as the lead for Coordinated Response Team (a team composed of representatives from various City departments including Municipal Law Enforcement, Parks, Fire Department, Paramedics, and Hamilton Police to coordinate response and service delivery related to encampments throughout the City); managing the Housing Focused Street Outreach Team ("HFSOT"), overseeing writing of reports on behalf of HFSOT, overseeing that Council direction is followed, and overseeing, with respect to the HFSOT components, that the 2023 Encampment Protocol (described herein) is enforced.

4. I am also temporarily assisting with the role of Director of Housing Services while the Director of Housing Services, Dr. Michelle Baird, is on leave.

Housing Focused Street Outreach Supports

5. I have reviewed the affidavits of David Buckle and confirm that he accurately described the function and day-to-day operations of the HFSOT.

6. Among the City-funded programs or supports that HFSOT outreach workers can connect people with are:

   (a) **Indigenous-specific supports**: the City of Hamilton partners with Indigenous community organizations, including the Hamilton Regional Indian Centre ("HRIC"), in order to provide supports that are specific to Indigenous people. One of the HFSOT staff is seconded to the City from HRIC and provides direct connection to HRIC services (for example,

distributing traditional medicines). HRIC is an Indigenous-led organization and provides wrap around services in a culturally safe environment.

(b) **Pet-related supports**: there is a mobile SPCA van providing weekly drop-in clinic services for pet health care; and HFSOT workers can provide pet food and supplies; and liaise with Animal Services to reunite animals that have been seized, where possible. Previously, when Hamilton Animal Services had space, people could also be offered temporary boarding for pets to enable them to accept shelter where pets are not permitted. However, Animal Services does not currently have capacity to offer this. When available, it has been offered.

(c) **Washrooms**: beginning in September 2023, two washrooms have been winterized and made available, with security, on a 24/7 basis, at J.C. Beemer Park (near Wilson Street and Victoria Avenue North) and Corktown Park (near Ferguson Avenue South and Young Street). These parks are in locations near other homelessness-serving supports, in order to be accessible to people experiencing homelessness.

(d) **Showers**: beginning in approximately September 2023, the City has made two recreational centres, Norman Pinky Lewis Recreation Centre (on Wentworth Street North near Barton Street East and Cannon Street East) and the Benetto Community Centre (on Hughson Street North south of Burlington Street East) available for people experiencing homelessness to

access showers and maintain their hygiene. These recreational centres are located in the downtown core, and like the washrooms, are near other homelessness-serving supports, in order to be accessible to people experiencing homelessness.

(e) **Storage for possessions**: Beginning in approximately April 2022, staff have implemented a process to allow people experiencing homelessness to temporarily store personal items, as necessary, at a centrally located City facility.

2023 Encampment Protocol

7. The current Encampment Protocol was enacted in August 2023. Specifically, the Protocol itself is contained in the August 14, 2023 General Issues Committee Report 23-023, and it was was passed by Hamilton City Council at the August 18, 2023 meeting. Attached to my affidavit are:

(a) **Exhibit "A":** the 2023 Encampment Protocol, which is at Appendix "A" to General Issues Committee Report 23-023 dated August 14, 2023,

(b) **Exhibit "B":** City Council Minutes 23-015 from the August 18, 2024 Council Meeting.

8. To briefly summarize the 2023 Encampment Protocol, it provides that people may erect tents or temporary shelters in City parks, provided that they are not in a "prohibited area," as defined in the 2023 Encampment Protocol. Tents or shelters

of up to five may be grouped together, within specified maximum space allotments; and spaced at least 50 meters from other tents, shelters, or groups. The 2023 Encampment Protocol provides an eight-step process for enforcement in the event a tent or temporary shelter is in a prohibited area, which begins first with notification and attempts to gain voluntary compliance, prior to involving law enforcement. The 2023 Encampment Protocol also provides for addressing health and safety concerns, while allowing people to stay provided that the health or safety concern is remediated and the tent or temporary shelter is not in a prohibited area. There is no time limit on how long a tent or temporary shelter may remain as long as it is in compliance with the 2023 Encampment Protocol.

9. The 2023 Encampment Protocol specifically provides, at the very beginning of the document:

> *"In all interactions with people who are living unsheltered, staff will engage utilizing a human-centered, housing first, health-focused, rights-based approach. All actions will be guided by a commitment to upholding the human rights and human dignity of all individuals living in encampments, temporary shelters, or tents. Staff will also work to build rapport through mutual respect, effective communication, empathy, and by maintaining transparency around the expectations of individuals living in encampments, temporary shelters, or tents and City staff.*
>
> *"It is vital that all actions taken in the Protocol are grounded in the understanding that housing is a fundamental human need, and that people in our community deserve housing and homelessness responses that are based on intentional planning and good evidence and that have measurable positive impacts and outcomes. Working to provide permanent housing for all is critical and will require an ongoing commitment from the City, community, and other levels of government to find innovative, meaningful solutions."*

Process Leading Up to the 2023 Encampment Protocol

10. The 2023 Encampment Protocol was preceded by a series of consultation processes, with three key milestones described below, particularly:

    (a) a July 2022 consultation regarding responses to encampments generally (reported to GIC in January 2023 and brought to City Council February 2023);

    (b) a March 2023 consultation with stakeholders serving the un-housed community regarding a proposed new protocol, reported to GIC and City Council in May 2023;

    (c) a June 2023 consultation period soliciting comment from the general public regarding the proposed new protocol, reported to GIC and City Council in August 2023; resulting in the 2023 Encampment Protocol being enacted.

July 2022 Consultation

11. On January 13, 2022, the Emergency and Community Services Committee directed City staff to address comprehensive, human-rights based, health-focused housing solutions for residents living encamped across Hamilton via solution-focused planning session(s) from a broad spectrum of community stakeholders, including people with lived experience, to identify comprehensive, human-rights based, health-focused housing solutions to directly address the needs of residents living encamped in Hamilton.

12. On July 20, 2022 a consultant-led, facilitated session was held with stakeholders across several sectors with expertise in housing, homelessness, encampments, and encampment response, to discuss systemic issues and their consequences, identify shared values, develop a shared short- and long-term vision, and to co-create a new approach to encampment response by identifying first steps, supports and potential barriers. As well, from July 25 to 29, 2022, City staff engaged with 57 individuals living, or having recently lived in encampments across Hamilton, exploring issues contributing to unsheltered homelessness, access to resources and services, and suggestions for how the City and community could improve their response to encampments.

13. From those consultations, as well as a review of best practice reports and work to date by Housing Services Division, City Staff synthesized the following recommendations:

(a) Expand and improve coordination of supports for mental health and substance use;

(b) Expand the use of harm reduction approaches in emergency shelters, drop-ins, and outreach supports;

(c) Address barriers to accessing emergency shelter (e.g., people with pets, couples);

(d) Explore new approaches to encampment response, utilizing best practices and successes in other jurisdictions;

(e) Engage with Indigenous partners to identify encampment-related interventions that are culturally appropriate and rooted in the spirit and actions of reconciliation;

(f) Improve coordination and collaboration of encampment response teams to more efficiently address needs of people living in encampments.

14. The outcome of this consultation was brought to the General Issues Committee on February 1, 2023, and to Council on February 8, 2023. A copy of the report to the General Issues Committee dated January 18, 2023 is attached hereto as **Exhibit "C"**.

15. In response, Council voted on February 8, 2023:

(a) To create a permanent Coordinated Response Team to coordinate response and service delivery related to encampments throughout the City, on a housing-outreach first approach, supported by a secondary role for enforcement only when needed,

(b) To increase budgets accordingly for Housing-Focused Street Outreach, Parks, Municipal Law Enforcement, and Hamilton Police Service (detailed further below under the heading "Financial Investment");

(c) To direct City staff to engage in further consultations specifically directed at developing a new encampment protocol, namely:

(i) a minimum of 2 meetings to discuss the encampment protocol with members of the Indigenous community and the following organizations: (i) Young Women's Christian Association and other drop-in providers; (ii) Hamilton Social Medicine Response Team; (iii) Keeping Six; and (iv) Other stakeholders who serve the housing and health needs of those living encamped;

(ii) That these meetings be held to develop a new encampment protocol rooted in an approach that upholds the human rights of residents living encamped and reflects the concerns shared by the delegates who presented at the January 18, 2023 General Issues Committee meeting, with a report back no later than April 20, 2023 (this was later extended to May 17, 2023) with recommendations to the General Issues Committee.

(iii) A copy of the relevant pages from the February 8, 2023 Council meeting minutes are attached hereto as **Exhibit "D"**.

March 2023 Consultations and May 17, 2023 report to GIC

16. The consultations in question took place on March 24, 2023 and March 27, 2023. Stakeholders who provide outreach, frontline, and other supports and services to people living in encampments were represented, including representations from eleven organizations, including Keeping Six, St. Matthew's House, Greater Hamilton Health Network, Wesley Urban Ministries, Salvation Army, Hamilton

Social Planning and Research Council, Living Rock Ministries, Good Shepherd, and St. Joseph's Healthcare Hamilton. City staff reached out directly to the Young Women's Christian Association and the Indigenous community as they were unable to attend the sessions. Discussions were also held with Hamilton Police Services' Crisis Outreach & Support Teams, including staff from the Social Navigator program.

17. The results were detailed in a report to the General Issues Committee on May 17, 2023. These included, non-exhaustively:

(a) A suggestion for sanctioned sites throughout the City giving people living in encampments options to select from, while also ensuring no punitive action for those who choose to live in encampments elsewhere in the community;

(b) divided opinions regarding an enforced limit to the number of individuals or tents at a particular park, as well as defining a tent;

(c) that an individual's acuity should not be a determinant in the service they are provided, particularly as it relates to being required to move sites (this was in reference to the previous, pre-August 2021 Protocol which exempted people with a high acuity score from the 14 day limit on encamping);

(d) that the Protocol should respond to behaviours, and not arbitrarily provide timelines for which someone in an encampment would be required to move to a new location;

(e) After all other proactive avenues have been explored, a lack of site cleanliness, particularly the spread of used syringes that put others at-risk, may require intervention from City as part of a holistic view of the encampment and individuals residing there;

(f) That moving someone from their preferred location or home, should be viewed as last resort after all other approaches were exhausted, or not happen at all;

(g) The City should consider embedding peer supports into their coordination, outreach response, and site clean-up processes, as it presents several positive outcomes for people with lived experience, as well as those currently living in encampments;

(h) Interactions of frontline staff with Indigenous people living in encampments should be rooted in relationship-building with an understanding of the historical and ongoing impacts of colonization.

18. This feedback was incorporated into a proposed protocol appended to the report to GIC. A copy of the May 17, 2023 staff report, with appendices, is attached hereto as **Exhibit "E"**.

19. At the May 17, 2023 General Issues Committee meeting, Staff was directed to, among other things, make the proposed Encampment Protocol available for public comment until June 30, 2023, and report back in August 2023. A copy of the

relevant pages of the May 17, 2023 GIC Minutes is attached hereto as **Exhibit "F"**.

June 2023 Public Comment and August 14, 2023 Report to GIC

20. The public comment period took place as directed and was reported to the General Issues Committee at the August 14, 2023 meeting, along with staff's recommendations for an Encampment Protocol.

(a) There were 11,943 visitors to the Engage Hamilton website who contributed 15,965 individual comments as well as approximately 2,000 attendees at three in-person community engagement sessions.

(b) Across all engagement forums, there was a strong consensus that respondents did not want tents in parks, and that parkland should continue to be available for public use, especially in wards where there is a lack of parks and greenspace. There was no clear consensus from the public related to adopting sanctioned sites as an approach to encampments. There was consensus that respondents wanted more permanent, housing-focused solutions to address the needs of individuals living unsheltered.

(c) There was limited agreement regarding the proposed protocol, with some believing it was too lenient and others too restrictive. One area of consensus was that encampments should be further away from schools, day cares centres, playgrounds, pools, waterparks, or any spray pad, as well as from private property lines. To address the public feedback, the proposed

protocol was amended to extend the permissible distances from identified areas of concern.

(d) A copy of the August 14, 2023 report to GIC, with appendices, is attached hereto as **Exhibit "G"**.

21. At the August 14, 2023 meeting, the General Issues Committee accepted the recommended Encampment Protocol with modest amendments (highlighted on the Protocol document), particularly a reduction in the number of days for compliance with a Trespass Notice, and implementation of a process for regular information reports to Council regarding the implementation of the 2023 Encampment Protocol and encampment response. A copy of the relevant pages of the GIC meeting minutes are attached hereto as **Exhibit "H"**. Appendix "A" to the GIC meeting minutes, being the 2023 Encampment Protocol, is previously referred to herein as **Exhibit "A"**.

22. The GIC, and later City Council, also accepted the recommendations to:

(a) provide access to washroom and showers for individuals living unsheltered, accompanied by security staff to ensure safety;

(b) to employ a full-time Indigenous Outreach worker on HFSOT through a partnership with the Hamilton Regional Indian Centre, and to add two peer support workers to the HFSOT;

(c) employ additional by-law officers to ensure compliance with the 2023 Encampment Protocol and meet the response times directed in the 2023 Encampment Protocol;

(d) increase the Parks section budget to address anticipated security and cleanup costs.

Encampment Protocol

23. The 2023 Encampment Protocol was passed at the August 18, 2023 City Council meeting, as described above.

24. As of the date of this Affidavit, the 2023 Encampment Protocol remains in force.

25. At the June 26, 2024 City Council meeting, City Council, after receiving feedback from the community, again by way of recommendations from the General Issues Committee, directed City Staff to prepare a motion to amend the 2023 Encampment Protocol to mitigate impacts on those living in and around encampments. As of the date of this Affidavit, the staff report has not been completed yet, and no amendments have been brought to Council. A copy of the relevant pages from the June 26, 2024 Council meeting minutes are attached hereto as **Exhibit "I"**.

26. Council also directed that staff report back with the results of a call for information on the feasibility and costs associated with creating new shelter beds with 25%

being pet friendly, in the following bed numbers: Men's singles: 110, Women's singles: 50, Couple's: 55. This is currently underway.

Implementation of the 2023 Encampment Protocol

27. The 2023 Encampment Protocol took effect immediately, although enforcement of any non-compliance did not begin immediately as City staff and the community gained familiarity with the 2023 Encampment Protocol.

28. As detailed in the 2023 Encampment Protocol, enforcement of the Protocol, when necessary, primarily involves communication and education. The process is initiated by a request for service. A request for service may come from member of the public (either directly or through their Councillor's office), another City staff member, a HFSOT worker, or another source.

29. The 2023 Encampment Protocol provides that requests for service may be made by email to unsheltered@hamilton.ca or by phone at 905-546-2828. As well, internal requests for service from other City departments relating to encampments are also directed to HFSOT, typically through the unsheltered@hamilton.ca email.

30. The requests for service are catalogued. Weekly summaries are posted on the City of Hamilton's website.[1] A summary of the requests for service relating to

[1] https://www.hamilton.ca/people-programs/housing-shelter/preventing-ending-homelessness/city-hamilton-encampment-response

encampments since the beginning of the 2023 Encampment Protocol is attached hereto as **Exhibit "J"**.

31. The 2023 Encampment Protocol provides that within 72 hours of receiving a complaint or request for service regarding an encampment, HFSOT is to engage with the individual(s) at the encampment to better understand their needs and connect them with internal and community supports, including housing-focused case management; referral into the emergency shelter system; referrals to health agencies, social assistance. supports, and specialized outreach supports; and any other relevant supports available that would improve an individual's health and wellbeing. Where a tent, shelter, or encampment is in a prohibited area, HFSOT has information about possible suitable and compliant sites; and will consider the needs and choices of the individual and collaborate with them to identify a more suitable area that meets the conditions of the 2023 Encampment Protocol.

32. In order to assist people to comply with the 2023 Encampment Protocol, HFSOT outreach workers were provided with infographic handouts to provide to people living in encampments explaining the key requirements of the 2023 Encampment Protocol. A copy of this handout is attached hereto as **Exhibit "K"**.

Prohibited Areas

33. If a tent, shelter, or encampment is in a prohibited area as defined in the 2023 Encampment Protocol, HFSOT workers are to contact Municipal Law Enforcement to respond. If MLE issues a Notice of Trespass pursuant to the 2023 Encampment

Protocol, HFSOT workers will continue to engage with individual(s) at the location to identify alternate sheltering options and attempt to address any barriers to shelter or housing.

34. More generally, whether or not an encampment, temporary shelter, or tent is in a prohibited area, HFSOT workers will continue to offer supports and assistance to people living unhoused.

35. HFSOT is not involved in the issuing or enforcement of any Trespass Notices under the 2023 Encampment Protocol.

Health and Safety Issues

36. The 2023 Encampment Protocol also provides a process for addressing health and safety issues (section J, “Health and Safety”).

37. This process provides that if HFSOT workers observe or are advised of a health or safety issue at an encampment, temporary shelter, or tent, they will contact the appropriate entity to address the concern. If there is a serious or imminent threat to health or safety, such as (non-exhaustively) exposed electrical wiring, accumulation of discarded needles, use of propane tanks and other combustible materials, or possession of weapons; Hamilton Police Service or the other appropriate first responders are to respond to alleviate the safety concern.

38. Identification of a health or safety concern results in addressing the health or safety issue; not a Trespass Notice. Unless the temporary shelter, or tent is also in a prohibited area, the people at the site are permitted to stay.

Abandoned Encampments, Temporary Shelters, or Tents

39. HFSOT is also involved in the process for determining whether an encampment, temporary shelter, or tent is abandoned, as detailed in section "I" of the 2023 Encampment Protocol. It is a reality of encampments that people move to new locations and leave discarded items behind. These abandoned sites require cleanup in order to maintain sanitation, safety, and accessibility for the public to City parks. Importantly, however, HFSOT acknowledges that maintaining one's possessions is important to people experiencing homelessness, and therefore care must be taken in deeming a site abandoned.

40. The 2023 Encampment Protocol sets out a five step process for designating an encampment, temporary shelter, or tent as abandoned. To summarize:

(a) If HFSOT have not interacted with anyone at a particular site and/or there has been observed inactivity for at least 3 days, they will review the site with the Coordinated Response Team to confirm there had been no recent activity witnessed at the site.

(b) If Coordinated Response Team partners have not witnessed anyone at the site and/or can confirm that the former inhabitants of the site have moved elsewhere, HFSOT will place a notice at the site in a conspicuous area

informing potential residents that the site is due to be cleaned in 3 days from the time of the notice being placed.

(c) Within the 3 day timeline, HFSOT and/or other Coordinated Response Team partners are to make all reasonable attempts to ensure that individuals known to be previously staying at a site have been made aware that their former site will be deemed abandoned and cleaned.

(d) If no interaction has been made by HFSOT with the former inhabitants at the site, no attempts have been made by the former inhabitants of the site to contact HFSOT, and/or no other changes are observed at the site by the end of the allotted time, HFSOT will provide approval to the Parks Section to clean the site.

(e) Parks staff will coordinate the clean-up, within 72 hours of approval, with discretion for extenuating circumstances such as inclement weather.

Funding Investment

41. The City has also made significant funding investments along with and in the course of developing the 2023 Encampment Protocol:

(a) On February 8, 2023, Council approved:

(i) $251,000 for two full-time, permanent positions on Housing-Focused Street Outreach;

(ii) $124,000 for one full-time, permanent position in the Parks section;

(iii) $277,000 for two full-time, permanent Municipal Law Enforcement officers;

(iv) $216,000 for the equivalent of 3.5 full-time, seconded street outreach workers;

(v) $200,000 increase to the Public Works Department's operating budget for cleanup and other costs related to encampments;

(vi) $268,646 annually plus a one time cost of $30,000 for two Hamilton Police Service encampment officers.

(vii) I refer in this regard to the February 8, 2023 Council Meeting Minutes, previously identified as **Exhibit "D"**.

(b) On August 18, 2023, Council approved:

(i) Funding to the Public Works department for access to year-round washroom and shower facilities in the amount of $576,240 for September 1, 2023 to March 31, 2024 and a further $987,840 to operationalize this as a permanent program in 2024 be referred to the 2024 Tax Budget process;

(ii) Funding for Municipal Law Enforcement for one full-time position and the purchase of a vehicle, at costs of $86,120 and $35,000

respectively for September 1, 2023 to March 31, 2024, and $147,650 and $9,000 annualized, to be referred to the 2024 Tax Budget process;

(iii) Funding to the Public Works department for additional Parks clean-up and maintenance, particularly three full time positions and one vehicle and associated equipment, at costs of $93,000 and $50,000 respectively for September 1, 2023 to March 31, 2024, and $245,000 and $33,400 annualized, plus capital costs of $220,000 to be referred to the 2024 Tax Budget process;

(iv) Funding to Healthy and Safe Communities Department for two seconded peer support workers at a cost of $123,000, to be referred to the 2024 Tax Budget process;

(v) I refer in this regard to the August 18, 2023 Council Meeting Minutes, previously identified as **Exhibit "B"**.

(c) On June 26, 2024, Council approved:

(i) Enhancements to the homeless-serving system for an approximate cost of $1,556,000 between August 1 and December 31, 2024, particularly:

(1) approximately $940,000 be added to enhance existing shelter operator contracts by 25% to rectify historic underfunding;

(2) approximately $266,000 in additional funding to enhance the Hamilton Regional Indian Centre's indigenous drop-in program;

(3) approximately $210,000 to enhance Rapid Rehousing and Intensive Case Management supports to improve outflow from shelters into permanent housing;

(4) approximately $40,000 be approved for one full-time equivalent for Housing Service Division to provide tax filing support for those experiencing homelessness; and

(5) approximately $100,000 to be provided to housing landlords for exceptional unit damage as a result of housing an individual from City-funded case management programs.

(ii) Additional investments into encampment management, for an approximate cost of $286,000 between August 1 and December 31, 2024, particularly:

(1) approximately $108,000 to increase Housing Focused Street Outreach support;

(2) One permanent full-time position to provide program coordination, at an approximate cost of $48,000;

(3) One permanent full-time Community Services Program Analyst position, at an approximate cost of $42,500;

(4) Approximately $130,000 for two Social Navigator paramedics;

(iii) the following items to be referred to the 2025 municipal tax operating budget for an annual cost of $4,186,000:

(1) approximately $2,255,000 to enhance existing shelter operator contracts by 25% to rectify historic underfunding;

(2) approximately $400,000 for ongoing operations of the Hamilton Regional Indian Centre's indigenous drop-in program

(3) approximately $500,000 for enhanced Rapid Rehousing and Intensive Case Management supports to improve outflow from shelters into permanent housing;

(4) approximately $90,000 for one permanent full-time equivalent for Housing Service Division to provide tax filing support for those experiencing homelessness;

(5) approximately $250,000 for exceptional unit damage because of housing an individual from City-funded case management programs;

(6) approximately $266,000 for increased Housing-Focused Outreach support;

(7) One permanent FTE to provide program coordination, at an approximate cost of $115,000;

(8) Make permanent one Community Services Program Analyst FTE supporting the Housing Focused Outreach Team, at an approximate cost of $100,000;

(9) approximately $310,000 to provide enhancements for two Social Navigator Paramedics by Hamilton Paramedic Service.

(iv) I refer in this regard to the June 26, 2024 Council Meeting Minutes, previously identified as **Exhibit "I"**.

AFFIRMED by Danielle Blake at the City of Hamilton, in the Province of Ontario, before me on July 30, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

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Bevin Shores
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Commissioner for Taking Affidavits
(or as may be)

BEVIN SHORES (LSO No. 56161F)

Signed by:
Danielle Blake
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DANIELLE BLAKE

This is **Exhibit "A"** referred to in the Affidavit of Danielle Blake affirmed before me at the City of Hamilton, in the Province of Ontario, on July 30, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

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Bevin Shores
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Commissioner for Taking Affidavits
(or as may be)
Bevin Shores (LSO No. 56161F)

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Encampment Protocol – with Amendments

A) Shared Principles

When engaging in encampment response, all staff in a frontline capacity will use the same philosophical approach. In all interactions with people who are living unsheltered, staff will engage utilizing a human-centered, housing first, health-focused, rights-based approach. All actions will be guided by a commitment to upholding the human rights and human dignity of all individuals living in encampments, temporary shelters, or tents. Staff will also work to build rapport through mutual respect, effective communication, empathy, and by maintaining transparency around the expectations of individuals living in encampments, temporary shelters, or tents and City staff.

It is vital that all actions taken in the Protocol are grounded in the understanding that housing is a fundamental human need, and that people in our community deserve housing and homelessness responses that are based on intentional planning and good evidence and that have measurable positive impacts and outcomes. Working to provide permanent housing for all is critical and will require an ongoing commitment from the City, community, and other levels of government to find innovative, meaningful solutions.

B) Complaints and Service Request Information:

Individuals in the community who encounter an active or abandoned encampment, temporary shelter, or tent, or someone who is living unsheltered, and/or have questions or concerns about an encampment, should contact the Coordinated Response Team led by Housing Focused Street Outreach by email at unsheltered@hamilton.ca or by phone at 905-546-2828.

Any contacts made with other internal City divisions or through other City channels regarding encampments, temporary shelters, or tents will also be forwarded to Housing Focused Street Outreach for first response.

C) Alignment to Housing Resources and Supports

In establishing a housing-focused approach to interacting with individuals living unsheltered and/or in encampments, all individuals will be given an opportunity to complete a Vulnerability Index – Service Prioritization Decision Assistance Tool (VI-SPDAT)

In the context of individuals living in encampments, temporary shelters, or tents, the Vulnerability Index – Service Prioritization Decision Assistance Tool is a triage tool, with a series of questions asked by Housing Focused Street Outreach staff to individuals who are experiencing homelessness. The assessment tool is used to support conversations where staff learn about an individual's housing situation, needs, and strengths to help build a plan to achieve stable housing. It is also used to inform additional supports that may be needed and/or help prioritize housing interventions

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within Hamilton's Homeless-serving System likely to be most beneficial to support an individual's needs, preferences, and long-term housing outcomes.

There is no requirement for anyone who is living in an encampment, temporary shelter, or tent to complete the Vulnerability Index – Service Prioritization Decision Assistance Tool and it will have no bearing on whether they are able to stay in a particular location or for a specific duration of time. The assessment tool will only be used to help connect individuals experiencing homelessness to housing resources and supports.

D) Prohibited Areas for Erecting Encampments, Temporary Shelters, or Tents

In order to provide for the availability of space for temporary shelter in parks, persons without shelter or being homeless will be able to establish an encampment through erecting a temporary shelter for themselves and also be able group together with other such persons' temporary shelters. However, the encampment or cluster of shelters must not exceed five tents or similar temporary shelters, and there must be at least 50 meters separating the encampment or cluster from other encampments or clusters of shelters. Further, the balancing of public and private interests while allowing for temporary shelter will require encampments or clusters not be located:

- On or within 100 meters of a school or children daycare centre
- On or within 100 meters of a playground, pool, waterpark, or any spray pad
- On or within 50 metres of any lake, beach, pond, watercourse or other body of water, or a dock
- Within 10 meters of any private property line
- On or within 50 metres of the Hamilton Alliance for Tiny Shelters model site. For the purpose of this site the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North, will be considered the site.
- On or within 5 meters of any transit stop or a highway and specifically including a sidewalk, boulevard, or bridge or tunnel being part of such highway
- On or within 5 meters of any property with an environmental or heritage designation
- On or within 50 meters of any sports fields, inclusive of but not limited to, skateboard parks, fitness amenities, golf courses, ball diamonds, soccer pitches, tennis courts, or any other sports or multi-use courts, as well as stadiums, dugouts, stages, and bleachers.
- On any fenced-in, off-leash dog area
- On any cemetery, including its roads, lanes and paths for travel within the cemetery
- On any community garden and including any garden shed or greenhouse
- On any pathway, sidewalk, or parking lot or on or under any bridge, including pedestrian access points to such areas and structures
- On or within any designated fire route, or the entrance to or exit from a designated fire route, or located so as the block any fire hydrant

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- On or within any entrance, exit or a doorway to a building or structure, and including, without limiting the generality of the foregoing, an area adjacent to such entrances or exits required in the event of fire or emergency
- On or within any accessibility entrance or ramp or located in a way that blocks access to such entrances or ramps.
- On or within any area identified susceptible to flooding, erosion, slope instability, or other environmental hazards that presents a risk to health and safety.
- Further no temporary shelter or tent will be placed against, or under, or be attached or tied to any building or permanent structure. All shelters or tents must be freestanding.

E) Campfire and Barbecue Use

Section 14 of By-Law 01-219, the Parks By-Law, which regulates campfires and barbecues in City Parks; as well as By-Law No. 02-283, the Open Air Burning By-Law, which regulates open-air burning within the City, shall be complied with and will be enforced.

F) Maximum Personal Space Allotment(s)

The total area for a single tent and all its associated belongings cannot exceed beyond a 3-metre-by-3-metre area, or 9-metres-squared, and the total area for five tents within a cluster cannot exceed beyond a total area of 45-metres-squared. The following chart identifies space limits by number of temporary shelters or tents:

Number of Temporary Shelters/Tents within Encampment Cluster	Maximum Total Space Allotment (metres)
One	9m²
Two	18m²
Three	27m²
Four	36m²
Five	45m²

Any items located outside of the allotted personal space area will be subject to removal by City staff.

G) Encampment Response Processes

Given that there are several circumstances that require a unique response from the Coordinated Response Team, the following guidelines have been established to direct responses to people living in encampments, and their temporary shelters, or tents:

A) When an encampment, temporary shelter, or tent is located on public property, and not within a prohibited area, as defined by this Protocol:

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1. Within 72 hours after receiving a complaint or request for service (unless exceptional circumstances exist), Housing Focused Street Outreach staff will engage with the individual(s) living within an encampment, temporary shelter, or tent to better understand their needs and connect them with internal and community supports, including housing-focused case management; referral into the emergency shelter system; referrals to health agencies, social assistance supports, and specialized outreach supports; and any other relevant supports available that would improve an individual's health and wellbeing.

2. If no health and safety issues are observed by Housing Focused Street Outreach (see Section J, 'Health and Safety' for further detail on specific circumstances or factors), and the encampment, temporary shelter, or tent complies with the prohibitions and locations outlined in this Protocol, individuals will be allowed to maintain and occupy temporary such shelter for the duration of the Protocol, as defined by City Council. Housing Focused Street Outreach will continue to engage with the individual(s) on an ongoing basis to provide supports and referrals as needed and work towards goals in individualized housing plans.

3. Only if a substantial change in circumstances is observed by Housing Focused Street Outreach in subsequent visits to the encampment, temporary shelter, or tent, such as new significant health or safety issues, will Hamilton Police Services be asked to attend to support any response. Hamilton Police Services will attend encampments within the normal course of responding to emergencies and other policing duties, and Housing Focused Street Outreach and other City partners will work cooperatively with Hamilton Police Services if a concern related to health and safety is identified at an encampment.

4. Any items or circumstances that are of clear and immediate risk to the individuals living in an encampment or neighbouring encampments or the broader public will result in a call for immediate emergency response. Hamilton Police Service Encampment Engagement Officers will attend the location and conduct a risk assessment when requested and as required.

B) When an encampment, temporary shelter, or tent is located on public property, within a <u>prohibited</u> area, as defined by this Protocol:

1. Within 72 hours after receiving a complaint or request for service (unless exceptional circumstances exist), Housing Focused Street Outreach staff will engage with individual(s) living within an encampment, temporary shelter, or tent to better understand their needs and connect them with internal and community supports, including housing-focused case management; referral into the emergency shelter system; referrals to health agencies, social assistance

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supports, and specialized outreach supports; and any other relevant supports available that would improve an individual's health and wellbeing. Housing Focused Street Outreach will have available information about possible suitable and compliant sites and will consider the needs and choices of the individual and collaborate with the individual(s) living within an encampment, temporary shelter, or tent, to identify a more suitable area that meets the conditions noted within this Protocol.

2. If after visiting an encampment, temporary shelter, or tent, Housing Focused Street Outreach staff observe the encampment, temporary shelter, or tent to be in a prohibited area, as defined by this Protocol, ***Housing Focused Outreach ~~they~~*** will contact Municipal Law Enforcement ***~~to conduct a follow-up assessment~~ within 72 hours of receiving the initial complaint, and Municipal Law Enforcement will respond to the within 4 business days.***

3. Municipal Law Enforcement Officers will visit the site within four business days and confirm whether the encampment, temporary shelter, or tent is in a prohibited area. If so, Municipal Law Enforcement Officers will notify the individual(s) living at the location via a Notice of Trespass and verbally, if possible, that they are in a prohibited area, and that they will be required to move from the existing location.

4. Municipal Law Enforcement Officers will determine compliance timelines depending on the presenting circumstances, for the issuance of notices or actions to be taken in respect to the encampment, temporary shelter, or tent, within a maximum of ***~~14~~ 4*** total days from the issuance of notice, unless exceptional circumstances exist. For example, if the Municipal Law Enforcement Officers observes a significant health or safety issue for the individual due to placing a shelter on a highway the Municipal Law Enforcement Officers will take more urgent action to require compliance or remediate the concern and may seek Hamilton Police Services support. If there are few or no immediate health, safety, or other concerns due to encampment or its location within a prohibited area, Municipal Law Enforcement Officers will allow for more time, up to a maximum of ***~~14~~ 4*** days, unless exceptional circumstances exist, to engage with the individuals in an encampment, temporary shelter, or tent around supports and next steps.

5. After a Trespass Notice has been served and prior to an area being cleared, Housing Focused Street Outreach's will continue to engage with individual(s) at the location to identify alternate sheltering options and attempt to address any barriers to shelter or housing, such as lack of identification or item storage.

6. If the duration of time provided by a Trespass Notice expires and individual(s) at the site has not moved voluntarily and are unwilling to move, Municipal Law Enforcement Officers will notify Hamilton Police Services Encampment

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Engagement Officers. Hamilton Police Services will be available to support and assist the Municipal Law Enforcement Officers, operational plan, and/or the individual(s) living at the encampment, temporary shelter, or tent to vacate the prohibited area.

7. Hamilton Police Services Encampment Engagement Officers will interact with individuals in encampments, temporary shelters, or tents at the request of Housing Focused Street Outreach and/or Municipal Law Enforcement, in a supportive capacity. Otherwise, their level of intervention will be dictated by their own internal policies and the circumstances at a given encampment, temporary shelter, or tent site.

8. Parks staff will coordinate the clean-up, to be completed either by Parks staff, Roads staff, or the contractor, depending on the location, within 72 hours, with discretion for extenuating circumstances such as inclement weather.

C) When an encampment, temporary shelter, or tent is located on public property, is not located in a prohibited area, but health and safety concerns are identified:

1. If Housing Focused Street Outreach identify or confirm a health or safety issue at an encampment, temporary shelter, or tent, and depending on circumstances, will address or may collaborate with appropriate partners to address the health and safety concerns identified.

2. If the health and safety concern is considered serious and/or imminent (e.g., exposed electrical wiring, accumulation of discarded needles, use of propane tanks and other combustible materials, possession of weapons) as identified by Housing Focused Street Outreach or Hamilton Police Services Encampment Engagement Officers, Hamilton Police Services will follow appropriate policing responses required in the circumstances. In addition, they will communicate with the Coordinated Response Team and prioritize working with community partners to address any remaining safety concern. These partners may include Hamilton Fire Department, Hamilton Public Health's Community Points program, Hamilton Parks, or any other parties deemed necessary to address the observed health and safety concerns.

3. All items determined by Hamilton Police Services and/or partners to be a serious risk to the health and safety of individual(s) living at the encampment, temporary shelter, or tent, as well as the public will be removed at the earliest opportunity.

4. If the encampment, temporary shelter, or tent is also in an area deemed to be prohibited based upon the provisions identified in Section D of this Protocol, and after health and/or safety issues placing Municipal Law Enforcement Officers at

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risk have been removed, Municipal Law Enforcement Officers will initiate steps 4-9 in Encampment Response Process B – "*If an encampment is located on public property, in a prohibited area*."

5. If all serious health and/or safety issues have been removed or otherwise corrected, and the encampment, temporary shelter, or tent is not located in a prohibited area as designated in Section D of this Protocol, then the individual(s) will be permitted to remain where they are, in accordance with Encampment Response Process A.

H) Encampments on Private Property

Encampments, temporary shelters, or tents identified on private property are primarily the responsibility of the property owner. Where the owner has not provided consent, concerns of the owner are within Hamilton Police Services' jurisdiction and will be subject to ordinary enforcement procedures in accordance with applicable laws.

Hamilton Police Services may seek the assistance of Municipal Law Enforcement Officers as appropriate or required in the circumstances.

Provided the property owner permits, Housing Focused Street Outreach will engage with encampment, temporary shelter, or tent residents to identify alternate sheltering options and attempt to address any barriers to shelter or housing. Additionally, Housing Focused Street Outreach will work with individuals at the encampment, temporary shelter, or tent to provide supports and referrals as needed and work towards goals in individualized housing plans.

I) Process for Designating an Encampment, Temporary Shelter, or Tent as Abandoned

While Housing Focused Street Outreach is aware of many encampments, temporary shelters, and tents in the community, people living in encampments, temporary shelters, and tents may move to new locations and/or may abandon a previous site without Housing Focused Street Outreach's or other Coordinated Response Team partners' knowledge. Given that maintaining one's possessions while experiencing homelessness is vital to a human-rights based approach, staff will be cautious when deeming a site to be abandoned.

The following process will be followed regarding potentially abandoned sites on public property:

1. If Housing Focused Street Outreach have not interacted with anyone at a particular site and/or there has been observed inactivity for at least three (3) days, they will review the site with the Coordinated Response Team partners at

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the nearest opportunity to confirm there has been no recent activity witnessed at the site.

2. If Coordinated Response Team partners (i.e., Municipal Law Enforcement, Hamilton Police Services, Parks) have not witnessed anyone at the site and/or can confirm that the former inhabitants of the site have moved elsewhere, Housing Focused Street Outreach will place a notice at the site in a conspicuous area informing potential residents that the site is due to be cleaned in three (3) days from the time of the notice being placed.

3. Within the three-day timeline, all reasonable attempts will be made by Housing Focused Street Outreach and/or other Coordinated Response Team partners to ensure that individuals known to be previously staying at a site have been made aware that their former site will be deemed abandoned and cleaned.

4. If no interaction has been made by Housing Focused Street Outreach with the former inhabitants at the site, no attempts have been made by the former inhabitants of the site to contact Housing Focused Street Outreach, and/or no other changes are observed at the site by the end of the allotted time, Housing Focused Street Outreach will provide approval to Parks Section to clean the site.

5. Parks staff will coordinate the clean-up, to be completed either by Parks staff, Roads staff, or the contractor, within 72 hours of approval, with discretion for extenuating circumstances such as inclement weather.

Clean-up and maintenance of encampments, temporary shelters, or tents previously on private property are the responsibility of the property owner.

J) Health and Safety

Defining specific health and safety issues is difficult and can be based upon several factors unique to a particular site or circumstance. Some examples include, exposed electrical wiring, accumulation of discarded needles, illegal activity, abuse, threats or violence against staff, HPS or other persons, improper use or storage of propane tanks and other flammable materials, and acts involving weapons. Health and safety issues may also be identified via complaints from the public and/or businesses in relation to the encampment, temporary shelter, or tent; for example regarding harassment, vandalism, and/or stolen personal property.

Housing Focused Street Outreach staff will notify Animal Services when a pet is encountered at an encampment site. Housing Focused Street Outreach staff will collaborate with appropriate parties including the pet owner to identify how to best support the pet and pet owner, including implementing strategies to reduce any potential harms to the pet owner, public, City staff and the animal.

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Health and safety concerns existing for those living within or adjacent to an encampment, temporary shelter, or tent will be addressed in a reasonable and timely fashion, in good faith, on a case-by-case basis, prioritizing the seriousness of the concern and recognizing that there is a need to balance the needs of both the individual living in an encampment, temporary shelter, or tent and community members.

In situations where the need to intervene is less acute, the City may consult with additional internal and external partners to determine how to best balance the needs of individuals living encamped and community members.

If at any time City staff encounter someone in medical distress requiring immediate attention, witness violence, or believe violence to be imminent to people living in encampments, temporary shelters, or tents, staff, or community members, they will notify emergency medical, Hamilton Fire Department, or Hamilton Police Services, including members of the Hamilton Police Crisis Response Branch), to have the appropriate services dispatched. Additionally, City staff will leave the site irrespective of all procedures above, if their health and safety is currently being, or at risk of being threatened. To ensure safety of staff, the presence of Hamilton Police Services may be required while visiting the site.

K) Reporting

To provide ongoing accountability and transparency to the City's encampment response program and the implementation of its encampment protocol, communication with Council and Ward Councillors regarding the Encampment Protocol will be through monthly, ongoing ***Information*** Reports to ***General Issues Committee*** ~~***Council***~~ and include data and trends, operational updates, and any continuous improvement measures implemented to further efforts toward providing ongoing accountability and transparency to the City's encampment response program and the implementation of its encampment protocol. Where a Ward Councillor requests information regarding a specific encampment site within their ward, Housing Focused Street Outreach will provide an update as to whether the encampment has been deemed to be within a prohibited area. Reporting on the status of outreach or enforcement activities will be limited to the monthly Council reports.

L) Communicating Protocol to Residents of Encampments

An engagement strategy has been developed to update unsheltered individuals living in encampments about the Protocol as well as to communicate expectations of places within the City where encampments, temporary shelters, or tents can be erected.

The following approaches will be taken to build understanding of the Protocol:

- Housing Focused Street Outreach workers will have an information sheet outlining expectations of the Protocol, to be shared with unsheltered individuals when staff visit an encampment. Additionally, outreach staff will collaborate with individuals to understand their needs and choices in order to

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identify suitable locations (compliant sites) within the City where the individual can set up a temporary shelter or tent.

- Information sheets will also be shared with external frontline service providers who manage drop-ins, emergency shelters, and other related services and programs providers in the community, which can be posted in their locations and also communicated to staff throughout these organizations.
- City partners who also engage in frontline response, i.e., Parks Section and Municipal Law Enforcement, will also be provided information sheets to share with unsheltered individuals within the City, and community partners upon request.
- The City will post the Encampment Protocol and information sheet on the City's website for public access.

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This is **Exhibit "B"** referred to in the Affidavit of Danielle Blake affirmed before me at the City of Hamilton, in the Province of Ontario, on July 30, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:
Bevin Shores
75E43E7F402846F...

Commissioner for Taking Affidavits
(or as may be)
Bevin Shores (LSO No. 56161F)

CITY COUNCIL
MINUTES 23-015

9:30 a.m.
August 18, 2023
Council Chamber
Hamilton City Hall
71 Main Street West

Present: Mayor A. Horwath
Deputy Mayor M. Francis
Councillors J. Beattie; C. Cassar; B. Clark; J.P. Danko; T. Hwang; C. Kroetsch; T. Jackson; T. McMeekin; N. Nann; E. Pauls; M. Spadafora; M. Tadeson, A. Wilson and M. Wilson

Mayor Horwath called the meeting to order and recognized that Council is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

5. COMMUNICATIONS

5.10 Correspondence respecting Public Feedback and Recommendations for an Encampment Protocol and Sanctioned Sites (HSC20036(g)) (City Wide) - REVISED:

(a) Kevin Brazil
(b) Nicole Tecu
(c) Nicole Tecu (2)
(d) Nelson Castillo
(e) Kelly & Bert Oucharek
(f) Kelly & Bert Oucharek (2)
(g) Kelly & Bert Oucharek (3)
(h) Kelly & Bert Oucharek (4)
(i) Annabel Krupp

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(j) Kelly & Bert Oucharek (5)
(k) Jamesville Redevelopment Limited Partnership

Recommendation: Be received and referred to the consideration of Item 2 of General Issues Committee Report 23-023.

5.11 Correspondence from the Mayor of the City of North Bay inviting all Mayor's and CAO's to participate in the Pride parade on Saturday, September 16th.

Recommendation: Be received.

5.12 Correspondence from Thea Symonds, Woman Abuse Working Group's 2022 Snapshot for Hamilton from January to December 2022.

Recommendation: Be received and referred to the consideration of Item 14 of General Issues Committee Report 23-023.

5.13 Correspondence from the Ministry of Infrastructure respecting Red Tape Reduction for Designated Broadband Projects.

Recommendation: Be received and referred to the City Manager for appropriate action.

5.14 Correspondence from Mark Pearson, Executive Director, Canadian Institute of Forestry respecting National Forest Week (September 17 - 23, 2023).

Recommendation: Be received.

5.15 Correspondence from Marijus Gudinskas respecting a plan to axe or reduce parking requirements for developments in Hamilton's residential areas is not a good idea.

Recommendation: Be received and referred to Item 9 of Planning Committee Report 23-012.

8. NOTICES OF MOTION

8.1 Support for Francophone Seniors Active Living Centre (SALCA) in Hamilton

8.2 Appointment of an Acting City Clerk

8.3 Municipal Protected Areas Project Pilot Program – Ontario Nature

8.4 Wentworth Street North in Proximity to Cathy Wever Elementary School 30 km/h Speed Limit Reduction Pilot (Ward 3)

8.5 Compassionate Grant Assistance Program for Mitigation of Flooding Risk involving Private Residences in the Foxtrot Neighborhood, Stoney Creek

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8.6 Closing King Street East for the Boots in the Creek Festival

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12. BY-LAWS AND CONFIRMING BY-LAW

145 To Adopt Official Plan Amendment No. 187 to the Urban Hamilton Official Plan Respecting 1093 Fennell Avenue East
Ward: 6

146 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 1093 Fennell Avenue East, Hamilton
ZAC-22-045
Ward: 6

147 To Adopt Official Plan Amendment No. 186 to the Urban Hamilton Official Plan Respecting 3479 Binbrook Road, Glanbrook
Ward: 11

148 To Amend Zoning By-law No. 464 (Glanbrook) Resecting Lands Located at 3479 Binbrook Road, Glanbrook
UHOPA-23-015
ZAC-22-008
25T-202201
Ward: 11

149 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 3479 Binbrook Road, Glanbrook
ZAC-22-008
Ward: 11

150 To Repeal By-law Nos. 19-182 and 19-183 and to Appoint an Acting City Clerk for the City of Hamilton
Ward: City Wide

151 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 200 Centennial Parkway North in the City of Hamilton
ZAC-22-013
Ward: 5

152 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 311 Rymal Road East, Hamilton
ZAR-22-052
Ward: 7

153 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 631 and 639 Rymal Road West, Hamilton
ZAC-22-028
Ward: 14

154 A By-law to Repeal and Replace By-law No. 13-064, being a By-law for the Delegation of Authority to the Treasurer and Deputy Treasurers for Assessment Appeals
Ward: City Wide
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155 To Adopt Official Plan Amendment No. 189 to the Urban Hamilton Official Plan Respecting 382 Southcote Road (former Town of Ancaster)
Ward: 12

156 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 382 Southcote Road, Ancaster
ZAR-23-003
UHOPA-23-003
Ward: 12

157 To Adopt Official Plan Amendment No. 190 to the Urban Hamilton Official Plan Respecting 95, 99, 103 and Highway 8 (former City of Stoney Creek)
Ward: 5

158 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 95, 99, 103and 105 Highway 8, Stoney Creek
Ward: 5
ZAC-23-034

(Kroetsch/Spadafora)
That the agenda for the August 18, 2023 meeting of Council be approved, as amended.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Deputy Mayor - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

DECLARATIONS OF INTEREST

Councillor B. Clark declared a disqualifying interest to Item 8 of Planning Committee Report 23-012 respecting an Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 382 Southcote Road, Ancaster (PED23119) (Ward12) with REVISED Appendix ‘C’ (Item 11.1), as the principle planner of Urban Solution has a retail business interest with his son.
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Councillor M. Spadafora declared a disqualifying interest to Item 2 (e) and (f) of Emergency and Community Services Committee Report 23-010 respecting Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide) (Item 8.2), as he is a landlord of rental properties.

Mayor A. Horwath declared a disqualifying interest to Item 2 (e) and (f) of Emergency and Community Services Committee Report 23-010 respecting Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072) (City Wide) (Item 8.2), as she is a landlord of rental properties.

APPROVAL OF MINUTES OF PREVIOUS MEETING

4. July 14, 2023 (Item 4.1)

(Hwang/Kroetsch)
That the Minutes of the July 14, 2023 meeting of Council be approved, as presented.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Deputy Mayor - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

COMMUNICATIONS

(Francis/Hwang)
That Council Communications 5.1 to 5.15 be approved, as presented, as follows:

5.1 Correspondence from Elgin County requesting support for their resolution recommending amendments to the current regulations for licensed home-based childcare operators to increase allowable spaces.

Recommendation: Be received.

5.2 Correspondence from the Municipality of Wawa requesting support for their resolution that the Government of Ontario maintain OHIP coverage for chronic pain treatments and continue to provide much-needed care for the people of Ontario.
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YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

GENERAL ISSUES COMMITTEE REPORT 23-023

(Francis/Hwang)
That General Issues Committee Report 23-023, being the meeting held on Monday, August 14, 2023, be received and the recommendations contained therein be approved.

Upon Council's request, Item 2 was voted on separately as follows:

2. Public Feedback and Recommendations for an Encampment Protocol and Sanctioned Sites (HSC20036(g)) (City Wide) - REVISED (Item 8.2)

(a) That Council adopt the Proposed Encampment Protocol attached as amended Appendix "A" to General Issues Committee Report 23-023;

(b) That staff be directed to implement and enforce the Proposed Encampment Protocol;

(c) That Public Works be authorized to provide security to ensure access to washroom and/or shower services to support individuals who are unsheltered, including two existing all-year outdoor washroom facilities with 24-hour security and two existing all-year recreation centres with 12-hour security;

(i) at a cost of $576,240, for the period of September 1, 2023 to March 31, 2024 to be funded from the Tax Stabilization Reserve (#110046)

(ii) and that the cost of $987,840 to operationalize this as a permanent program in 2024 be referred to the 2024 Tax Budget process;

(d) That in order for Planning and Economic Development, Municipal By-Law Enforcement to support enforcement of the Protocol based on the existing Monday to Friday level of service, and a four-day response time, Council approve;

(i) the creation of a 1FTE Supervisor of Municipal By-law Enforcement for the period September 1, 2023 to March 31, 2024, at a cost of $86,120 to be funded from the Tax Stabilization Reserve (#110046),

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(ii) and that the approval of one FTE at an annualized cost of $147,650 be referred to the 2024 Tax Budget process.

(iii) that the purchase of a vehicle at a cost of $35,000, and an annual operating impact of $9,000 be referred to the 2024 Tax Budget process

(e) That staff be directed to provide an enhanced service level to allow the Public Works, Parks Section staff to respond to requests for clean-up and maintenance in alignment with the service levels outlined in the Proposed Encampment Protocol and that Council approve;

(i) the creation of one FTE Parks Lead Hand and two FTE Parks Operators and that the cost of $93,000 for this enhanced service level be funded from the Tax Stabilization Reserve (#110046) for the period of September 1, 2023 to March 31, 2024;

(ii) The leasing of vehicles and equipment for the period of September 1, 2023 to March 31, 2024 at an estimated cost of $50,000, be funded from the Tax Stabilization Reserve (#110046);

(iii) the operating cost of $278,400 to annualize this enhanced service level, includes $245,000 for the approval of three FTEs, and $33,400 for the annualized operating cost of the vehicles in recommendation d)iv) be referred to the 2024 Tax Budget process;

(iv) the Capital Costs of $220,000 for equipment and vehicles to be referred to the 2024 Tax Budget process.

(f) That the General Manager of the Healthy and Safe Communities Department ,or designate, be authorized and directed, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to hire the equivalent and two seconded peer Support Workers, at an approximate annual cost of $61,500 each (total for two FTEs $123,000) on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department, or designate, and in a form satisfactory to the City Solicitor and that the funding for these positions be referred to the 2024 Tax Operating Budget;

(g) That upon the adoption of the Encampment Protocol, Housing Focused Street Outreach collaborate with key stakeholders to develop a liaison committee to ensure that individuals with lived/living experience of encampments, frontline operators, and staff are all meaningfully engaged in providing input into Hamilton’s encampment response. Staff will collaborate with key stakeholders including Keeping Six, HAMSMArT, Hamilton Regional Indian Centre, and Hamilton Encampment Support Network (to help recruit people with lived/living experience for the committee), to develop terms of reference for the committee that identifies goals, scope, and desired outcomes;

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(h) That the General Manager of Healthy and Safe Communities be authorized and directed to enter into the appropriate agreements with the Hamilton

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Alliance for Tiny Shelters for the operation of a two-year pilot of up to 25 temporary tiny homes on City lands, with appropriate security, services and supports at no cost to the City, subject to the following conditions; and,

(i) That the pilot program be located on the site of the parking area on the Strachan Avenue linear park or an alternative site that meets the criteria for the Protocol and is determined appropriate by staff

(ii) That all potential residents of the site are selected from the City of Hamilton's By-Name List, as per associated requirements of its Coordinated Access system, with approval from Housing Services Division;

(iii) That staff be directed to work with Hamilton Alliance for Tiny Shelters to review operating model and provision of security and services, determine performance metrics and outcomes, including eligibility and entry criteria, gender-specific considerations, Indigenous supports, identification of formalized community partnerships with health and social service sectors, pathways to permanent housing, and a process for evaluating the success of the pilot;

(iv) That staff be directed to evaluate program outcomes and that staff include information on the Hamilton Alliance for Tiny Shelters in progress updates to the General Issues Committee as part of future encampment reporting and performance metrics reporting; and

(v) That a detailed exit strategy has been created and will be executed should HATS not be able to ensure site safety and/or adequate funding to operate.

(vi) That the appropriate General Managers of Public Works, Planning and Economic Development, and the Healthy and Safe Communities Department or their designate be directed and authorized, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to implement the purchases and grants outlined above on terms and conditions satisfactory to the respective General Manager or their designate and in a form satisfactory to the City Solicitor.

Result: Motion on Item 2 of the General Issues Committee Report 23-023, CARRIED by a vote of 10 to 6, as follows:

NO - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
NO - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
NO - Deputy Mayor - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NO - Ward 6 Councillor Tom Jackson

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YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
NO - Ward 7 Councillor Esther Pauls
NO - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

Upon Council's request, Item 9 was voted on separately as follows:

9. Hamilton Waterfront Trust Business Model Review (FCS23029(a)) (City Wide) (Outstanding Business List Item) (Item 10.3)

(a) That Council approve the scope of work to be undertaken by KPMG, City of Hamilton staff, in consultation with the Hamilton Waterfront staff related to the Hamilton Waterfront Trust Business Model Review as described in Appendix "B" of General Issues Committee Report 23-023;

(b) That the City of Hamilton provide a grant to the Hamilton Waterfront Trust in an amount up to $455,000 (exclusive of depreciation expenses), funded from the Tax Stabilization Reserve #110046, to aid Hamilton Waterfront Trust in avoiding a deficit position in 2023 with operating expenditures to December 31, 2023;

(c) That the Hamilton Waterfront Trust be requested to provide supporting documentation satisfactory to the General Manager, Finance and Corporate Services, to the City along with any claims as to aid with the grant in an amount up to $455,000 (exclusive of depreciation expenses) being provided by the City;

(d) That staff be directed to follow up with Hamilton Waterfront Trust regarding the recommendation approved by Hamilton Waterfront Trust Board of Trustees on June 13, 2023 as per Confidential Appendix "C" to Report FCS23029(a) and report back to General Issues Committee;

(e) That the General Manager, Finance and Corporate Services, be authorized to negotiate, enter into and execute, on behalf of the City of Hamilton, all necessary agreements, extensions, amendments and any ancillary documents with Hamilton Waterfront Trust, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager, Finance and Corporate Services; and,

(f) That Confidential Appendix "C" to Report FCS23029(a) remain confidential.

Result: Motion on Item 9 of the General Issues Committee Report 23-023, CARRIED by a vote of 15 to 1, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar

A3671

A3956

YES - Ward 8 Councillor John-Paul Danko
YES - Deputy Mayor - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

BY-LAWS AND CONFIRMING BY-LAW

(Francis/Hwang)
That Bills No. 23-140 to No. 23-159, be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

140 To Permanently Close and Sell a Portion of the Public Unassumed Alleyway Abutting 67 Graham Avenue South, Hamilton, namely Part of the Alleyway, North of Central Avenue on Registered Plan 577, in the City of Hamilton, Designated as Part 2 on Plan 62R-21979, being part of PIN 17237-0182 (LT)
Ward: 4

141 To Permanently Close and Sell a Portion of the Public Unassumed Alleyway Abutting 263 East 21st Street, Hamilton, namely Part of the Alleyway lying South of Lots 182 to 190, and North of Lots 155 to 163 on Plan 590 in the City of Hamilton, Designated as Part 2 on Plan 62R-21454, being Part of PIN 17055-0200 (LT)
Ward: 7

142 To Designate Property Located at 3 Main Street, Dundas, City of Hamilton as Property of Cultural Heritage Value
Ward: 13

143 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 6 (Time Limit Parking)
Schedule 8 (No Parking Zones)
Schedule 12 (Permit Parking Zones)
Schedule 13 (No stopping Zones)
Schedule 14 (Wheelchair Loading Zones)
Schedule 20 (School Bus Loading Zones)
Ward: 1, 2, 3, 4, 5, 7, 8, 9, 13, 14, 15

144 Respecting Removal of Part Lot Control Part Lot Control from Blocks 1, 2 and 3, Registered Plan No. 62M-1293 for lands municipally known as 3, 5, 7, 9, 11, 13, 15, 19, 1-19, 2-19, 3-19, 4-19, 5-19, 6-19, 7-19, 8-19, 9-19, 10-19, 11-19, 12-19, 13-19,
A3672

A3957

14-19, 15-19, 16-19, 17-19, 18-19, 19-19, 20-19, 21-19, 22-19, 23-19, 24-19, 25-19, 26-19, 27-19, 28-19, 29-19, 30-19, 31-19, 32-19, 33-19, 34-19, 35-19, 36-19, 37-19, 38-19, 39-19, 40-19, 41-19,42-19, 43-19, 44-19, 45-19, 46-19, 47-19, 48-19, 49-19, 50-19, 51-19, 52-19, 53-19, 54-19, 55-19, 56-19, 57-19, 58-19, 59-19, 60-19, 61-19, 62-19, 63-19 and 64-19 Picardy Drive, Stoney Creek
PLC-23-001
Ward: 9

145 To Adopt Official Plan Amendment No. 187 to the Urban Hamilton Official Plan Respecting 1093 Fennell Avenue East
Ward: 6

146 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 1093 Fennell Avenue East, Hamilton
ZAC-22-045
Ward: 6

147 To Adopt Official Plan Amendment No. 186 to the Urban Hamilton Official Plan Respecting 3479 Binbrook Road, Glanbrook
Ward: 11

148 To Amend Zoning By-law No. 464 (Glanbrook) Resecting Lands Located at 3479 Binbrook Road, Glanbrook
UHOPA-23-015
ZAC-22-008
25T-202201
Ward: 11

149 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 3479 Binbrook Road, Glanbrook
ZAC-22-008
Ward: 11

150 To Repeal By-law Nos. 19-182 and 19-183 and to Appoint an Acting City Clerk for the City of Hamilton
Ward: City Wide

151 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 200 Centennial Parkway North in the City of Hamilton
ZAC-22-013
Ward: 5

152 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 311 Rymal Road East, Hamilton
ZAR-22-052
Ward: 7

153 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 631 and 639 Rymal Road West, Hamilton
ZAC-22-028
Ward: 14

A3673

A7958

154 A By-law to Repeal and Replace By-law No. 13-064, being a By-law for the Delegation of Authority to the Treasurer and Deputy Treasurers for Assessment Appeals
Ward: City Wide

155 To Adopt Official Plan Amendment No. 189 to the Urban Hamilton Official Plan Respecting 382 Southcote Road (former Town of Ancaster)
Ward: 12

156 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 382 Southcote Road, Ancaster
ZAR-23-003
UHOPA-23-003
Ward: 12

157 To Adopt Official Plan Amendment No. 190 to the Urban Hamilton Official Plan Respecting 95, 99, 103 and Highway 8 (former City of Stoney Creek)
Ward: 5

158 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 95, 99, 103and 105 Highway 8, Stoney Creek
Ward: 5
ZAC-23-034

159 To Confirm the Proceedings of City Council

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Deputy Mayor - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

(Spadafora/Tadeson)
That, there being no further business, City Council be adjourned at 2:09 p.m.

A3674

Result: Motion CARRIED by a vote of 15 to 0, as follows:

A7959

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Deputy Mayor - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

Respectfully submitted,

Mayor Andrea Horwath

Andrea Holland
City Clerk

A3675

This is **Exhibit "C"** referred to in the Affidavit of Danielle Blake affirmed before me at the City of Hamilton, in the Province of Ontario, on July 30, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:
Bevin Shores
75E43E7F402846F...

Commissioner for Taking Affidavits
(or as may be)
Bevin Shores (LSO No. 56161F)

CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
General Manager's Office
and
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	January 18, 2023
SUBJECT/REPORT NO:	Encampment Pilot Evaluation (HSC20038(e)/PED21188(b)) (City Wide) **(Outstanding Business List Item)**
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Mike Jones (905) 546-2424 Ext. 3824
SUBMITTED BY: **SIGNATURE:**	Michelle Baird Director, Housing Services Division Healthy and Safe Communities Department Michelle Baird
SUBMITTED BY: **SIGNATURE:**	Monica Ciriello Director, Licensing and Bylaw Services Planning and Economic Development Department Monica Ciriello

RECOMMENDATION

(a) That Council approve the extension of the encampment response pilot to the end of April 2023 to be structured and funded as outlined in HSC20038(d)/PED21188(a) and PED22088 at an approximate cost of $350,000.

(b) That, as the pilot program for the Coordination Response Team (CRT) ended on December 31, 2022, a permanent, dedicated CRT to coordinate response and service delivery related to encampments throughout the City, on a housing-outreach first approach, supported by a secondary role for enforcement only when needed, be established;

(c) That, in order facilitate the permanent Coordination Response Team, the respective General Manager, or their designate, be authorized and directed to:

(i) Increase the Healthy and Safe Communities Department, Housing Services Division's budgeted complement by the following two full-time, permanent positions:

(1) Manager of Housing-focused Street Outreach, at an annual cost of approximately $149,000 for salary, benefits and ancillary charges;

(2) Project Manager of Housing-focused Street Outreach, at an annual cost of approximately $102,000 for salary, benefits and ancillary charges;

(ii) Increase the Public Works Department, Parks Section's budgeted complement by one full-time permanent position:

(1) Supervisor, at an annual cost of approximately $124,000 for salary, benefits and ancillary charges;

(iii) Increase the Planning and Economic Development Department budgeted complement by two full-time, permanent positions:

(1) Two Municipal Law Enforcement Officers, at an annual cost of approximately $138,500 each ($277,000 for both) for salary, benefits, and ancillary charges;

(d) That the General Manager of the Healthy and Safe Communities Department, or designate, be authorized and directed, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to hire the equivalent of 3.5 seconded Street Outreach Workers, at an approximate cost of $61,500 each (total for 3.5 FTEs $216,000) on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department, or designate, and in a form satisfactory to the City Solicitor;

(e) That, based on last year's costing as an indicator, the Public Works Department's operating budget be increased by $200,000 annually, to be used for ad hoc clean up or other costs incurred as a result of encampments on City property;

(f) That, although the Hamilton Police Service (HPS) is willing to support for the Coordination Response Team, but it is not in the mandate of the HPS to do so,

an additional 2 FTEs (police officers) be hired to support the delivery of the coordinated encampment response at an annual cost of $268,646 for salary, benefits and one-time costs of $30,000 for ancillary equipment, to be fully funded by the City from Dept ID 673247; and,

(g) That Report HSC20038(e)/PED21188(b), respecting the Encampment Pilot Evaluation, in its entirety, be referred to the 2023 Operating Budget process (February 7, 2023 GIC) for consideration.

EXECUTIVE SUMMARY

This report provides an update on the Encampment Coordination Team pilot and provides recommendations for future direction. The pilot, approved by Council in March 24, 2022, and which operated from April 2022 – December 2022, has been successful in its ability to prevent entrenched encampments, improve coordination of all services involved in the City's response to encampments, including internal City divisions and Hamilton Police Services, allow existing staff in the Housing Services Division and Municipal Law Enforcement to focus on other core business, and to streamline reporting to City Council through the General Issues Committee. In addition, the pilot was effective in mobilizing resources to effectively respond to complaints and requests from City Councillors and the public, and in communicating trends and updates on an ongoing basis. The pilot was also able to reduce the presence of long-term encampments within the City, although approximately 30-40 individuals continue to live in encampments and to date have not been able to be placed in housing or temporary shelter due to a variety of reasons.

When applying the Parks By-law, Municipal Law Enforcement Officers (MLEOs) took a soft approach to enforcement, developing relationships with individuals living in encampments and engaging from a compassionate approach. Encampment Coordination Team staff and MLEOs provided Housing-focused Street Outreach (HFSO) staff with details of new encampments, and HFSO staff engaged with individuals living in encampments to better understand their needs and connect them to internal and community supports, including referrals to the emergency shelter system, health agencies, social assistance supports, specialized outreach supports, and any other relevant supports available that would improve the health and wellbeing of the person they are working with. MLEOs also engaged with Hamilton Police Services Social Navigator Program to coordinate service delivery to individuals living in encampments, as well as with the encampment engagement team to coordinate Bylaw enforcement.

The presence of encampments continues to be complex and the result of several interconnected issues, including a lack of affordable housing, subsidized housing,

and housing with supports in the community, as well as low social assistance rates, an increased cost of living, substance use, and the existence of real or perceived barriers to accessing the emergency shelter system. As a result, finding simple solutions is difficult. Since the beginning of the pilot to the end of November 2022, 12 people living in encampments have transitioned into housing directly through the efforts of Housing-focused Street Outreach (HFSO), but there are still individuals living in encampments who are not, for a constellation of reasons that are specific to each individual, currently able to transition to housing. In order to transition into housing, more support is required; such as community support, and support from other levels of government for programs that may assist people to transition to housing.

Staff from Housing Services Division (HSD) and Municipal Law Enforcement (MLE) are recommending the City continue the Encampment Coordination team with several modifications: the creation of a Manager of Housing-focused Street Outreach (1.0 new Full-time Equivalent {FTE}) and Project Manager (1.0 new FTE) positions within Housing Services Division, Housing-focused Street Outreach (HFSO) staff (3.5 new FTE), Municipal Law Enforcement Officers (MLEOs) (2.0 new FTE), and a Supervisor within Parks Section (1.0 FTE).Existing pilot FTEs include 1 director, 1 SPM, 1 supervisor and 4 by-law officers, plus over complement Parks resources. Additionally, Hamilton Police Services will also require 2 officers to effectively support the coordination of encampment response efforts across the community. An integrated approach to encampment response will help connect individuals living in encampments to housing and other necessary services that sustain and improve health and wellbeing, while also preventing entrenched encampments.

There are several alternative encampment response options available for consideration, including taking no action following the pilot expiration on December 31, 2022, an enforcement-only approach, and a housing-only approach.

Alternatives for Consideration – See Page 19

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Through recommendation (a) staff are requesting the continuation of the pilot to April 2023 to ensure a continuation of service until budget deliberations are complete at an approximate cost of $350 K funded as previously approved in Reports HSC20038(d)/PED21188(a) and PED22088.

The recommended approach to provide, on a permanent basis, a dedicated Coordination Response Team, as reflected in

recommendations (c) to (e) would require a levy enhancement of $1,068,000 to support COH staffing and ancillary costs. As reflected in recommendation (f), an additional 2 FTEs (police officers) to support the delivery of the coordinated encampment response requires a levy enhancement of $298,646 for salary, benefits and one-time costs. The total levy enhancement request to support the coordinated encampment response is $1,366,646..

If recommendations (c) to (f) are approved, the budget for the coordinated encampment response will be reflected in 673247 HSD-Encampment Response Coord. The FTEs will be added to the department budgets and the actual salary and benefit costs will be recovered through the salary and budget reallocation accounts and charged to 673247.

Recommendations (c) to (f) will be referred to the 2023 tax operating budget deliberations for Council approval as per recommendation (g).

Staffing: The recommended coordinated encampment response would require additional FTEs:

- 1 Manager of Housing-focused Street Outreach
- 1 Project Manager of Housing-focused Street Outreach
- Funding for 3.5 additional seconded FTE Housing-focused Street Outreach workers
- 2 Municipal Law Enforcement Officers
- 1 Supervisor within Parks Section
- 2 Police Officers through Hamilton Police Services

Legal: N/A

HISTORICAL BACKGROUND

On February 4, 2021, Emergency and Community Services Committee approved Report HSC21000 Analysis of United Nations Special Rapporteur's Report on a National Protocol for Homeless Encampments.

On February 4, 2021, Emergency and Community Services Committee approved Report HSC20038(b) Encampment Update, providing an overview of the operationalization of the Encampment Protocol.

On March 25, 2021, Emergency and Community Services Committee approved Report HSC21008 Housing Focused Street Outreach, which provided an updated overview of the role of Hamilton's Street Outreach Team within Housing Services

Division.

On August 9, 2021, the Emergency and Community Services Committee approved the repealing of the By-law Enforcement Protocol.

On September 9, 2021, Emergency and Community Services Committee approved Report PED21188/HSC20038(c) Encampment Response Update.

On March 22, 2022, Planning Committee, Motion 11.3 directed staff to:

a) Complete their activities under the Encampment Process, including notifying the Hamilton Police Service that a Trespass Notice has been issued, within 12 to 72 hours after staff receive the first complaint regarding unauthorized camping in a City park or public place; and,

b) Enforce the Encampment Process 7 days per week.

On March 24, 2022, Emergency and Community Services Committee approved Encampment Response Update (HSC20038(d)/PED21188(a)) and the creation of an Encampment Coordination Team pilot to the end of 2022 with an estimated cost of
$305,000, funded first from COVID-19 Government Funds (eligible costs), then COVID- 19 Reserve (eligible costs), then departmental budgets surplus and finally by the Tax Stabilization Reserve. The pilot was created to:

a) Improve coordination and efforts of services involved in encampment response and allow for existing Municipal Law Enforcement and Housing Service Division staff to focus on their core business, and,

b) Streamline reporting from staff related to encampment coordination. All new reporting will be brought forward to the General Issues Committee for discussion and decisions.

On March 30, 2022, in response to Motion 11.3 Council approved Encampment Process: Staffing Feasibility/Service Levels Impacts' (PED220088) and approved four new temporary, dedicated Municipal Law Enforcement Encampment Officers (MLEO) at a total cost of $416,673.73, to be funded through the Tax Stabilization Reserve.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Staff from Planning and Economic Development (Licensing and By-law Services), Healthy and Safe Communities (Housing Services Division), Public Works (Parks Section), Legal, and Finance were consulted in the preparation of this report. Hamilton Police Services were also consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

On September 9, 2021, Emergency and Community Services Committee received Report PED21188/HSC20038 (c) Encampment Response Update, which detailed a six-step process to encampment response developed by City staff, requiring participation from several teams and divisions. In 2021, there were no dedicated staff members to the City's encampment response. Staff members reprioritized workload to develop an Encampment Response Team that met daily with the objective of providing an integrated approach to achieving compliance of the City's Parks By-law and assist private property owners to remove encampments from private property. The team included staff from:

- Municipal Law Enforcement- Encampment Officers
- Housing Services Division - Housing Focused Street Outreach
- Hamilton Police Services
- Public Works – Parks Section
- Communications

On March 30, 2022, in Report PED220088 Encampment Process: Staffing Feasibility/ Service Levels Impacts', Council approved the hiring of a dedicated team of four MLEO's. Additionally, one Supervisor was funded via the Encampment Coordination Pilot on March 24, 2022, in Report HSC20038(d)/PED21188(a) Encampment Response Update, to respond 7 days a week to complaints and requests from the community regarding encampments, as well as a Director and Senior Project Manager to help provide guidance and expertise. The Encampment Coordination Team Supervisor worked directly with MLEOs to initiate first contact with individuals living in encampments within 24-72 hours of a complaint, to determine whether a violation had occurred under City By-law. In carrying out this function, MLEOs established relationships with people living in encampments and developed an understanding of the impacts of homelessness on mental and physical well-being.

After contact was made by MLEOs, Housing-focused Street Outreach would engage with individuals to offer housing-focused case management services and supports, provision of basic needs items to individuals living in encampments, referrals into emergency shelter and other housing-related programs, assistance in

accessing financial assistance programs (i.e. Ontario Disability Support Program, Ontario Works), and maintain knowledge of the broader homelessness-serving system to actively provide referrals to organizations in the community in support of the needs of the individual (e.g. physical health, mental health, harm reduction, population-specific supports).

If an encampment was deemed to be in violation of a Parks By-law, MLEOs, in partnership from Hamilton Police Services, used a soft enforcement approach to achieve early voluntary compliance. That is, to leverage the relationships built to avoid issuing a Trespass Notice until all softer approaches were considered. When MLEOs were not able to receive voluntary compliance alone, they notified HPS and worked in partnership to receive voluntary compliance. Once the individuals had moved on from their encampment to a new location, the Encampment Coordination Team Supervisor would make Parks Section aware of whether cleanup and/or maintenance was required.

Staff from the Encampment Coordination team joined MLE, HFSO, Parks Section, Communications, and Hamilton Police Services in meeting daily to ensure a streamlined approach to coordinating encampment response. The meeting also provided an opportunity to strategize around finding operational solutions to acute issues and improve strategies to mitigate risk and improve the health and wellbeing of individuals living in encampments.

From data collected by Municipal Law Enforcement and Housing Services Division when conducting their response, Council was provided with monthly updates on the efforts made by the Encampment Response Team.

Continuous Improvement Measures

Several continuous improvement measures were introduced by the Encampment Coordination team in conjunction with the larger City-wide Encampment Response team during the pilot, aimed to improve safety and eliminate barriers for those seeking emergency shelter and/or housing accommodations.

The MLE Supervisor and two MLEO's attended an in-depth four day "Crisis Intervention Training" provided by Hamilton Police Service (HPS) to increase their knowledge and understanding of individuals with mental health and substance use challenges. The new skills learned were valuable when interacting with individuals living in encampments, to be able to build relationships and achieve better outcomes.

To put the health and safety of people first, the MLE Supervisor and four MLEO's attended a training session by Public Health Services, Harm Reduction staff on opioid overdose and response with the use of a naloxone kit. The MLEO's now carry naloxone kits to be able to administer to individuals in the event of an

overdose and have been used twice to assist unresponsive people in crisis which potentially saved their life. Also, it should be noted that MLEO's sought medical attention for several people living in encampments where it was deemed to be urgently required.

Presently, emergency shelters in Hamilton are not able to accommodate pets due to limitations with adequate funding, space, amenities, and liability issues. Service animals are already accommodated within emergency shelters. Encampment Coordination team staff have worked with internal and external partners to identify programmatic and operational best practices to mitigate pets as a barrier to emergency shelter. Several options have been identified for future consideration including, a temporary boarding option for pets of people living unsheltered to be offered in conjunction with Animal Services and other animal welfare partners, and/or a pilot to introduce pet-friendly space(s) into the existing emergency shelter system. This work will continue with the extension of the program.

City staff from the Encampment Coordination team engaged in meetings with staff from Hamilton Fire Department – Fire Prevention Division to discuss how they might offer support toward Encampment Response Team initiatives. When fire issues/concerns are identified during MLEO visits, consultation with or inclusion of Fire Prevention staff at Encampment Team meetings and/or site visits could prove beneficial. In addition, Fire Prevention can develop targeted fire safety educational messaging to support unsheltered individuals. This messaging could be provided to unsheltered individuals by city staff during encampment visits. This work will continue with the extension of the program.

Emergency shelters often impose a two-bag limit to individuals entering, which may be a barrier to those who have accumulated several items that will not fit within a two-bag limit. To mitigate this, staff have developed and implemented a process to allow individuals to temporarily store their belongings at a centrally located city facility. This program was rarely used, as individuals were often unwilling to separate from their belongings, however the program remains in effect and is led by HFSO.

To provide guidance to frontline staff as they encounter issues requiring urgent response, health & safety protocols and P&Ps were developed for MLE and HFSO management and staff. The P&Ps provide information related to staff's health and safety, incident reporting responsibilities, as well as direction for several urgent and life-threatening circumstances that staff may potentially be encountered when visiting an encampment (e.g., death, severe injury, fire, overdose, physical violence, mental health crisis, non-emergency medical needs, children and adolescents on-site, encountering someone who is pregnant, and/or potential health and safety hazards, including propane tanks and weapons). Each item

requires specific actions and responses, including ongoing support from Hamilton Police Service, both on-site and off-site, to ensure the health and safety of staff and those that reside in encampments.

To improve coordination across multiple teams and to identify gaps in service delivery, the Encampment Coordination team documented key processes and relationships.
Each team involved in encampment response provided their mandate, roles and responsibilities, and defined values they believed to be most important in successfully responding to encampments. The data shared by Encampment Response teams was used to analyze encampment response from a systems perspective, and to identify gaps in service that would inform future work.

MLEO's have been engaged with several property owners who are dealing with encampments on private property. Meetings have been held with CN Rail to discuss the numerous complaints and concerns the city receives regarding garbage and debris left on their property because of encampments. While it is the responsibility of a private property owner to clean and maintain their property, Encampment Response staff continue to provide support in an attempt to achieve voluntary compliance of encampment individuals who are trespassing. If voluntary compliance is not obtained the property owner can provide Hamilton Police Service, the authority to enforce the *Trespass to Property Act* if required.

HFSO staff visit encampments utilizing a housing first, human rights-based approach to supporting unsheltered individuals in the community after a complaint or concern has been noted by the Encampment Coordination team or MLEOs. HFSO workers engage with unsheltered individuals to better understand their needs and connect them with internal and community supports, including housing-focused case management, referrals to the emergency shelter system, health agencies, social assistance supports, specialized outreach supports, and any other relevant supports available that would improve the health and wellbeing of the person they are working with. HFSO workers also develop housing plans, connecting unsheltered individuals to the Coordinated Access System through which they are prioritized for via the By-Name List, as well as available resources in the homeless-serving system including intensive case management supports. Indigenous clients are prioritized first for resources within the homeless serving system. HFSO workers also provide direct assistance in searching for and viewing apartments, liaise with potential landlords, and assist with applicants to subsidized housing, or other forms of housing (such as housing allowances or housing benefits) that may be available. In addition, HFSO workers provide assistance with immediate needs such as providing water, and harm reduction and menstrual health supplies onsite. Overall, the goal of HFSO is to engage with and support each unsheltered individual along their housing journey, while connecting them to

services in the community that sustain and/or improve their health and wellbeing.

One component not included in the original Encampment Coordination team pilot, was resources for Parks Section. The work of Parks has been imperative to the success of the City's encampment response process, providing cleanup and maintenance of previously occupied encampments where persistent garbage and debris presented health and safety risks for staff and the public. In some cases, Parks Section staff have required the use of specialized machinery in cleanup. Without adequate resources, Parks staff were utilizing one over complement supervisor, staff overtime and contracted work to meet the demands of encampment response. Additional, dedicated resources are necessary to ensure an effective response to encampments.

A key missing component in the original pilot was the resources required by Parks, who needed to ensure the ongoing maintenance of parks. This has been addressed in the recommendation with the request for a supervisor and funding.

Hamilton Police Services were also active in supporting encampment response effort via their dedicated Encampment Engagement team, who attended daily meetings and provided onsite support at encampments as required by MLEOs. Due to staffing challenges at Hamilton Police Services, the dedicated team was discontinued on September 4, 2022, limiting their ability to support encampment response. Dedicated resources are required for the ongoing support of HPS in encampment response efforts.

Data and Performance Measurement

The following chart provides an overview of monthly data collected as of end of November 2022, for key performance indicators identified at the beginning of the pilot.

Indicator	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
Total Encampment sites investigated (incl. public and private)	76	141	112	112	116	120	68	53
Voluntary Compliance Achieved - public	31	51	67	60	66	58	42	26
Voluntary Compliance Achieved - private	7	8	16	24	23	9	10	8
Complaints unfounded - public	10	11	20	23	24	33	8	17
Complaints unfounded - private	5	18	9	5	17	20	10	8
Notices of Trespass Issued	3	0	6	9	14	11	2	14
Approximate number of unique individuals unsheltered and regularly living in encampments throughout the City	25	30	30	32	39	44	39	53
Unique individuals (both in encampments and otherwise) engaged with Outreach for supports/referrals	43	71	39	25	37	39	56	53
Unique individuals housed directly from an encampment by Outreach	2	1	0	3	1	2	1	2
Unique individuals assisted by Outreach through Housing Services OW Case Managers in obtaining or stabilizing their Social Assistance	8	9	11	3	6	6	9	9
Unique individuals accepting referral to an emergency shelter space	N/A	N/A	N/A	N/A	N/A	N/A	7	3
Number of sites cleaned and maintained by Parks Section staff	26	N/A	47	55	59	81	72	57

Several trends and insights were observable:

- The number of sites investigated by MLE peaked in May, plateaued over the summer, and is now decreasing into fall.

- Voluntary compliance was achieved by MLE staff in most interactions with individuals in encampments. When voluntary compliance was not achieved a Notice of Trespass was issued and MLEO's continued to engage individuals and were successful in achieving voluntary compliance in 59 of 62 occasions. Hamilton Police Services were asked for support in the remaining three occasions, and compliance was achieved peacefully without incidence.
- There were few unique individuals housed directly from an encampment by HFSO throughout the duration of the pilot, although this data does not reflect individuals who accepted referral into emergency shelter and were connected to housing through a separate process or community agency.
- There has been a slight proportional increase in the number of unique individuals engaged with Outreach for supports and/or referrals in the past two months. This may be a result of colder weather and/or ongoing relationship building.
- Approximately 70 sites required constant monitoring and extra resources, with MLEO's conducting both proactive and reactive inspections.
- In addition to the above, 70 locations (58 City/12 Private) were identified that received ongoing proactive inspections, resulting in 1,252 total proactive inspections. The total proactive and reactive inspections from April – October 31 was 1,997.
- Through the duration of the pilot, Parks Section staff cleaned an increasing number of sites month-over-month, peaking in September 2022, before decreasing in October and November. This data is not reflective of the time and complexity of the cleanups, which increased in October and November as sites that were less conspicuous became visible due to diminished flora coverage. Some sites required special machinery for cleanup.

Encampment Coordination Team staff met biweekly with staff from Housing Services Division and Hamilton Police Services (Analytics) to strategize around the development of data infrastructure and processes necessary to collect, analyze and report new performance metrics. Currently, performance data is shared monthly by Housing Services Division, Municipal Law Enforcement, Parks Section, and Hamilton Police Services, and is being tracked and analyzed. Additional performance measures will be necessary to better understand the success of City Divisions involved in encampment response and to assess ongoing impacts to people living in encampments.

Impacts on Staff and Resources

Locations requiring recurrent daily visits from various City departments where persistent garbage and debris presented health and safety risks for staff and the public, placed a significant burden on Parks Section maintenance staff and resources. Without continued coordinated attention to encampment in City Parks, Parks Section staff anticipate that camps will grow in size and become more

difficult to clean up, there will be more damages to the park such as compacted soils/loss of sod areas, cutting of trees, increased waste and debris including biohazardous waste and the risk of more frequent vandalism and fires.

To ensure success of the pilot, without resources allocated as part of the pilot, Parks hired one over complement supervisory staff to oversee the cleanup program and existing staff were used for clean ups. To provide the service level required for these clean ups without impacting our standard level of service, parks utilized their existing complement of staff on overtime or hired a contractor. Parks Section staff visited 397 encampment sites (including repeat sites), logging 149 work orders (102 internal, 47 contracted). This resulted in 1,798 labour hours for Parks Section staff, with 582 hours contracted out. The cost for encampment cleanups, including contracted work, was
$140,861.21, not including the cost of an over complement supervisor or waste disposal fees.

Under the rapid response model of clean up made possible through the pilot, Parks Section staff found that the work time was reduced because sites were smaller, and less waste accumulated. Responsiveness and quick action has been noted as a key success factor in the evaluation of the pilot.

As the Encampment Coordination team became more established, it became a complaint repository for all issues related to visible homelessness in the community, often for issues not directly related to homelessness. This added an additional strain on resources necessary to carry out encampment coordination and response.
While not within the formal pilot mandate, staff from the Encampment Coordination Team and other city divisions were expending inordinate time and effort addressing a few challenging locations in parks and on City property where encampments had been cleared and were no longer the main source of concern, but where people (not living unsheltered per se) congregate before and after visiting/using external, community- based services. While not related directly to encampment activity, this resulted in a strain on resources.

Impacts on People with Lived Experience

Several individuals living in encampments who stayed outdoors more frequently throughout the duration of the pilot repeatedly declined available emergency shelter space, instead cycling through sites where they felt most comfortable. This pattern became more pronounced over the course of the pilot, as people living in encampments grew more frustrated with the requirement to continually move from their existing site.
Others living in encampments moved to less conspicuous areas where they would

not be found and therefore would not need to move as frequently. This impacted the ability of HFSO staff to aid as it became more difficult for staff to find them to make necessary referrals and provide harm reduction and other basic supplies. Additionally, due to gaps between making contact with people living in encampments it became more difficult for HFSO staff to maintain continuity in providing a housing plan, as this requires ongoing interaction with staff and coordination with other services in the community.

Continuing Encampment Response in the City

The coordinated multi-disciplinary response to encampments was effective in achieving compliance with the Parks By-law and in limiting large, entrenched encampments. MLEOs also helped prevent the proliferation of encampments in the community by building relationships with individuals in encampments and receiving voluntary compliance through soft intervention. However, at the conclusion of the pilot there were still approximately 40 unique individuals known to be unsheltered and regularly living in encampments throughout the City. There are several possible contributing factors.

From March-November 2022, 12 individuals have transitioned from an encampment into housing by Housing-focused Street Outreach, not including those housed via other organizations (e.g. emergency shelters, drop-ins, and non-profit housing providers). Access to suitable, affordable housing and the corresponding wraparound supports are necessary to prevent encampments from proliferating.

Additionally, several individuals who remain in encampments have refused available emergency shelter space, which they report they have done for a variety of reasons. Their stated reasons include lack of space for couples, lack of space for pets, safety concerns, service restrictions, and policies restricting drug use in shelters. For these individuals, there are very few places to stay overnight in the community which adequately meet their needs, and they often persist in encampments as a result. Connecting individuals in encampments to HFSO workers that can assist with basic needs supports and build the necessary rapport to make effective referrals to address complex mental health issues, substance use, and other health and housing needs.

Several unique individuals continue living in encampments throughout the City for which an enforcement-based approach is not deemed to be prudent nor effective. A new housing-focused, person-centered, health-based approach would be most effective in addressing the underlying factors leading some to live uninterruptedly in encampments.

The United Nations Special Rapporteur has reported on A National Protocol for Homeless Encampments in Canada: A Human Rights Approach and has also contributed to a National Protocol for Homeless Encampments in Canada. As an independent expert, the UN Special Rapporteur acts as a bridge between rights-holders, governments, and international organizations and institutions, offering guidance on the interpretation of international law, while reporting on situations and conditions on the ground. These reports have been utilized by communities across Canada in responding to encampments.

A National Protocol for Homeless Encampments in Canada outlines universal recommendations for how all levels of government in Canada should approach engagement with unhoused residents of encampments from a rights-based perspective to ensure dignity while negotiating the provision of adequate, affordable housing solutions that meet their needs. The following eight guiding principles are recommended:

1) Recognize residents of homeless encampments as rights holders
2) Meaningful engagement and effective participation of encampment residents
3) Prohibition of forced evictions of encampments
4) Explore all viable alternatives to eviction
5) Ensure that any relocation is human rights compliant
6) Ensure encampments meet basic needs of residents consistent with human rights
7) Ensure human rights-based goals and outcomes, and the preservation of dignity for encampment residents
8) Respect, protect, and fulfil the distinct rights the distinct rights of Indigenous Peoples in all engagements with encampments

The processes utilized by City teams when responding to encampments will continue to evolve and adapt to meet the best practices identified.

An Evolving Encampment Response Strategy

The principles included in ‘A National Protocol for Homeless Encampments in Canada’ will be applied in conjunction with the findings from ‘A Human Rights Analysis of Encampments in Canada – Case Study: Hamilton’ to evolve towards a rights-based, person-centered approach to encampment response. In addition, on January 13, 2022, Motion 11.1 was approved by the Emergency and Community Services Committee, to address Comprehensive, Human-rights Based, Health-focused Housing Solutions for Residents Living Encamped across Hamilton, via facilitated sessions with cross-sectoral stakeholders and people with lived experience. Feedback received from the July 2022 facilitated sessions will also

form the basis of a report back to Council (Report HSC23009) and will also inform the development of an Encampment Response Strategy for the City.

An Encampment Response Strategy will include:

- A set of principles underpinning encampment response that are common ground among stakeholders with a strong equity, diversity and inclusion lens
- Clear mission on what problem(s) the response aims to address, and the goals
- Common definitions of terms when speaking about encampments and unsheltered homelessness
- Response to encampments that is trauma-informed, strengths based, harm reducing, housing-focused, and culturally appropriate
- Coordinated response for encampment assessments, mapping and data collection, roles and responsibilities, command centre structure, interdepartmental protocols, and coordination of community volunteers
- Communications plan that includes meaningful engagement of people with lived/living experience of unsheltered homelessness
- Strategic alignment with Homeless-serving system of care, including Outreach and resources available through Coordinated Access and,
- Evaluation framework to assess effectiveness of approaches, including a specific focus on diversity and inclusion

In the development and implementation of a successful Encampment Response Strategy, it remains essential that people with living/lived experience are empowered to inform services and hold the homelessness-serving system accountable for delivering on its promise of housing and supports. A distinct focus on Indigenous rights should be prioritized in these efforts, guided by the obligation to respect, protect, and fulfil the distinct rights of Indigenous peoples through engagement with unhoused residents and those residing in encampments.

All residents living in encampments will be asked to voluntarily participate in developing a personalized housing plan and to identify supports that help facilitate movement to shelter and/or permanent housing. This approach is consistent with a collective obligation to ensure that people experiencing homelessness, including encampment residents, have access to long-term, adequate housing that meets their needs.
Using the previous six step process, the Encampment Coordination team's Supervisor, MLE, was responsible for overseeing all complaints and concerns from Councillors and the community and coordinated the response of MLEOs to follow-up and apply the By- law. An updated Encampment Response Strategy will be housing-led and inform an encampment response process that transparently

details the roles and responsibilities of all teams involved in encampment response, and defines a person-centered, housing-focused, best practices process to guide contact and assessment with individuals living in encampments.

Housing Services Division, overseen by the Manager of HFSO, will adopt the responsibility of coordinating the City's response to encampments, and all daily coordination will be led by the Project Manager of HFSO. All complaints currently sent to MLE will be re-routed to the HFSO team for follow-up, and MLEOs will only respond after the HFSO team has attended the encampment. The HFSO will be responsible for making first contact with individuals living in encampments and may require the assistance of MLEOs or paid duty Hamilton Police Services.

Required Staffing

On March 30, 2022, in Report PED22088 Encampment Process: Staffing Feasibility / Service Levels Impacts', Council approved the hiring of a dedicated team of four MLEO's to support encampment response efforts via the enforcement of the Parks By-law. Soon after, on March 24, 2022 Emergency and Community Services Committee approved Report HSC20038(d)/PED21188(a) Encampment Response Update and the creation of an Encampment Coordination Team made up of a Director – Response Coordination, Supervisor – Municipal Law Enforcement, and Senior Project Manager, Housing Services Division. To ensure success of the pilot, and without dedicated resources allocated, Parks Section hired one over complement supervisory staff to oversee the clean-up program and in order to achieve the service level required, parks utilized their existing complement of staff on overtime or hired a contractor.

In evaluating the pilot, it is clear that the program does not require a Director. Due to the operational nature of encampment response and the necessity for housing-focused, person-centered outcomes, a Manager of Housing-focused Street Outreach (1.0 FTE) reporting to the Director, Housing Service Division is more suitable, The Manager will be responsible for utilizing existing standards, research, approaches from comparator municipalities, public consultation, and Housing Services Division's staff expertise to guide the development and implementation of an Encampment Response Strategy. The Housing-focused Street Outreach Manager will have the knowledge and expertise to provide systems-level solutions via collaboration and coordination with the broader homelessness-serving system, and across other sectors.

The Manager will also direct and support the work of the existing HFSO Supervisor and Coordinator. An additional 3.5 HFSO workers (3.5 FTE) will be necessary to ensure adequate coverage seven days a week from 8am-8pm. HFSOs ensure residents living in encampments are provided access to basic items required for

their immediate needs and well-being, are referred to the appropriate overnight services and/or housing supports, and provided case management support via referrals to services in the community that meet each resident's unique needs.

In a new housing-led approach where complaints and requests will be re-routed from MLE to HSD for response, a HFSO Project Manager (1.0 FTE) is required to manage complaints and requests made to the City regarding encampment response and maintain contact with stakeholders and Councillors Offices to ensure adequate line of sight exists between encampment response and the community. The HFSO Project Manager will also support the existing HFSO Supervisor and Coordinator by providing locations of new encampments to be visited by HFSO staff and MLEOs.

Two MLEOs (2.0 FTE) will still be required to attend encampment response team meetings, problem solve challenging and complex situations that can occur in encampments including enlisting the help of Animal Services for assistance with pets, direct field operations including clean-ups, track compliance under the Parks By-law, provide coverage for a five-day a week operation, and proactively monitor recurring sites to ensure encampments do not become entrenched.

A dedicated Parks Section Supervisor (1.0 FTE) will respond to requests from Housing Services Division to provide parks maintenance and cleanup and will coordinate to identify staff and/or contracted labour to be used in cleanups. The Parks Section Supervisor will also act as a liaison for encampment response, attending coordination meetings as necessary.

The total cost of the program considers resources, beyond dedicated staffing, for Public Works and Paid Duty Hamilton Police Services.

It is staff's recommendation that this approach be adopted in an effort to re-house individuals while preventing long-term encampments in the City. It takes into consideration the needs of the community as a whole including the housed and un-housed.

ALTERNATIVES FOR CONSIDERATION

1) Council may choose to not extend the Coordination Response Team. With no dedicated staffing resources there will be limited ability to coordinate responses and service delivery related to encampments in the city.
   - Housing based street outreach would continue with reduced hours of operation; Monday to Friday until 8 p.m. and weekends until 5 p.m. only.
   - By-law enforcement would revert to low priority, based on availability of existing staffing resources, within normal operating hours 8:30 a.m. – 4:30 p.m. Monday to

Friday, and with response times that may extend up to 72 hours depending on priorities. It is likely that this low service level would result in entrenched encampments becoming established at various locations across the City.

- Parks staff would continue to provide enhanced park clean ups, however if encampment sites become entrenched, it is unlikely that Parks staff would be able to provide for regular clean ups
- Although the Hamilton Police Service (HPS) is willing to support for the Coordination Response Team, but it is not in the mandate of the HPS to do so, an additional 2 FTEs (police officers) be hired to support the delivery of the coordinated encampment response at an annual cost of $268,646 for salary, benefits and one-time costs of $30,000 for ancillary equipment to be funded by the City.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The alternative to seize the coordinated Response Team, would require a levy enhancement of $298,646 for Hamilton Police Services staff and ancillary costs.

If approved, the budget for the coordinated encampment response will be reflected in 673247 HSD-Encampment Response Coord. The FTEs will be added to the department budgets and the actual salary and benefit costs will be recovered through the salary and budget reallocation accounts and charged to 673247.

This alternative will be referred to the 2023 tax operating budget deliberations for Council approval.

Staffing: Two Police Officers through Hamilton Police Services

Legal: N/A

2) Council may choose an enforcement only approach to encampments, by creating a permanent encampment response team within Licensing and By-law Services, made up of 1 FTE Supervisor, 4 FTE MLEOs, and a Supervisor of Parks Section. This approach is likely to result in moving individuals from parks, and preventing the establishment of large entrenched encampments, but it is likely to result in fewer referrals of individuals in encampments to services that improve health and wellbeing, as well as emergency shelter and housing. This would result in an estimated annual cost of approximately $710,365. Additionally, although the Hamilton Police Service (HPS) is willing to support for the Coordination Response Team, but it is not in the mandate of the HPS to do so, an additional 2 FTEs (police officers) be hired to support

the delivery of the coordinated encampment response at an annual cost of $268,646 for salary, benefits and one-time costs of $30,000 for ancillary equipment to be funded by the City.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The alternative to provide an enforcement approach to encampment. would require a levy enhancement of $1,009,011 for City of Hamilton staff and operating costs and Hamilton Police Services staff and ancillary costs.

If approved, the budget for the coordinated encampment response will be reflected in 673247 HSD-Encampment Response Coord. The FTEs will be added to the department budgets and the actual salary and benefit costs will be recovered through the salary and budget reallocation accounts and charged to 673247.

This alternative will be referred to the 2023 tax operating budget deliberations for Council approval.

Staffing: The recommended coordinated encampment response would require additional FTEs:

- 1 Supervisor in Licensing and By-Law
- 4 Municipal Law Enforcement Officers
- 1 Supervisor within Parks Section
- 2 Police Officers through Hamilton Police Services

Legal: N/A

3) Council may choose to trial a housing services only approach to encampments, by enhancing the permanent housing-focused street outreach team with 1 FTE Manager, 1 FTE Project Manager, 3.5 FTE additional housing-focused street outreach workers, and a Supervisor of Parks Section. This approach will ensure unsheltered individuals have the ongoing assistance of housing-focused street outreach workers who will support their journey into housing while connecting them with the necessary resources to sustain and improve health and wellbeing. However, without dedicated by-law enforcement resources, the risk is that encampments will likely become entrenched, and result in ongoing health and safety issues and the occupation of public space. This would result in a levy enhancement of approximately $592,000. Additionally, although the Hamilton Police Service (HPS) is willing to support for the Coordination Response Team, but it is not

in the mandate of the HPS to do so, an additional 4 FTEs (police officers) be hired to support the delivery of the coordinated encampment response at an annual cost of $268,646 for salary, benefits and one-time costs of $30,000 for ancillary equipment to be funded by the City.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The alternative to provide a trail housing only services approach to encampments, would require a levy enhancement of $889,646 for City of Hamilton staff, operating costs and Hamilton Police Services staff and ancillary costs.

If approved, the budget for the coordinated encampment response will be reflected in 673247 HSD-Encampment Response Coord. The FTEs will be added to the department budgets and the actual salary and benefit costs will be recovered through the salary and budget reallocation accounts and charged to 673247.

The alternative will be referred to the 2023 tax operating budget deliberations for Council approval.

Staffing: The recommended coordinated encampment response would require additional FTEs:

- 1 Manager of Housing-focused Street Outreach
- 1 Project Manager of Housing-focused Street Outreach
- Funding for 3.5 additional seconded FTE Housing-focused Street Outreach workers
- 1 Supervisor within Parks Section
- 2 Police Officers through Hamilton Police Services

Legal: N/A

For any desired option, HPS resources would be required. Any police implications should be taken to the Hamilton Police Services Board for additional funding to support the delivery of encampment response.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities
Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

APPENDICES AND SCHEDULES ATTACHED

N/A

INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	January 18, 2023
SUBJECT/REPORT NO:	Outcomes and Findings of the Encampment Facilitated Sessions (HSC23009) (City Wide) **(Outstanding Business List Item)**
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Mike Jones (905) 546-2424 Ext. 3824
SUBMITTED BY: **SIGNATURE:**	Michelle Baird Director, Housing Services Division Healthy and Safe Communities Department

COUNCIL DIRECTION

Not Applicable

INFORMATION

On January 13, 2022, Motion 11.1 was moved and approved by the Emergency and Community Services Committee to address comprehensive, human-rights based, health-focused housing solutions for residents living encamped across Hamilton via solution-focused planning session(s) from a broad spectrum of community stakeholders, including people with lived experience, to identify comprehensive, human-rights based, health-focused housing solutions to directly address the needs of residents living encamped in Hamilton.

On July 20, 2022 a consultant-led, facilitated session was held with stakeholders across several sectors with expertise in housing, homelessness, encampments, and encampment response, to discuss systemic issues and their consequences, identify shared values, develop a shared short- and long-term vision, and to co-create a new approach to encampment response by identifying first steps, supports and potential barriers.

Since June 2018, representatives from Housing Services Division (HSD) and various other City departments have met formally with stakeholders to increase collaboration in encampment response efforts. At the onset of COVID-19, City staff, homelessness serving agencies, outreach services and community based support programs met weekly as an opportunity to align available resources, assess and respond to potential health and safety risks, and facilitate person-centred engagement opportunities and individualized housing plans for people living in encampments through connections to community-based supports. HSD has continued to provide leadership, support, and expertise, working with other City departments and community stakeholders to improve and coordinate the City's response to encampments through consultation and partnerships with community stakeholders and people with lived experience. The Housing Services Division, working collaboratively with internal and external partners developed a people-centred approach to address the issues of encampments. Many of the issues and challenges noted through the facilitation sessions are issues underway within the HSD planning prior to the encampment sessions.

The community engagement sessions resulted in substantial feedback regarding systemic factors associated with encampments, as well as potential short-term solutions. Key issues highlighted included: the need for additional types of housing, housing stock, and deeper affordability; better coordination of housing, health, and criminal justice systems; requests for alternatives to the existing Parks By-law; improvements to emergency shelters and the alleviation of barriers to access; integrating the community, especially people with lived experience, into planning and response; and learning from other jurisdictions.

In tandem with the formal facilitated sessions, from July 25 to 29, 2022, City staff engaged with 57 individuals living, or having recently lived in encampments across Hamilton, exploring issues contributing to unsheltered homelessness, access to resources and services, and suggestions for how the City and community could improve their response to encampments.

People living in encampments highlighted their frustration with the existing Parks By-law and were clear about its negative impact on physical health, mental health, and their ability to access housing supports and other resources. Additionally, many were concerned with barriers that prevented them from accessing housing and/or emergency shelter. No clear alternatives were recommended, although an overwhelming majority of people living in encampments wanted to see a different approach taken that allowed for more stability and access to resources.

Recommendations were developed utilizing the concerns and solutions shared by stakeholders and people living in encampments. The following recommendations were synthesized by City Staff from the engagement sessions, and a review of best practice reports and work to date by Housing Services Division as solutions required to address

comprehensive, human-rights based, health-focused housing solutions to directly address the needs of residents living encamped in Hamilton.

1. Expand and improve coordination of supports for mental health and substance use
2. Expand the use of harm reduction approaches in emergency shelters, drop-ins, and outreach supports
3. Address barriers to accessing emergency shelter (e.g., people with pets, couples)
4. Explore new approaches to encampment response, utilizing best practices and successes in other jurisdictions
5. Engage with Indigenous partners to identify encampment-related interventions that are culturally appropriate and rooted in the spirit and actions of reconciliation
6. Improve coordination and collaboration of encampment response teams to more efficiently address needs of people living in encampments

A detailed set of encampment response action items were developed to address the recommendations identified and are attached in Appendix “B” to Report HSC23009. The action items are integrated into HSD’s encampment response program and progress will be reported to Council on an ongoing basis.

Background

On April 1, 2021, in Report HSC21008 Housing Focused Street Outreach, supervision of Hamilton’s Street Outreach Team, a team dedicated to providing housing-focused case management services and supports for individuals living unsheltered, was centralized to HSD to allow for enhanced alignment with the housing-focused goals and strategic actions outlined in Hamilton’s System Planning Framework. Housing-focused Street Outreach staff have participated in daily collaboration with other City departments in service and response planning, work directly with community stakeholders to identify resources and supports for people living in encampments, and bring forward the understandings of those with living experience of encampments to inform best practices.

On August 9, 2021, the Emergency and Community Services Committee approved the repealing of the By-law Enforcement Protocol that permitted some individuals to camp in public spaces for up to 14 days, and the City returned to pre-protocol enforcement of Parks By-law 01-291 that prohibits camping on City property, including park areas. Additionally, a six-step encampment response process was approved that defined roles and responsibilities of City departments associated with the response.

On January 13, 2022, Motion 11.1 was moved and approved by the Emergency and Community Services Committee. City staff were directed to host solution-focused

planning session(s) made up of representatives from the health sector, housing service providers, organizations that provide frontline support to the unhoused, people with lived experiences of being unhoused and living in encampments, and other community stakeholders to identify comprehensive, human-rights based, health-focused housing solutions to directly address the needs of residents living encamped in Hamilton.

On March 31, 2022, Council approved the creation of an Encampment Coordination Team to be piloted until the end of 2022 to: a) improve coordination of encampment response and streamline efforts of the many services involved; b) allow for existing Municipal Law Enforcement and Housing Service Division staff to focus on their core business; and, c) were directed to send all forthcoming reports related to encampments to the General Issues Committee.

In June 2022, a consultant from the organization Coueraj was selected to assist in planning, coordinating, and facilitating a consultation of community stakeholders in response to the Motion. A project team of City staff was developed to provide context and direction to the consultant and recommended stakeholders to be included. The team was comprised of staff from the Encampment Coordination Team and Housing Services Division, with support from Strategic Communications.

Simultaneous to the engagement sessions, the Housing Services Division has continued to engage with providers and community partners on solutions to encampments and homelessness. The Housing Services Division has engaged with cross-sectoral community stakeholders in several core community tables, including: Emergency Shelter Coordination Table, Hospital-Shelter Working Group, Coordinated Access Steering Committee, as well as connections with the Community Safety and Well-Being Advisory Committee and Greater Hamilton Health Network. Additionally, HSD has conducted outreach and engagement with sector leadership tables, and continues to work with Coalition of Hamilton Indigenous Leadership (CHIL) to develop partnerships and best practices for engaging with the Indigenous community. The City has committed to facilitating a comprehensive, whole-of-community approach to encampment response and is dedicated to working with stakeholders in the community and people with lived experience on issues towards accomplishing shared goals.

Consultation Process

(I) Community Stakeholders

On July 20, 2022, 35 representative stakeholders were engaged virtually via WebEx by consultant(s) to develop a shared understanding of the issues associated with encampments and encampment response approaches, and to consider potential next steps to be taken by the City and community towards developing a coordinated, person-centred, health and housing focused approach to encampment response.

The session included representatives across several sectors, including: frontline responders; service providers in the community health care, emergency shelter, housing, drop-in, mental health, substance use and concurrent case management fields; stakeholders in the social planning, research, and advocacy sectors; Hamilton Police Services; and City staff from various departments and divisions including Housing Services Division, Municipal Law Enforcement, Hamilton Paramedic Service, and Public Health.

Stakeholders were assigned to one of five breakout groups where a facilitator led discussions on systemic issues of homelessness and their consequences, worked to identify shared values amongst stakeholders, developed a shared short- and long-term vision, and co-created a new approach by identifying first steps, supports, and potential barriers. All responses were captured and recorded by the consultants in real-time and shared as raw data with the project team.

Following the virtual session with stakeholders, a questionnaire was sent to all participants, in attempt to provide an additional opportunity to share information regarding the themes outlined.

A second questionnaire was sent to evaluate the effectiveness of the virtual session, and stakeholders were given an additional opportunity to provide feedback on encampment response, as well as ways they would like to be engaged moving forward.

Feedback received from both questionnaires was incorporated into the development of encampment response recommendations.

(II) People living in Encampments

The project team established to support the consultant was maintained to develop a strategy toward engaging with people living in encampments.

In developing a research tool to receive feedback from people living in encampments, the project team consulted with the lead researcher from the Hamilton Alliance for Tiny Shelters (HATS) who had recently completed qualitative work with Hamilton's unsheltered population. Findings from HATS were incorporated into the development of the City's engagement process, as well as its feedback tool.

The research tool used to engage with people living in encampments incorporated several components. The first section included closed-ended demographic questions. The second section was comprised of open-ended questions exploring issues contributing to unsheltered homelessness, access to resources and services, and suggestions for how the City and community could improve their response to encampments. The third section included a series of rating scale questions meant to

establish satisfaction with a number of issues related to encampments and encampment response.

From July 25 to 29, 2022, City staff engaged with 57 individuals living, or having recently lived in encampments across Hamilton. The engagement was led by Housing-focused Street Outreach, as they had developed previous relationships with many of the people living in encampments and were experienced in collecting sensitive information. They were supported by staff from the Housing Services Division and the Encampment Coordination Team who took notes and completed administrative tasks.

(III) What We Heard

In August 2022, the raw data from the stakeholder consultation was presented by the consultant to City staff. Additionally, City staff also compiled raw data from the interviews conducted with people who lived in encampments. The raw data was compiled and analysed to identify salient themes to be developed into recommendations.

The following are themes identified by stakeholders in the community via the July 20, 2022 facilitated sessions:

- Increased focus on eviction prevention and shelter diversion is required, to prevent people from entering into homelessness.
- Lack of affordable, subsidized, and/or supportive housing available to people experiencing homelessness.
- Better coordination of systems (e.g. health, criminal justice, and housing) required to address gaps in service provision and prevent people from entering into homelessness.
- Negative impacts of Parks By-law on stakeholders, as people in encampments move to more remote and inconspicuous areas, it becomes more difficult to ensure service continuity.
- Alternatives to existing Parks By-law that are more person-centred are required.
- Alternative shelter service models, notably harm reduction-friendly approaches are required to incentivize people to move indoors.
- Encampment response solutions should better utilize existing strengths in non-profit sector in response to encampments.
- Solutions to encampment response should utilize a whole-of-community approach.
- Targeted strategies and/or supports should be introduced for overrepresented groups (e.g. 2SLGBTQ+ and Indigenous peoples).
- People living in encampments should be included in developing solutions, as they have unique expertise.

- City should utilize the successes of other jurisdictions when developing encampment response strategies.
- City should align encampment response with existing City strategies regarding homelessness and poverty reduction.
- Frustration with a perceived lack of accountability and/or action on homelessness and housing-related issues.

The following are themes identified by people living, or having recently lived in encampments via the July 25 to 29, 2022 engagement:

- People living in encampments experience difficulty maintaining and acquiring housing, notably due to affordability issues, insufficient income, and discrimination.
- Negative impacts of Parks By-law on physical and mental health of people living in encampments, as well as on their ability to attend appointments in community.
- Access to necessary resources to address basic needs is more difficult for unsheltered people when living in encampment, particularly under the context of the existing by-law that requires ongoing movement.
- Barriers to accessing emergency shelter exist that limit unsheltered people with pets, in a couple, or use substances and have harm reduction needs.
- A frustration with the current approach to encampments exists, leading to a belief that the struggles of living unsheltered were not understood.
- No clear consensus on what approach to replace current bylaw with. Irrespective of the approach, there was a preference for services to be easily accessible and a need for a consistent space to stay in.

More detailed information regarding ‘What we Heard’ is available in Appendix “A” to Report HSC23009.

Recommendations

City staff from the Encampment Coordination Team compiled, reviewed, and analysed data from each consultation and organized the data into themes and recommendations that highlighted the breadth of information shared by both stakeholders and people living in encampments.

On September 20, 2022, a follow-up session was conducted virtually with stakeholders to review the findings of the consultations and ensure the voice of the community was accurately represented in the recommendations. Stakeholders were also offered an opportunity to share written feedback via a questionnaire.

Feedback from the virtual follow-up session and written feedback from the questionnaire was used to finalize recommendations. Additional stakeholders who were unable to

attend the initial virtual facilitated session nor the follow-up session reached out individually to discuss encampment response and provide feedback on the draft recommendations.

There were several systemic issues affecting housing and homelessness raised within the consultations, relating to available housing stock, affordability, intergovernmental approaches to change, and advocacy. While all of these are vital to addressing homelessness, many suggestions required several levers of action and immediate benefits may not be experienced by people living in encampments. Due to the urgency of response required, and because other teams within Housing Services Division are better positioned and already prioritizing a systemic response to housing and homelessness, these items were deemed to be out of scope for the Encampment Coordination Team.

The following recommendations emerged as solutions to address comprehensive, human-rights based, health-focused housing solutions to directly address the needs of residents living encamped in Hamilton. Each recommendation is directly attributable to the concerns and solutions shared by stakeholders and people living in encampments. The City has been engaged in encampment response efforts for several years, and the experiences and expertise of staff have also been taken into account in the development of these recommendations.

1. Expand and improve coordination of supports for mental health and substance use.
2. Expand the use of harm reduction approaches in emergency shelters, drop-ins, and outreach supports.
3. Address barriers to accessing emergency shelter (e.g. people with pets, couples).
4. Explore new approaches to encampment response, utilizing best practices and successes in other jurisdictions.
5. Engage with Indigenous partners to identify encampment-related interventions that are culturally appropriate and rooted in the spirit and actions of reconciliation.
6. Improve coordination and collaboration of encampment response teams to more efficiently address needs of people living in encampments.

A detailed set of encampment response action items (attached in Appendix “B” to Report HSC23009) were developed using feedback from community stakeholders including people with lived experience, and informed by best practices identified by experts and successful approaches used in other communities. The encampment response action items are integrated into HSD’s encampment response program. HSD is committed to reporting back on its progress, and HSD staff will continue their efforts toward providing a coordinated, person-centered response to encampments.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report HSC23009: What We Heard: Detailed Feedback

Appendix “B” to Report HSC23009: Encampment Response Action Items

This is **Exhibit "D"** referred to in the Affidavit of Danielle Blake affirmed before me at the City of Hamilton, in the Province of Ontario, on July 30, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:
Bevin Shores
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Commissioner for Taking Affidavits
(or as may be)
Bevin Shores (LSO No. 56161F)

A7994

CITY COUNCIL
MINUTES 23-002

9:30 a.m.
February 8, 2023
Council Chamber
Hamilton City Hall
71 Main Street West

Present: Mayor A. Horwath, Deputy Mayor N. Nann
Councillors J. Beattie; C. Cassar; B. Clark; J.P. Danko; M. Francis; T. Hwang; T. Jackson; C. Kroetsch; T. McMeekin; E. Pauls; M. Spadafora; M. Tadeson, A. Wilson and M. Wilson

Mayor A. Horwath called the meeting to order and recognized that Council is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

5. COMMUNICATIONS

5.2 Correspondence respecting making our waterfalls more accessible instead of blocking them off:

(g) Doug MacBean

Recommendation: Be received.

5.12 Correspondence from Kim Zivanovich respecting the City's vaccination policy.

(a) Additional Information from Kim Zivanovich

Recommendation: Be received and referred to the consideration of Item 2 of the General Issues Committee Report 23-006.

A3710

YES - Ward 1 Councillor Maureen Wilson

GENERAL ISSUES COMMITTEE REPORT 23-006

(Nann/Spadafora)
That General Issues Committee Report 23-006, being the meeting held on Wednesday, February 1, 2023, be received and the recommendations contained therein be approved.

(Clark/Francis)
That Item (i)(i)(1) respecting the Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)) (City Wide) be lifted from the Information Section and added as Item 11 of General Issues Committee Report 23-006, as follows:

11. Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)) (City Wide) (Outstanding Business List Item) (Item 10.4)

(b) That, as the pilot program for the Coordination Response Team (CRT) ended on December 31, 2022, a permanent, dedicated CRT to coordinate response and service delivery related to encampments throughout the City, on a housing-outreach first approach, supported by a secondary role for enforcement only when needed, be established;

(c) That, in order facilitate the permanent Coordination Response Team, the respective General Manager, or their designate, be authorized and directed to:

(i) Increase the Healthy and Safe Communities Department, Housing Services Division's budgeted complement by the following two full-time, permanent positions:

(1) Manager of Housing-focused Street Outreach, at an annual cost of approximately $149,000 for salary, benefits and ancillary charges;

(2) Project Manager of Housing-focused Street Outreach, at an annual cost of approximately $102,000 for salary, benefits and ancillary charges;

(ii) Increase the Public Works Department, Parks Section's budgeted complement by one full-time permanent position:

(1) Supervisor, at an annual cost of approximately $124,000 for salary, benefits and ancillary charges;

(iii) Increase the Planning and Economic Development Department budgeted complement by two full-time, permanent positions:

(1) Two Municipal Law Enforcement Officers, at an annual cost of approximately $138,500 each ($277,000 for both) for salary, benefits, and ancillary charges;

A3711

(d) That the General Manager of the Healthy and Safe Communities Department, or designate, be authorized and directed, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to hire the equivalent of 3.5 seconded Street Outreach Workers, at an approximate cost of $61,500 each (total for 3.5 FTEs $216,000) on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department, or designate, and in a form satisfactory to the City Solicitor;

(e) That, based on last year's costing as an indicator, the Public Works Department's operating budget be increased by $200,000 annually, to be used for ad hoc clean up or other costs incurred as a result of encampments on City property;

(f) That, although the Hamilton Police Service (HPS) is willing to support for the Coordination Response Team, but it is not in the mandate of the HPS to do so, an additional 2 FTEs (police officers) be hired to support the delivery of the coordinated encampment response at an annual cost of $268,646 for salary, benefits and one-time costs of $30,000 for ancillary equipment, to be fully funded by the City from Dept ID 673247; and,

(g) That Report HSC20038(e) / PED21188(b), respecting the Encampment Pilot Evaluation, in its entirety, be referred to the 2023 Operating Budget process (February 21, 2023 GIC) for consideration.

Result: Motion on the lifting of Item (i)(i)(1) the General Issues Committee Report 23-006, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Deputy Mayor - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

11. Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)) (City Wide) (Outstanding Business List Item) (Item 10.4)

(i) (Clark/Francis)

(b) That, as the pilot program for the Coordination Response Team (CRT) ended on December 31, 2022, a permanent, dedicated CRT to coordinate response and service delivery related to encampments throughout the City, on a housing-outreach first approach, supported by a secondary role for enforcement only when needed, be established;

(c) That, in order facilitate the permanent Coordination Response Team, the respective General Manager, or their designate, be authorized and directed to:

(i) Increase the Healthy and Safe Communities Department, Housing Services Division's budgeted complement by the following two full-time, permanent positions:

(1) Manager of Housing-focused Street Outreach, at an annual cost of approximately $149,000 for salary, benefits and ancillary charges;

(2) Project Manager of Housing-focused Street Outreach, at an annual cost of approximately $102,000 for salary, benefits and ancillary charges;

(ii) Increase the Public Works Department, Parks Section's budgeted complement by one full-time permanent position:

(1) Supervisor, at an annual cost of approximately $124,000 for salary, benefits and ancillary charges;

(iii) Increase the Planning and Economic Development Department budgeted complement by two full-time, permanent positions:

(1) Two Municipal Law Enforcement Officers, at an annual cost of approximately $138,500 each ($277,000 for both) for salary, benefits, and ancillary charges;

(d) That the General Manager of the Healthy and Safe Communities Department, or designate, be authorized and directed, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to hire the equivalent of 3.5 seconded Street Outreach Workers, at an approximate cost of $61,500 each (total for 3.5 FTEs $216,000) on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department, or A3713 designate, and in a form satisfactory to the City Solicitor;

A7998

(e) That, based on last year's costing as an indicator, the Public Works Department's operating budget be increased by $200,000 annually, to be used for ad hoc clean up or other costs incurred as a result of encampments on City property;

(f) That, although the Hamilton Police Service (HPS) is willing to support for the Coordination Response Team, but it is not in the mandate of the HPS to do so, an additional 2 FTEs (police officers) be hired to support the delivery of the coordinated encampment response at an annual cost of $268,646 for salary, benefits and one-time costs of $30,000 for ancillary equipment, to be fully funded by the City from Dept ID 673247; and,

(g) That Report HSC20038(e) / PED21188(b), respecting the Encampment Pilot Evaluation, in its entirety, be referred to the 2023 Operating Budget process (February 21, 2023 GIC) for consideration.

Result: Motion on Item 11 (i) of the General Issues Committee Report 23-006, CARRIED by a vote of 11 to 5, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
NO - Ward 2 Councillor Cameron Kroetsch
NO - Ward 15 Councillor Ted McMeekin
NO - Deputy Mayor - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
NO - Ward 13 Councillor Alex Wilson
NO - Ward 1 Councillor Maureen Wilson

11. Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)) (City Wide) (Outstanding Business List Item) (Item 10.4)

(ii) (Nann/Hwang)

(a) That staff be directed to make recommendations to reallocate resources approved for encampment response towards implementing a new encampment protocol once approved by Council; and

(b) That staff be directed to develop an evaluation framework for the new encampment protocol in consultation with community partners.

A3714

Result: Motion on Item 11 (ii) of the General Issues Committee Report 23-006, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Deputy Mayor - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

(Pauls/Jackson)
That Item (g)(i) respecting the Amendment to Appendix "A" of Item 4.1 or the August 26, 2021 Council Minutes, respecting Report HUR21008, the Mandatory COVID-19 Vaccination Verification Policy, which was approved by Council on August 26, 2021 – REVISED, be lifted from the Information Section and added as Item 12 of General Issues Committee Report 23-006, as follows:

12. Amendment to Appendix "A" of Item 4.1 or the August 26, 2021 Council Minutes, respecting Report HUR21008, the Mandatory COVID-19 Vaccination Verification Policy, which was approved by Council on August 26, 2021 - REVISED (Item 11.1)

That Item 4.1 of the August 26, 2021 Council Minutes, respecting Report HUR21008, the Mandatory COVID-19 Vaccination Verification Policy, which was approved by Council on August 26, 2021, be ***amended*** to read as follows:

4.1 Mandatory COVID-19 Vaccination Verification Policy (HUR21008) (City Wide)

(a) That Council approve the recommendation that the City implement the Mandatory COVID-19 Vaccination Verification Policy, attached hereto as Appendix "A", ***as further amended***, requiring proof of vaccination in the workplace, including a comprehensive testing, education and communication plan for unvaccinated staff:

(i) That Appendix "A", as amended, to Item 4.1 of the August 26, 2021 Council Minutes, respecting Report HUR21008, the Mandatory COVID-19 Vaccination Verification Policy (HR-66-21), be ***amended***, as follows:

This is **Exhibit "E"** referred to in the Affidavit of Danielle Blake affirmed before me at the City of Hamilton, in the Province of Ontario, on July 30, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:
Bevin Shores
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Commissioner for Taking Affidavits
(or as may be)
Bevin Shores (LSO No. 56161F)

A8001

CITY OF HAMILTON

HEALTHY AND SAFE COMMUNITIES DEPARTMENT
General Manager's Office
and
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	May 17, 2023
SUBJECT/REPORT NO:	Proposed Encampment Protocol (HSC20038(f)/PED21188(c)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Mike Jones (905) 546-2424 ext. 3824 Danielle Blake (905) 546-2424 ext. 3731
SUBMITTED BY: **SIGNATURE:**	Michelle Baird Director, Housing Services Healthy and Safe Communities Department Michelle Baird
SUBMITTED BY: **SIGNATURE:**	Monica Ciriello Director, Licensing and Bylaw Services Planning and Economic Development Department Monica Ciriello

RECOMMENDATIONS

(a) That Council adopt the Proposed Encampment Protocol attached as Appendix "A" to Report HSC20038(f)/PED21188(c) and that staff be directed to implement the Proposed Encampment Protocol upon Council ratification on May 24, 2023.

(b) That the staff and budget resources for the Coordination Response Team previously approved through Report HSC20038(e)/PED21188(b) be allocated to the implementation of the Proposed Encampment Protocol attached as Appendix "A" to Report HSC20038(f)/PED21188(c).

(c) That, following Council ratification, staff be directed to make the Proposed Encampment Protocol attached as Appendix "A" to Report HSC20038(f)/PED21188(c) available for public comment, and that staff monitor the implementation of the protocol, and that staff report back with a final recommended protocol at the General Issues Committee on August 2023.

(d) That staff be directed to conduct a scan of jurisdictions that currently operate sanctioned encampments and further research/consultation as required and bring back options regarding operating models, parameters and criteria for site identification and potential sites with the goal of incorporating sanctioned sites into the new encampment protocol once site(s) and operating model are approved by Council.

(e) That staff be directed to work with stakeholders to address washrooms, showers, and access to drinking water, as well as integration of peer and Indigenous supports into encampment response, and report back to the General Issues Committee with recommendations and required resourcing.

EXECUTIVE SUMMARY

On February 8, 2023, Council directed that staff convene a minimum of two meetings with members of the Indigenous community, the Young Women's Christian Association and other drop-in providers, Hamilton Social Medicine Response Team, Keeping Six, and other stakeholders who serve the housing and health needs of those living encamped, with a goal of developing a new encampment protocol rooted in an approach that upholds the human rights of residents living encamped and reflects the concerns shared by the delegates who presented on January 18, 2023.

As directed by Council, City staff led two sessions with community stakeholders to seek feedback in developing a new encampment protocol. The stakeholder sessions included eleven participating organizations who provide outreach, frontline, and other supports and services to people living in encampments. A summary of these sessions is fully detailed and is attached as Appendix "B" to Report (HSC20038(f)/PED21188(c)).

Stakeholder feedback focused primarily on recommendations to develop sanctioned encampment sites and provision of services and supports to individuals living in encampments. To deliver on Council's direction to develop a protocol, staff used the feedback from these sessions as well as their experience in addressing previous protocols and response strategies, feedback provided by people with lived and living experience of encampments, learnings from other municipalities, and recommendations from 'A National Protocol for Homeless Encampments in Canada' to develop the Proposed Encampment Protocol included as Appendix "A" to Report (HSC20038(f)/PED21188(c)). The previous encampment protocol enacted from October

2021 to August 2022, was identified by community stakeholders as a reasonable starting point, and city staff engaged with stakeholders during the sessions to analyze what worked, what was problematic, and changes or enhancements that would be required, attached as Appendix “C” to Report (HSC20038(f)/PED21188(c)).

In the process of developing the Proposed Protocol, various considerations were also identified by City staff which are summarized in this report. In addition, the broader community has not had opportunity to provide input into the Proposed Protocol. Given the urgency of having a protocol that will guide the City’s encampment response, it is staff’s recommendation that Council approve and direct staff to implement the Proposed Encampment Protocol immediately, while also directing staff to make the Proposed Protocol available for public input and incorporate this input as well as experience implementing the Proposed Protocol into a final protocol to be brought back and recommended to Council in August 2023. Should Council approve the recommendation to pursue sanctioned sites, the approved encampment protocol would provide a response framework for the community while work is under way to identify sites and preferred operating models for sanctioned encampments.

Alternatives for Consideration – Page 14

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Through Report HSC20038(e)/PED21188(b) and subsequently through the 2023 budget process, Council approved resources for the Encampment Coordination Response Team. It is anticipated that these resources will be sufficient to implement a new Encampment Protocol, and staff will include a final assessment of any financial impacts when reporting back on a final recommended Encampment Protocol.

Staffing: Through Report HSC20038(e)/PED21188(b), Council approved the creation of several new Full-Time Equivalents to comprise a permanent Coordinated Response Team and to provide funding to Hamilton Police Services to support encampment response efforts. Council further directed that these resources be reallocated towards implementation of the new encampment protocol, once approved by Council. It is anticipated that these staffing resources will be sufficient to implement a new Encampment Protocol, and staff will include a final assessment of any staffing impacts when reporting back on a final recommended Encampment Protocol.

Legal: N/A

HISTORICAL BACKGROUND

On August 9, 2021, Council approved repealing the By-law Enforcement Protocol then in place and instructed staff to enforce City By-laws that prohibit camping on city property, including in park areas.

On September 9, 2021, Council approved Report PED21188/HSC20038(c) Encampment Response Update, introducing a six-step, Municipal Law Enforcement-led encampment response process to be followed by City staff.

On January 13, 2022, Motion 11.1 directed staff to convene several facilitated sessions with community stakeholders, including people with lived experience, to identify comprehensive, human-rights based, health-focused housing solutions for residents living encamped across Hamilton.

On March 22, 2022, Council passed Motion 11.3 which provided a time-limited enforcement to the parks By-law, and directed staff to complete their activities under the six-step encampment protocol, including notifying Hamilton Police Services that a Trespass Notice has been issued, within 12 to 72 hours after staff receive the first complaint regarding unauthorized camping in a City park or public place; and enforce the Encampment Process 7 days per week.

On March 24, 2022, Council approved Encampment Response Update (HSC20038(d)/PED21188(a)) and the creation of an Encampment Coordination Team pilot to the end of 2022. The pilot approved three Full-Time Equivalents to provide dedicated focus to encampment coordination and was created to improve coordination and efforts of services involved in encampment response and directed that all new reporting be brought forward to the General Issues Committee.

On March 30, 2022, Council approved Licensing and By-law Services Division be authorized to create a dedicated team of four full-time temporary Municipal Law Enforcement Officer positions to resource the pilot at the 72 hour/7 day/week service level.

On February 1, 2023, a report on ‘Outcomes and Findings of the Encampment Facilitated Sessions’ (HSC20039), which responded to Council’s January 13, 2022 direction, was approved by Council.

On February 8, 2023, Council approved ‘Encampment Pilot Evaluation’ (HSC20038(e)/PED21188(b)) and the extension of the encampment response pilot to the end of April 2023, including a shift in focus to a housing-first approach, reduction in Municipal Law Enforcement resourcing and resourcing of staff positions in Housing Focused Street Outreach, Parks, Municipal Law Enforcement and Hamilton Police Services as well as costs incurred for clean-up. Continuation of resourcing for the

housing first approach and permanent team was approved by Council subsequently through the 2023 budget process.

Also, on February 8, 2023, Council approved the following direction:

a) That staff be directed to convene a minimum of 2 meetings to discuss the encampment protocol with members of the Indigenous community and the following organizations: (i) Young Women's Christian Association and other drop-in providers; (ii) Hamilton Social Medicine Response Team; (iii) Keeping Six; and (iv) Other stakeholders who serve the housing and health needs of those living encamped;

b) That these meetings be held to develop a new encampment protocol rooted in an approach that upholds the human rights of residents living encamped and reflects the concerns shared by the delegates who presented on January 18, 2023, with a report back no later than April 20, 2023, with recommendations to the General Issues Committee.

On February 8, 2023, Staff was also directed by Council to:

a) Develop an evaluation framework for the new encampment protocol in consultation with community partners; and

b) Re-allocate resources approved for encampment response towards implementing a new encampment protocol once approved by Council.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not Applicable

RELEVANT CONSULTATION

Staff from Planning and Economic Development (Licensing and By-law Services), Healthy and Safe Communities (Housing Services Division, Recreation Division), Public Works (Parks Division) and Corporate Services (Legal, and Finance) and Hamilton Police Services were consulted in the preparation of this report.

In the two Protocol Development Sessions, stakeholders who provide outreach, frontline, and other supports and services to people living in encampments were represented, including representations from eleven organizations, including Keeping Six, St. Matthew's House, Greater Hamilton Health Network, Wesley Urban Ministries, Salvation Army, Hamilton Social Planning and Research Council, Living Rock Ministries, Good Shepherd, and St. Joseph's Healthcare Hamilton. City staff reached out directly to the Young Women's Christian Association and the Indigenous community

as they were unable to attend the sessions. Discussions were also held with Hamilton Police Services' Crisis Outreach & Support Teams, including staff from the Social Navigator program.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Proposed Encampment Protocol submitted as Appendix "A" to Report (HSC20038(f)/PED21188(c)) was informed by the Protocol Development Sessions that were held in March 2023 with various community stakeholders, as well as consideration of previous City protocols that had been implemented and practices in other jurisdictions.

In the March sessions, stakeholders brought forward sanctioned encampment sites as a primary recommendation and focused other recommendations on the provision of services and supports to encamped individuals.

From October 2020 to August 2021 a previously implemented Encampment Bylaw Protocol for the City of Hamilton was developed in conjunction with stakeholders and City staff. This protocol was regarded by stakeholders and staff to be a reasonable attempt at guiding interactions between staff and individuals living in encampments, although some implementation concerns did arise. Nonetheless, the previous Protocol was seen to be an appropriate starting place for, and helped to inform, the Proposed Encampment Protocol presented with this report. A comparison of the Proposed Protocol with the previous protocol is attached as Appendix "C" to Report (HSC20038(f)/PED21188(c)).

It is critical that decisions regarding encampment response are grounded in a commitment to uphold the human rights and human dignity of all individuals living in encampments, as well as mutual respect for residents and community stakeholders living in Hamilton's neighbourhoods. Given the demands on shelter capacity and limited suitable housing alternatives compared with current need, it is the advice of staff that the City of Hamilton pursue sanctioned encampments and approve a new encampment protocol. An encampment protocol that guides the City's response will be needed, even if sanctioned encampment sites are implemented, in order to have a clear protocol in place for individuals who do not want to go to a sanctioned site, or in the event that the sanctioned sites are full. It is also anticipated that development of sanctioned encampment sites may take time, and therefore approving a new encampment protocol is also recommended (i.e., immediately in draft form, and after finalizing by incorporating feedback from the public consultation and implementation experience).

Proposed Encampment Protocol – Key Elements

In developing the protocol, City staff also reviewed protocols of other municipalities to identify areas of alignment, strategies, and other approaches to consider, as well as principles within 'A National Protocol for Homeless Encampments in Canada' report. The application of these approaches, strategies, and principles are outlined in the sections below, along with the rationale for each element.

1. Application of the Vulnerability-Index Service Prioritization Decision Assistance Tool

One of the most consistently raised concerns from the community stakeholders was regarding the use of the Vulnerability-Index Service Prioritization Decision Assistance Tool as a decision-making tool regarding whether someone living unsheltered would be able to stay *in situ* or need to move to a new space as based upon their level of acuity. Stakeholders suggested that this led to unsheltered individuals aiming to score a higher acuity score on the Vulnerability-Index Service Prioritization Decision Assistance Tool to ensure they could stay in their current location while awaiting housing.

To address these concerns, under the proposed Protocol, the Vulnerability-Index Service Prioritization Decision Assistance Tool would be used to support conversations where staff learn about an individual's housing situation, needs, and strengths to help build a plan to achieve stable housing. There would be no requirement for anyone who is living in an encampment to complete the Vulnerability-Index Service Prioritization Decision Assistance Tool and it would have no bearing on whether they are able to stay in a particular location or for a specific duration of time.

2. Size of an Encampment and Distance between Encampments

From the discussions amongst the community stakeholders as well as with City staff involved in providing frontline support, there were several different ideas shared regarding the appropriate number of tents to be permitted within a confined area. Broadly, the community stakeholders shared suggestions ranging from 5-10 tents, as well as "no limit" to the number of tents permitted in one area. Staff were consistent that a maximum number is most appropriate and that it is a common approach among other municipalities. The Proposed Encampment Protocol would set a limit of 5 tents which is consistent with the previous encampment protocol.

A limit of five tents per cluster provides for sheltering needs while reducing potential noise complaints, complaints about garbage and debris, conflict within encampments, and between encampments and the public. Parks section staff have also identified significant costs associated with the cleaning and maintenance of larger, entrenched encampment sites, which commonly result in damage to the parkland, and require more significant grass and ground remediation. Additionally, larger tent communities can be attractive locations for those wanting to engage in criminality. One of the notes of

success from the previous encampment protocols was avoiding entrenched encampments.

The Proposed Protocol also recommends a 50-metre distance requirement between encampment sites which again allows sheltering while preserving opens spaces for public use and helping to ensure that there is no overlap between tent clusters that become a single larger cluster of tents. Set-back requirements are very common in municipal By-laws and are used by other municipalities when it comes to encampment By-laws.

3. Garbage and Debris

The proliferation of debris and garbage at encampment sites, particularly larger sites, is one of the most common complaints from the public. To address this concern, the Proposed Protocol recommends that each tent would be required to maintain all its belongings within a 3-metre-by-3-metre area, for a total of 9-metres-squared. When five tents are within one encampment cluster, the total area for the five tents will not be able to exceed 45-metres-squared. Municipal Law Enforcement Officers would be used to identify sites that do not meet the criteria, and anything that is not located within the allotted personal space area would be raised with occupants of adjacent tents if located and failing response would be subject to immediate removal from City staff. This approach is consistent with those adopted in other jurisdictions.

4. Proximity to Schools, Child Care Centres, Playgrounds, Pools, and Waterparks

Given the vulnerability of the population that accesses schools, childcare centres, playgrounds (including spray pads), and pools and/or waterparks, the Proposed Protocol includes a requirement to be 50-metres away from these sites when setting up a tent. This is consistent with the previous protocol and received broad agreement from the community stakeholders and staff.

5. Civic Museums, City Heritage Facilities, and Sites with an Environmental or Heritage Designation

A limit of 5-metres from any site with an environmental or heritage designation is included in the Proposed Protocol to ensure that protected sites are not impacted by camping. Often sites with an environmental or heritage designation cannot be remediated after damage or would require significant financial costs. The Proposed Protocol would also not permit encampments within the grounds of a City civic museum or heritage facility, as these grounds are typically used as part of the public programming area for these facilities.

6. Protection of Recreational Assets for Public Use

Other prohibited areas proposed in the Proposed Protocol include camping on or up against any sports fields, skateboard parks, fitness amenities, golf courses, baseball diamonds, soccer pitches, tennis courts, or any other sports or multi-use courts, as well as stadiums, dugouts, stages, and bleachers. These are City recreational assets that are heavily utilized by children and youth, especially during the summer months. In balancing the recreational needs of the public, and to ensure the appropriate use of the City's public assets, these spaces need to be available for ongoing use.

7. Highways, Pathways, Bridges, Sidewalks, Publicly owned Parking Lots, Entrances, Exits, Fire Routes, and Accessibility Entrances

To ensure highways, sidewalks, entrances and exits, and fire routes remain unencumbered by tents and are accessible to the public, city staff involved in snow removal, and frontline emergency responders, the Proposed Protocol proposes that individuals would be prohibited from setting up tents or abodes in these areas. There are significant health and safety concerns associated with tenting in these locations for both individuals living in encampments as well as the public.

8. Proximity to Beaches, Ponds, Lakes, and Docks

The Proposed Protocol would prohibit erecting a tent near a beach, pond, lake, or dock as these areas present a concerning level of risk for the individual tenting, as well as other members of the public who choose to access a particular location and given the concern of potential disruption to wildlife habitat. A tent erected near a body of water, as well as potential garbage and debris surrounding the site may also present as obstructions to avoid and/or tripping hazards that increase the potential for someone to fall into a nearby body of water.

9. Cemeteries

Under the Proposed Protocol, tents would be prohibited in cemeteries because of the restrictions on use of the lands through the Funeral, Burial and Cremation Services Act, 2002, and oversight by the Burial Authority of Ontario.

10. Distance from Private Property

In the past there have been tents erected directly adjacent to, or attached to fences and other private property, leading to complaints from property owners, as well as health and safety issues, such as occurred with a propane explosion, as well as an increase in garbage and debris. The Proposed Protocol proposes a setback requirement of 5 metres from any private property line.

11. Hazardous Areas

All areas that are susceptible to flooding, erosion, slope instability, or other environmental hazards would be prohibited from camping to protect the health and safety of individuals.

12. Abandoned Sites and a Defined Clean-up and Maintenance Process

The community stakeholders shared experiences of individuals living in encampments having their items cleaned up without their consent, leading to negative outcomes and frustration. The community stakeholders also stressed the importance of individuals living in encampments being able to maintain documentation in order to apply to programs for social assistance and housing, as well as to receive medical care.

To balance the needs of individuals living in encampments, and community concerns regarding debris and garbage, the City has developed operational policies to address sites that are believed to be abandoned. The Proposed Protocol includes operational policies that would be followed prior to deeming an encampment abandoned and to ensure that items are only discarded after significant scrutiny has been applied to the active nature of a site, in order to limit the impacts on people who are living in encampments.

13. Campfire and Barbecue Use

As per Bylaw 01-219, Section 14 denotes expectations associated with use of campfires and barbecues, while in any park, no person shall, unless expressly authorized by permit or in a permitted area, designated by posted signs;

a) light, build or stoke an open fire or bonfire or move, alter, or expand authorized fire pit locations;

b) use any solid, liquid or gas fuelled portable barbecue, and, under no circumstances shall the fuel tank, cylinder or container for use with a liquid or gas fuelled barbecue exceed twenty (20) pounds capacity.

c) use fuel other than charcoal or briquettes in any stationary barbeque; or,

d) leave a barbecue or fire unattended without first extinguishing the barbecue or fire and ensuring that any remaining embers, coals, ashes or other residue, are fully extinguished and cold.

These items have frequently been the cause of fires and/or other safety concerns to individuals living in encampments and others nearby. As such, individuals who are not in compliance with the above By-law would be subject to the removal of items.

Sanctioned Encampments: The current focus within the Proposed Protocol is on areas where encampments would not be permitted and does not include sanctioned sites. This model makes it the responsibility of encamped individuals to be informed of where they may set up a tent to be in compliance with the protocol. The protocol outlines communication that will be in place to ensure a shared understanding among the community and unsheltered individuals. However, engagement with stakeholders consistently recommended several sanctioned sites be identified and implemented. It was recommended by the community stakeholders that Council consider a sanctioned encampment model. This approach is supported by City Staff and Hamilton Police Services. If this direction is supported by Council, city staff would work on the development of sanctioned site model during the period of public input and implementation of the Proposed Protocol. Staff would conduct a scan of jurisdictions with sanctioned sites, understand operating models, parameters, and site identification processes, and bring back options to Council. A new encampment protocol could be implemented independently, based on restricted locations, and expanded to include sanctioned encampment sites once model and site(s) are approved by Council.

Additional Considerations and Concerns

As noted above, the Proposed Encampment Protocol attached as Appendix “A” to Report (HSC20038(f)/PED21188(c)) was informed by the Protocol Development Sessions that were held in March 2023 with the identified community stakeholders. During staff’s analysis and development of the Proposed Protocol, and as the encampment response team has worked together to address constituent complaints and respond to the needs of unsheltered individuals and encampment related issues since being re-established in February 2023, additional questions, concerns, and considerations have been raised by stakeholders, staff, councillors and members of the broader community.

Tent Limits: Staff have identified potential difficulties in enforcing a five-tent limit, particularly in how to assess which tent is the sixth to enter onto a site. The preferred approach from Municipal Law Enforcement would be to have one or more parties voluntarily move to a new site to ensure the site maintains its compliance. If this is not achievable, Municipal Law Enforcement would need to provide compliance notices to all tents located within a cluster, requiring all parties to leave the site,

Tent Clusters: Staff have identified potential concerns regarding the 50-metre distance separation between encampment sites recommended in the Proposed Protocol, as it could allow for multiple five-tent encampments within larger parks.

Special Events: Concerns have been expressed regarding allowing camping within areas which have been designated as special event area(s), in which a permit has been issued for a special event or festival by the City. It was suggested that these areas be

cleared for the preceding five days prior to, and including the event, which would end on expiry of the permit, however such a restriction would be a challenge to enforce.

Leniency Compared with other Jurisdictions: Some stakeholders have expressed concern that the Proposed Encampment Protocol is more lenient than other jurisdictions, which could create a risk of entrenched encampments and Hamilton experiencing a potential influx of unsheltered individuals.

Period of Public Input: It has been identified that the stakeholders engaged during the protocol development sessions do not represent all perspectives on the City's encampment response, and the opportunity for public comment from the broader community is a reasonable and important step in finalizing the protocol.

Areas for Further Work and Additional Consideration

During the encampment development protocol sessions, the following areas were also identified by the community stakeholders as being needed to ensure a human-rights approach to encampments. These areas could be pursued simultaneous to developing a final encampment protocol, or subsequent to Council approving a new protocol. These areas are further described in the attached as Appendix "C" to Report (HSC20038(f)/PED21188(c)) and are in alignment with a rights-based approach to encampment response as highlighted in 'A National Protocol for Homeless Encampments in Canada'.

1. Accessibility of Washrooms, Showers, and Clean Drinking Water
2. Peer Supports and Involvement of People with Lived and Living Experience
3. Indigenous-led Outreach and Partnerships

Evaluation and Reporting

As per the February 8, 2023 motion, staff were directed to "develop an evaluation framework for the new Encampment Protocol in consultation with community partners."

City staff have completed an internal review of available encampment-related data that has been determined by staff to be valid and reliable and can be reported on an interim basis staff while staff engage with community partners regarding the development of an evaluation framework. Each datapoint is to be reported on an interim basis, represents a necessary component of encampment response efforts led by the City, and is a means to assessing the success of the program.

The indicators identified are:

- Total complaints and/or requests for service requiring response or follow-up
- Number of unique individuals/households reached who are unsheltered and/or regularly living in encampments throughout the City defined by connection to Housing Focused Street Outreach
- Number of interactions where individuals received support (from Housing Focused Street Outreach) with their basic needs per month (includes anonymous interactions)
- Number of interactions where individuals received support (from Housing Focused Street Outreach) with their housing needs per month (includes anonymous interactions)
- Escalated items actioned to Municipal Law Enforcement from Housing Focused Street Outreach (i.e., Municipal Law Enforcement Officers were involved in response) on public property
- Escalated items actioned to Municipal Law Enforcement from Housing Focused Street Outreach (i.e., Municipal Law Enforcement Officers were involved in response) on private property
- Total number of Voluntary Compliance Notices issued on public property
- Total number of Voluntary Compliance Notices issued on private property
- Number of instances where compliance was achieved immediately on public property, without issuing of Voluntary Compliance Notice
- Number of instances where compliance was achieved immediately on private property, without issuing of Voluntary Compliance Notice
- Number of encampment sites cleaned and/or maintained by Parks Section staff or a designated contractor

Communication

Once Council approves a final Encampment Protocol, individuals living in encampments, community stakeholders, and the public would be made aware of the protocol through existing communications channels. The City website would also be updated to ensure the most recent, relevant information is being shared within the public.

Additionally, the City would develop pamphlets and other materials that can be provided to City staff engaged in outreach, Hamilton Police Services, frontline workers in community organizations who interact with people who are unsheltered, and to individuals currently living in encampments to ensure a shared understanding of the Protocol.

Communications with Council and Ward Councillors regarding encampment response, including the indicators identified above, would be through monthly reports to Council regarding data and trends, operational updates, and any continuous improvement measures implemented to further efforts toward providing ongoing accountability and transparency to the City's encampment response program and the implementation of its encampment protocol.

Where a Ward Councillor requests information regarding a specific encampment site within their ward, Housing Focused Street Outreach would provide an update as to whether the encampment has been deemed to be within a prohibited area. Reporting on the status of outreach or enforcement activities would be limited to the monthly Council reports.

ALTERNATIVES FOR CONSIDERATION

Council could decide to delay approval of the Proposed Protocol and direct staff to conduct a full public consultation on the Proposed Protocol.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report HSC20038(f) PED21188(c): Proposed Encampment Protocol

Appendix "B" to Report HSC20038(f) PED21188(c): Protocol Development Sessions with Community Stakeholders

Appendix "C" to Report HSC20038(f) PED21188(c): Comparison of Draft Encampment Protocols – Updates and Changes

Proposed Encampment Protocol

A) Shared Principles

When engaging in encampment response, all staff in a frontline capacity will use the same philosophical approach. In all interactions with people who are living unsheltered, staff will engage utilizing a human-centered, housing first, health-focused, rights-based approach. All actions will be guided by a commitment to upholding the human rights and human dignity of all individuals living in encampments, temporary shelters, or tents. Staff will also work to build rapport through mutual respect, effective communication, empathy, and by maintaining transparency around the expectations of individuals living in encampments, temporary shelters, or tents and City staff.

It is vital that all actions taken in the Protocol are grounded in the understanding that housing is a fundamental human need, and that people in our community deserve housing and homelessness responses that are based on intentional planning and good evidence and that have measurable positive impacts and outcomes. Working to provide permanent housing for all is critical and will require an ongoing commitment from the City, community, and other levels of government to find innovative, meaningful solutions.

B) Complaints and Service Request Information:

Individuals in the community who encounter an active or abandoned encampment, temporary shelter, or tent, or someone who is living unsheltered, should contact the Coordinated Response Team led by Housing Focused Street Outreach by email at unsheltered@hamilton.ca, or by phone at 905-546-2828.

All additional contact made with other internal City channels regarding encampments, temporary shelters, or tents will also be forwarded to Housing Focused Street Outreach for first response.

C) Alignment to Housing Resources and Supports

In establishing a housing-focused approach to interacting with individuals living unsheltered and/or in encampments, all individuals will be given an opportunity to complete a Vulnerability Index – Service Prioritization Decision Assistance Tool.

In the context of individuals living in encampments, temporary shelters, or tents, the Vulnerability Index – Service Prioritization Decision Assistance Tool is a triage tool, with a series of questions asked by Housing Focused Street Outreach staff to individuals who are experiencing homelessness. The assessment tool is used to support conversations where staff learn about an individual’s housing situation, needs, and strengths to help build a plan to achieve stable housing. It is also used to inform additional supports that may be needed and/or help prioritize housing interventions within Hamilton’s Homeless-serving System likely to be most beneficial to support an individual’s needs, preferences, and long-term housing outcomes.

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There is no requirement for anyone who is living in an encampment, temporary shelter, or tent to complete the Vulnerability Index – Service Prioritization Decision Assistance Tool and it will have no bearing on whether they are able to stay in a particular location or for a specific duration of time. The assessment tool will only be used to help connect individuals experiencing homelessness to housing resources and supports.

D) Prohibited Areas for Camping

In order to provide for the availability of space for temporary shelter in parks, persons without shelter or being homeless will be able to establish an encampment through erecting a temporary shelter for themselves and also be able group together with other such persons’ temporary shelters. However, the encampment or cluster of shelters must not exceed five tents or similar temporary shelters, and there must be at least 50 meters separating the encampment or cluster from other encampments or clusters of shelters. Further the balancing of public and private interests while allowing for temporary shelter will require encampments or clusters not be located:

- On or within 50 meters of a school or children daycare centre
- On or within 50 meters of a playground, pool, waterpark, or any spray pad
- On or within 50m of any lake, beach, pond, watercourse or other body of water, or a dock
- Within 5 meters of any private property line
- On or within 5 meters of any transit stop or a highway and specifically including a sidewalk, boulevard, or bridge or tunnel being part of such highway
- On or within 5 meters of any property with an environmental or heritage designation
- On or within 50 meters of any sports fields, inclusive of but not limited to, skateboard parks, fitness amenities, golf courses, ball diamonds, soccer pitches, tennis courts, or any other sports or multi-use courts, as well as stadiums, dugouts, stages, and bleachers.
- On any fenced-in, off-leash dog area
- On any cemetery, including its roads, lanes and paths for travel within the cemetery
- On any community garden and including any garden shed or greenhouse
- On any pathway, sidewalk, or parking lot or on or under any bridge, including pedestrian access points to such areas and structures
- On or within any designated fire route, or the entrance to or exit from a designated fire route, or located so as the block any fire hydrant
- On or within any entrance, exit or a doorway to a building or structure, and including, without limiting the generality of the foregoing, an area adjacent to such entrances or exits required in the event of fire or emergency
- On or within any accessibility entrance or ramp, or located in a way that blocks access to such entrances or ramps.

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- On or within any area identified susceptible to flooding, erosion, slope instability, or other environmental hazards
- Further no temporary shelter or tent will be placed against or under, or be attached or tied to any building or permanent structure.

E) Campfire and Barbecue Use

Section 14 of By-Law 01-219, the Parks By-Law, which regulates campfires and barbecues in City Parks; as well as By-Law No. 02-283, the Open Air Burning By-Law, which regulates open-air burning within the City, shall be complied with and may be enforced.

F) Maximum Personal Space Allotment(s)

The total area for a single tent and all its associated belongings cannot exceed beyond a 3-metre-by-3-metre area, or 9-metres-squared, and the total area for five tents within a cluster cannot exceed beyond a total area of 45-metres-squared. The following chart identifies space limits by number of temporary shelters or tents:

Number of Temporary Shelters/Tents within Encampment Cluster	Maximum Total Space Allotment (metres)
One	9m²
Two	18m²
Three	27m²
Four	36m²
Five	45m²

Any items located outside of the allotted personal space area would be subject to immediate removal by City staff.

G) Encampment Response Processes

Given that there are several circumstances that require a unique response from the Coordinated Response Team, the following guidelines have been established to direct responses to people living in encampments, and their temporary shelters or tents:

A) When an encampment, temporary shelter, or tent is located on public property:

1. If no health and safety issues are observed, and the encampment, temporary shelter, or tent complies with the prohibitions and locations in this Protocol, individuals will be allowed to maintain and occupy temporary such shelter for the duration of the Protocol. HFSO will continue to engage with the individual(s) on an ongoing basis to provide supports and referrals as needed and work towards

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goals in individualized housing plans. HPS will work collaboratively with HFSO if attendance is required for an emergency or another policing function.

2. If a substantial change in circumstances is observed by HFSO in subsequent visits to the encampment, temporary shelter, or tent, such as new significant health or safety issues, HPS may be asked to attend to support any response.

B) If an encampment, temporary shelter, or tent is located on public property, in a prohibited area:

1. Housing Focused Street Outreach staff will engage with people living within an encampment, temporary shelter, or tent to better understand their needs and connect them with internal and community supports, including housing-focused case management; referral into the emergency shelter system; referrals to health agencies, social assistance supports, and specialized outreach supports; and any other relevant supports available that would improve an individual’s health and wellbeing.

2. Hamilton Police Services will be notified, and Encampment Engagement Officers will attend and complete a risk assessment on-site at each identified encampment, temporary shelter, or tent.

3. If after visiting an encampment, temporary shelter, or tent, Housing Focused Street Outreach staff observe the encampment, temporary shelter, or tent to be in a prohibited area, they will contact Municipal Law Enforcement to conduct a follow-up assessment. Housing Focused Street Outreach’s staff will not enforce the prohibitions within the Protocol but will educate residents of the expectations of the Protocol.

4. Municipal Law Enforcement Officers will visit the site and determine whether the encampment, temporary shelter, or tent is in a prohibited area. If so, Municipal Law Enforcement Officers will notify the individuals living at the location that they are in a prohibited area via a Notice of Trespass and that they will be required to move from the existing location.

5. Municipal Law Enforcement Officers will determine compliance timelines depending on the circumstances, for the issuance of notices or actions to be taken in respect to the encampment, temporary shelter, or tent. For example, if the Municipal Law Enforcement Officers observes a significant health or safety issue for the individual due to placing a shelter on a highway the Municipal Law Enforcement Officers will take more urgent action to require compliance or remediate the concern and may seek Hamilton Police Services support. If there

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are less immediate health, safety, or other concerns due to encampment or its location within a prohibited area, Municipal Law Enforcement Officers will allow for more time to engage with the individuals in an encampment, temporary shelter, or tent around supports and next steps.

6. After a Trespass Notice has been served and prior to an area being cleared, Housing Focused Street Outreach’s will continue to engage with individual(s) at the location to identify alternate sheltering options and attempt to address any barriers to shelter or housing.

7. If the duration of time provided by a Trespass Notice expires and individual(s) at the site has not moved voluntarily and are unwilling to move, Municipal Law Enforcement Officers will notify Hamilton Police Services Encampment Engagement Officers of any operational plan that has been constructed. Hamilton Police Services will be available to support and assist the Municipal Law Enforcement Officers, operational plan, and/or the individual(s) living at the encampment, temporary shelter, or tent to vacate the prohibited area.

8. Hamilton Police Services Encampment Engagement Officers will interact with individuals in encampments, temporary shelters, or tents in collaborative support of Housing Focused Street Outreach and/or Municipal Law Enforcement. Otherwise, their level of intervention will be dictated by their own internal policies and the circumstances at a given encampment, temporary shelter, or tent site.

9. Parks staff will coordinate the clean-up, to be completed either by Parks staff, Roads staff, or the contractor, depending on the location, at the earliest opportunity.

C) If an encampment, temporary shelter, or tent is located on public property and it is not located in a prohibited area:

1. If no serious health and safety issues at an encampment, temporary shelter, or tent have been identified via Housing Focused Street Outreach staff, they will engage with people living within an encampment, in a temporary shelter, or tent to better understand their needs and connect them with internal and community supports, including housing-focused case management, referral into the emergency shelter system; referrals to health agencies, social assistance supports, and specialized outreach supports; and any other relevant supports available that would improve an individual’s health and wellbeing.

2. If Housing Focused Street Outreach identify or confirm a serious health or safety issue at an encampment, temporary shelter, or tent, and depending on circumstances, they may notify Hamilton Police Services Encampment

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Engagement Officers, who may attend and complete a risk assessment on-site at the location where the health or safety issue was identified or reported.

3. If the serious health and safety concern is considered imminent (e.g., exposed electrical wiring, accumulation of discarded needles, use of propane tanks and other combustible materials, possession of weapons) is identified by Housing Focused Street Outreach or Hamilton Police Services Encampment Engagement Officers, Hamilton Police Services will, in addition to any policing responses required in the circumstances, report to the Coordinated Response Team and prioritize working with community partners to address any remaining safety concern. These partners may include Hamilton Fire Department, Hamilton Public Health’s Community Points program, Hamilton Parks, or any other parties deemed necessary to address the observed health and safety concerns.

4. All items determined by Hamilton Police Services and/or partners to be a serious risk to the health and safety of individual(s) living at the encampment, temporary shelter, or tent, as well as the public will be removed at the earliest opportunity.

5. If the encampment, temporary shelter, or tent is also in an area deemed to be prohibited based upon the provisions identified in Section D of this Protocol, and after health and/or safety issues placing Municipal Law Enforcement Officers at risk have been removed, Municipal Law Enforcement Officers will initiate steps 4-9 in Encampment Response Process B – “*If an encampment is located on public property, in a prohibited area*.”

6. If all serious health and/or safety issues have been removed or otherwise corrected, and the encampment, temporary shelter, or tent is not located in a prohibited area as designated in Section D of this Protocol, then the individual(s) will be permitted to remain in accordance with Encampment Response Process A.

H) Encampments on Private Property

Encampments, temporary shelters, or tents identified on private property are primarily the responsibility of the property owner. Where the owner has not provided consent, concerns of the owner are within Hamilton Police Services’ jurisdiction and will be subject to ordinary enforcement procedures in accordance with applicable laws.

Hamilton Police Services will seek the assistance of Municipal Law Enforcement Officers as appropriate or required in the circumstances.

Provided the property owner permits, Housing Focused Street Outreach will engage with encampment, temporary shelter, or tent residents to identify alternate sheltering options and attempt to address any barriers to shelter or housing. Additionally, Housing

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Focused Street Outreach will work with individuals at the encampment, temporary shelter, or tent to provide supports and referrals as needed and work towards goals in individualized housing plans.

l) Process for Designating an Encampment, Temporary Shelter, or Tent as Abandoned

While Housing Focused Street Outreach is aware of many encampments, temporary shelters, and tents in the community, people living in encampments, temporary shelters, and tents may move to new locations and/or may abandon a previous site without Housing Focused Street Outreach’s or other Coordinated Response Team partners’ knowledge. Given that maintaining one’s possessions while experiencing homelessness is vital to receiving service, staff will be cautious when deeming a site to be abandoned.

The following process will be followed regarding potentially abandoned sites on public property:

1. If Housing Focused Street Outreach have not interacted with anyone at a particular site for no fewer than three several days, they will review the site with the Coordinated Response Team partners at the nearest opportunity to confirm there has been no recent activity witnessed at the site.

2. If no Coordinated Response Team partners (i.e., Municipal Law Enforcement, Hamilton Police Services, Parks) have witnessed anyone at the site and/or can confirm that the former inhabitants of the site have moved elsewhere, Housing Focused Street Outreach will place a notice at the site in a conspicuous area informing potential residents that the site is due to be cleaned in three (3) days from the time of the notice being placed.

3. Within the three-day timeline, all reasonable attempts will be made by Housing Focused Street Outreach and/or other Coordinated Response Team partners to ensure that individuals known to be previously staying at a site have been made aware that their former site will be deemed abandoned and cleaned.

4. If no interaction has been made by Housing Focused Street Outreach with the former inhabitants at the site, no attempts have been made by the former inhabitants of the site to contact Housing Focused Street Outreach, and/or no other changes are observed at the site by the end of the allotted time, Housing Focused Street Outreach will provide approval to Parks Section to clean the site.

5. Parks staff will coordinate the clean-up, to be completed either by Parks staff, Roads staff, or the contractor, depending on the location, at the earliest opportunity.

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Clean-up and maintenance of encampments, temporary shelters, or tents previously on private property are the responsibility of the property owner.

J) Health and Safety

Defining specific health and safety issues is difficult and can be based upon several factors unique to a particular site or circumstance. Some examples include, exposed electrical wiring, accumulation of discarded needles, illegal activity, abuse, threats or violence against staff, HPS or other persons, improper use or storage of propane tanks and other flammable materials, and acts involving weapons. Health and safety issues may also be identified through increased complaints from the public and/or businesses in relation to the encampment, temporary shelter, or tent; for example regarding harassment, vandalism, and/or stolen personal property.

Health and safety concerns existing for those living within or adjacent to an encampment, temporary shelter, or tent will be addressed in a reasonable fashion, in good faith, on a case-by-case basis by the City, recognizing that there is a need to balance the needs of both the individual living in an encampment, temporary shelter, or tent and community members.

In these situations, the City may consult with additional internal and external partners to determine how to best balance the needs of individuals living encamped and community members.

If at any time City staff encounter someone in medical distress requiring immediate attention, witness violence, or believe violence to be imminent to people living in encampments, temporary shelters, or tents, staff, or community members, they will notify emergency medical, Hamilton Fire Department, or Hamilton Police Services to have the appropriate services dispatched. Additionally, City staff will leave the site irrespective of all procedures above, if their health and safety is currently being, or at risk of being threatened. To ensure safety of staff, the presence of Hamilton Police Services may be required while visiting the site.

K) Reporting

To provide ongoing accountability and transparency to the City’s encampment response program and the implementation of its encampment protocol, Communications with Council and Ward Councillors regarding the Encampment Protocol will be through monthly, ongoing reports to Council regarding data and trends, operational updates, and any continuous improvement measures implemented to further efforts toward providing ongoing accountability and transparency to the City’s encampment response program and the implementation of its encampment protocol. Where a Ward Councillor requests information regarding a specific encampment site within their ward, Housing Focused Street Outreach will provide an update as to whether the encampment has been deemed to be within a prohibited area. Reporting on the status of outreach or enforcement activities will be limited to the monthly Council reports.

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CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
General Manager's Office
and
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

Protocol Development Sessions with Community Stakeholders

On March 24, 2023, and March 27, 2023, as directed by Council, City staff led two development sessions with community stakeholders regarding the development of a Proposed Encampment Protocol. The meetings held with community organizations were to be used to 'develop a new encampment protocol rooted in an approach that upholds the human rights of residents living encamped and reflects the concerns shared by the delegates who presented on January 18, 2023.'

Stakeholders from eleven organizations who provide outreach, frontline, and other supports and services to people living in encampments were represented. The feedback received from these conversations was analyzed by City staff to identify themes. For each of these themes, a series of probing questions were asked, and stakeholders were able to discuss each topic separately and ask clarifying questions of staff. Due to the intimate nature of the two sessions, each topic was discussed at-large with the entire group, while ensuring all voices were given an opportunity to share their unique perspectives on encampment response.

After the two sessions were complete, HSD staff analysed and grouped the information thematically. The feedback received was then used by staff to inform the recommendations contained in this report for a Proposed Encampment Protocol. Some of the findings fell outside of the scope of developing a proposed Protocol, but these ideas are still being presented to ensure the voices of those who participated are accurately represented.

The following themes were identified by analysing the information provided from community stakeholders who participated in the development sessions. To ensure that the views of participants were accurately captured, City staff provided a 'what we heard' draft for review. All feedback and responses were integrated into the following themes:

1. There should be several sanctioned sites throughout the City giving people living in encampments options to select from, while also ensuring no punitive action for those who choose to live in encampments elsewhere in the community.
    - A suggestion was made that sanctioned areas would be most preferrable, given that people living in encampments have differing social circles and

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preferred environments to be in. An initial suggestion was that five sites might be appropriate, in varied locations across the City.
    - There was a belief amongst stakeholders that there would be significant interest in these sites from people living in encampments.
    - Stakeholders suggested that while sanctioned sites would be beneficial for many people currently living in encampments, others may not be interested in a sanctioned site due to personal preferences and would prefer to have the ability to camp at any other city property. This should be accommodated, and these sites would fall under an Encampment Protocol to be developed.

2. There were divided opinions regarding an enforced limit to the number of individuals or tents at a particular park, as well as defining a tent.
    - Some stakeholders suggested that if a limit be invoked, it should be specific and be based upon on a reasonable amount of space (i.e., ten tents per 100m-squared), otherwise parks of different sizes such as Gage Park (large) and Gore Park (very small) are enforced in a similar way.
    - Other stakeholders suggested that as an alternative to a maximum based upon number of tents, intervention should be approached as it is in shelters and only require movement when behavioural criteria are met (i.e., excessive noise, appropriate use of washrooms, appropriate clean-up of garbage). If none of the criteria was met, the number would be irrelevant.
    - It was also raised that when a limit to the number of people or tents is identified, it creates an adversarial situation once the limit is met and puts enforcement and housing-first approaches in conflict.
    - It was also raised that there should be no cap on people, even though there was a discussion on the cap on the number of tents.

3. People living in encampments should have on-site, or nearby access to portable bathrooms, showers, and clean running water.
    - People living in encampments must have the resources available to them to maintain their own hygiene.
    - If sanctioned sites are developed, having washrooms and showers on-site or nearby would be critical. Heat and electricity were also discussed as options.
    - For those not located within sanctioned sites, and where it is not practical or reasonable to offer bathrooms, showers, and/or clean running water, the use of community facilities via a recreational pass may provide ongoing, safe access.

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4. An individual’s acuity should not be a determinant in the service they are provided, particularly as it relates to being required to move sites.
    - A VI-SPDAT assessment tool score should never be used as a criterion in an encampment protocol.
    - In the previous iteration of an Encampment Enforcement Protocol, this resulted in people living in encampments wanting to score higher in acuity to ensure they were allowed to stay in place and would not need to move to a new location. As a result, it did not work as intended.

5. The Protocol should respond to behaviours, and not arbitrarily provide timelines for which someone in an encampment would be required to move to a new location.
    - The belief was that providing specific timelines does not allow stakeholders to effectively case manage and provide necessary supports, while also penalizing the person experiencing homelessness who has no suitable alternatives.
    - In the previous Encampment Bylaw Protocol which enforced a limit of 14 days that someone who is living unsheltered and without high acuity could stay at a particular location, it was noted that having restrictive timelines for staying in a specific location regularly leads to unnecessary negative emotional and physical impacts. Additionally, it limits the ability of the individual experiencing homelessness to access appropriate health and housing supports on a regular basis.
    - Due to fears of their encampment being dismantled when they leave for an appointment, individuals in encampments choose to stay nearby to protect their belongings and site and do not attend necessary appointments.

6. After all other proactive avenues have been explored, a lack of site cleanliness, particularly the spread of used syringes that put others at-risk, may require intervention from City as part of a holistic view of the encampment and individuals residing there.
    - City should work with people living in encampments to develop solutions to accumulated waste, i.e., provide waste receptacles and sharps containers onsite, and develop schedules in conjunction with Parks staff to encourage ongoing garbage pickup.
    - Stakeholders expressed support to fund peers (i.e., people with lived or living experience of homelessness) to support site clean-up
    - Stakeholders suggested hiring more parks/sanitation workers to support clean-up endeavours may also be an option.

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7. Community stakeholders noted that moving someone from their preferred location or *home*, should be viewed as last resort after all other approaches were exhausted, or not happen at all.
    - A suggestion was made to develop a task force or committee, comprised of City staff, community stakeholders, and people with lived experience to review each instance where someone may need to be moved due to a concern for their, or others’ safety.
    - Through associated case conferencing, members of the committee could identify all potential supports required to address the root of the behaviours. This would require broad participation of community stakeholders and the addressing of barriers related to privacy concerns.
    - Fostering better connections between the City staff and frontline efforts in the non-profit sector would help to ensure coordination was formalized and efficient.
    - Individuals in encampments who do not pick up their used needles and other garbage may require intervention from City staff due to the impacts on other individuals staying in encampments, and the public.
    - Policing and enforcement should be viewed as a last resort, or not used at all.

8. The City should consider embedding peer supports into their coordination, outreach response, and site clean-up processes, as it presents several positive outcomes for people with lived experience, as well as those currently living in encampments.
    - If there are barriers to hiring, the City should pursue funding relationships with community agencies who have more direct access and already employ people with lived experience of homelessness.
    - Peer workers who are hired for this work should be renumerated at an acceptable, fair rate of pay.
    - The benefit of having peers is clear and has been demonstrated by service providers already doing this work. Peers can build rapport and make suggestions to people with lived experience in ways that City staff are unable to, and as a result should be a part of the first response to an encampment.
    - Peers could become part of a broader community engagement strategy.

9. Interactions of frontline staff with Indigenous people living in encampments should be rooted in relationship-building with an understanding of the historical and ongoing impacts of colonization.
    - To better support Indigenous people living in encampments, the need for ongoing rapport and relationship building is vital.

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- One suggestion was to start conversations with food and/or drink (i.e., fry bread, cedar tea, strawberry juice), and making traditional medicines available to improving wellbeing and establish meaningful, reciprocal relationships that provide spiritual grounding.
- Building a relationship with someone allows for an understanding of their triggers and boundaries, which is particularly important for Indigenous people who are often managing traumas related to colonization.
- An encampment response program should be understanding of and reflect the stability that is required for people to make changes. Ongoing movement is not suitable.

One of the most salient themes raised in the development sessions was a preference toward the establishment of sanctioned sites within the city. Sanctioned sites are locations designated as permissible for people experiencing homelessness to camp within. Ideally, infrastructure such as running water, washrooms, and showers are integrated or nearby the site. Additionally, the site would be equipped with permanent staff who assist with day-to-day needs and conduct light casework, as well as additional staff who visit on an ongoing basis to provide intensive case management support and address other health and housing needs. This provides people living in sanctioned sites an opportunity to stay in place and receive services directly on an ongoing basis, as well as the familiarity of an area and community of people.

Community stakeholders suggested that providing several sanctioned sites or areas was most preferable, as it would provide the benefit of choice and autonomy to people living unsheltered in the community. This would help to ensure sites were more harmonious, as people would be more likely to gravitate towards sites that are more suitable to their needs (i.e., sites that are likely to be closer in proximity to services and supports and include likeminded people).

Focusing a protocol on where an individual may not set up a tent places a burden on encamped individuals to be informed of where they may set up a tent. Stakeholders recommended the establishing of sanctioned sites to alleviate this burden.

<u>Additional Feedback from Community Partners</u>

The following are additional themes and/or ideas that were identified by community stakeholders in the encampment protocol development sessions, but did not fit directly within the Proposed Encampment Protocol:

1. The City should continue to pursue the development and integration of various types of shelter and housing to provide unsheltered people with choice of type of support(s) and/or location(s) that provide the greatest suitability to their current circumstances and preferences. This may include several approaches, such as:

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several sanctioned sites, one sanctioned site, and/or a Protocol governing the City’s response to individuals who choose none of these supports. Stakeholders believed this could also help diminish the overreliance on one model or approach and ensure the needs of unsheltered people can be adequately met.
    - The City should consider adding more pilots, such as the Intensive Supports Pilot, that would provide greater, more individualized access to indoor spaces.
    - Expansion of the shelter system to increase capacity and meet the needs of people who are unsheltered could be another solution to decrease the number of encampments.
    - City should consider creating priority initiatives in social housing to streamline access to housing for individuals living in encampments.

2. City should further analyze pathways that previous people living in encampments have taken toward permanent housing and seek to formalize those.

3. City should continue its review of shelter restriction policies and update policies to ensure they are time-restrictive and reviewable.

4. The Hamilton Alliance for Tiny Shelters (HATS) model was not viewed as a best practices approach by other community organizations. Concerns were noted regarding exclusionary intake criteria, and potential outflow into housing which was noted as poor in other locations where this approach had been applied.

5. All approaches to improve the safety of people living in encampments should be considered in the process of developing an encampment protocol, and in the day-to-day operations of encampment response.

6. Stakeholders recommended that all approaches to encampment response be aligned and integrated with strategic objectives of the Housing and Homelessness Action Plan.
    - Additionally, that community stakeholders work together to address homelessness as a collective instead of in funding and practice silos.

7. One of the barriers to developing sanctioned sites is the appropriation of risk onto other parties, namely the City of Hamilton. As such, the City should work to understand these limitations and find practical solutions.

Staff are continuing to review the additional feedback provided by community stakeholders in the protocol development sessions which did not make it directly into the Proposed Encampment Protocol, with the intent of aligning to ongoing work in HFSO and strategic planning goals in HSD. The feedback provided will be integrated,

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whenever possible, into encampment response policies and procedures, and inform collaboration with other teams within the City.

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Comparison of Encampment Protocols – Updates and Changes

Former Protocol (10/2021 – 08/2022)	Maintain	Enhance	Remove
Individuals living in encampments with a VI-SPDAT score below 13, or who refused to engage with outreach were required to vacate their location at a maximum of 14 days.			Community stakeholders and City staff believed the introduction of a limit to how long someone could stay in a particular space was counterproductive and led to negative outcomes. Community stakeholders and City staff also believed the use of the VI-SPDAT was not effective and led to unintended outcomes (i.e., incentivized higher acuity scores so that individuals could stay in place). The recommendation was to remove the VI-SPDAT from use as a decision-making tool. Instead, City staff and community stakeholders suggested that movement from a location should be dictated on health, safety, and behavioural issues, not an arbitrary limit. Additionally, the former approach was not consistent with principles of a rights-based approach.

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Former Protocol (10/2021 – 08/2022)	Maintain	Enhance	Remove
Housing-focused Street Outreach to engage and provide supports (i.e., personalized housing plan, providing information, identifying barriers affecting access to housing and other systems and attempt to resolve them, amongst other person-centered tasks).		Stakeholders have suggested that a housing-focused, outreach led approach should be amplified. As per Council direction on February 8, 2023, City staff have implemented a housing-led approach to encampment response. Additionally, it was recommended by stakeholders that staff utilize an Indigenous lens when providing supports. This is currently being pursued.	

Former Protocol (10/2021 – 08/2022)	Maintain	Enhance	Remove
No more than 5 tents in an encampment	From experiences implementing previous encampment response policies, it is the opinion of City staff that having a limit of 5 tents per cluster would reduce potential noise complaints, complaints about garbage and debris, and limit conflict within encampments, and between encampments and the public. Community stakeholders did not share a broad consensus on a specific total, and 5, 10, or no limit, were all suggested.	Some enhancements recommended by staff include a) a total space limit applied to each encampment, that all items need to be within or are subject to removal, and b) a 50m required distance between cluster of encampments. These policies are meant to limit the impacts of an encampment on the broader community, and to reduce potential complaints. Additionally, the required distance between encampments is intended to prevent larger, entrenched encampments from proliferating, which bring several health and safety concerns, while also not unreasonably preventing individuals who are experiencing homelessness from being close to necessary social supports.	

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Former Protocol (10/2021 – 08/2022)	Maintain	Enhance	Remove
No encampments on sidewalks, roadways, or boulevards		Staff believed this could be enhanced to be more inclusive of all potential dangers identified during previous encampment programs (i.e., ‘on or within 5 meters of any transit stop or a highway and specifically including a sidewalk, boulevard, or bridge or tunnel being part of such highway’ and ‘on any pathway, sidewalk, or parking lot or on or under any bridge, including pedestrian access points to such areas and structures.’ There are significant health and safety concerns associated with tenting in these locations for both individuals living in encampments as well as the public.	
Encampments must not encumber an entrance or exit or deemed fire route	This was seen as effective and reasonable by both stakeholders and staff alike, given the health, safety, and accessibility concerns associated with blocking these areas.	Staff recommended enhancing the former Protocol to include accessibility ramps and entrances.	

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Former Protocol (10/2021 – 08/2022)	Maintain	Enhance	Remove
Encampments must be 50 meters from a playground, school, or childcare centre	This was seen as effective and reasonable by both stakeholders and staff alike, given the vulnerability of the populations affected.	Enhanced to prohibit camping ‘on or within 50 meters of any sports fields, inclusive of but not limited to, skateboard parks, fitness amenities, golf courses, ball diamonds, soccer pitches, tennis courts, or any other sports or multi-use courts, as well as stadiums, dugouts, stages, and bleachers’ as well as ‘on or within 50 meters of a playground, pool, waterpark, or any spray pad.’ Additionally, City staff recommended enhancing to include camping ‘on or within 50m of any lake, beach, pond, watercourse or other body of water, or a dock.’ City staff also recommended prohibiting individuals from erecting tents in fenced-in, off-leash dog areas, due to the potential for health and safety risks to all parties. The areas identified were problematic during the former Protocol is consistent with prohibited areas identified by other jurisdictions. Additionally, many of the areas identified are heavily utilized by children and youth, especially during the summer months. This was given strong consideration.	

Former Protocol (10/2021 – 08/2022)	Maintain	Enhance	Remove
The grounds of any civic museum or City heritage facility, or within any property with an environmental or heritage designation		Due to recurring events where individuals were connecting their tents to heritage properties, and personal items were spilling over into the property, the distance was increased from ‘on any property’ to ‘within 5m of any property with an environmental or heritage designation.’ Given the significance of these sites and the difficulties and costs associated with restoration, this was seen as effective and reasonable to limit the impacts on sites with heritage or environmental designation. Another enhancement of the former Protocol is to prohibit camping on ‘any community garden and including any garden shed or greenhouse.’	
Situations where health and safety concerns exist for those living within or adjacent to an encampment will be addressed in a reasonable fashion, in good faith, on a case-by-case basis by the City in its sole discretion that balances the needs of both the person experiencing homelessness/encamped individuals and community members.	This was deemed to be effective by City staff in the former Protocol, as staff require some discretion when addressing health and safety concerns both to meet the needs of individuals living in encampments and the broader public. Ultimately, the goal of City staff is to not create unnecessary impacts on people who are living in encampments. Moving people from their existing location is	City staff recommend adding ‘any area identified by the City as susceptible to flooding, erosion, slope instability, or other environmental hazards, to indicate the area as such’ to the Proposed Protocol.	

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Former Protocol (10/2021 – 08/2022)	Maintain	Enhance	Remove
	considered a last resort and all other options, when possible, will be explored.		
Items not included in former Protocol but recommended by City staff and/or community stakeholders.	N/A	Tenting in cemeteries was established as a prohibited area to ensure consistency with the restrictions on use of the lands through the Funeral, Burial and Cremation Services Act, 2002, and oversight by the Burial Authority of Ontario. Additionally, to maintain consistency with other regulations and laws, camping on private property is considered trespassing and is illegal. Enforcement of trespassing is outside the jurisdiction of City staff, and all complaints will be forwarded to Hamilton Police Services. A prohibition of being 5m away from any private property line was added to ensure private property could be reasonably enjoyed without interference (i.e., a backyard did not have an encampment directly behind it or attached to a fence).	N/A

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Former Protocol (10/2021 – 08/2022)	Maintain	Enhance	Remove
		Additionally, staff recommended enhancing the Proposed Protocol to include ‘no temporary shelter or tent will be placed against or under, or be attached or tied to any building or permanent structure.’	

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Overview

- Background
- Council Direction
- What We Heard
- Proposed Encampment Protocol
- Comparison of Current and Proposed Approach
- Staff recommendations

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Background

- Since July 2020, the City of Hamilton has taken a variety of approaches to encampments:
  - Enforcement-led approach with Municipal Law Enforcement as the primary point of contact.
  - Housing first approach with Housing Focused Street Outreach as the primary point of contact.

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Council Direction

In an amendment of sub-section (a) at the February 8th, General Issues Committee discussion of 'Encampment Pilot Evaluation' (HSC20038(e)/PED21188(b)), a Motion was introduced providing the following direction to HSD staff:

a. That staff be directed to convene a minimum of 2 meetings to discuss the encampment protocol with members of the Indigenous community and the following organizations: (i) YWCA and other drop-in providers; (ii) HAMSMArT; (iii) Keeping Six; and (iv) Other stakeholders who serve the housing and health needs of those living encamped;

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Council Direction

In an amendment of sub-section (a) at the February 8th, General Issues Committee discussion of 'Encampment Pilot Evaluation' (HSC20038(e)/PED21188(b)), a Motion was introduced providing the following direction to HSD staff:

b. That these meetings be held to develop a new encampment protocol rooted in an approach that upholds the human rights of residents living encamped and reflects the concerns shared by the delegates who presented on January 18, 2023, with a report back no later than April 20, 2023, with recommendations to the General Issues Committees.

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What We Heard

- Sanctioned Sites
- Tent Limits
- Vulnerability Index – Service Prioritization Decision Assistance Tool (VI-SPDAT)
- Moving people as a last resort
- Supports and Services

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Proposed Encampment Protocol

- Shared Principles
- Alignment to Housing Resources and Supports
- Process for Designating Encampment as Abandoned
- Sanctioned Encampments

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Current and Proposed Approaches

Processes	Current Approach	Proposed Approach
Housing-led approach	Yes	Yes
Address serious health & safety concerns	Yes	Yes
Maximum Personal Space Allotment(s)	No	Yes
A five (5) tent limit	No	Yes
Distance between each encampment cluster	No	Yes

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Current and Proposed Approaches

Prohibited Areas	Current Approach	Proposed Approach
Highways, Pathways, Bridges, Sidewalks, Fire routes, Accessibility entrances, etc.	Yes	Yes
Private Property Line	No	Yes
Recreational Assets	No	Yes
School or children daycare centre	No	Yes
Sites with Environmental and/or Heritage designation	No	Yes

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Staff Recommendations

1. That Council adopt the Proposed Encampment Protocol attached as Appendix "A" to Report HSC20038(f)/PED21188(c) and that staff be directed to implement the Proposed Encampment Protocol upon Council ratification on May 24th, 2023.

2. That the staff and budget resources for the Coordination Response Team previously approved through Report HSC20038(e)/PED21188(b) be allocated to the implementation of the Proposed Encampment Protocol attached as Appendix "A" to Report HSC20038(f)/PED21188(c)

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Staff Recommendations

3. That, following Council ratification, staff be directed to make the Proposed Encampment Protocol attached as Appendix “A” to Report HSC20038(f)/PED21188(c) available for public comment, and that staff monitor the implementation of the protocol, and that staff report back to Council with a final recommended protocol at the General Issues Committee on August 2023.

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Staff Recommendations

4. That staff be directed to conduct a scan of jurisdictions that currently operate sanctioned encampments and further research/consultation as required and bring back options regarding operating models, parameters and criteria for site identification and potential sites with the goal of incorporating sanctioned sites into the new encampment protocol once site(s) and operating model are approved by Council.

5. That staff be directed to work with stakeholders to address washrooms, showers, and access to drinking water, as well as integration of peer and Indigenous supports into encampment response, and report back to Council with recommendations and required resourcing.

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Contact Information

Michelle Baird
Director, Housing Services Division

Michelle.Baird@hamilton.ca

Monica Ciriello
Director, Licensing & Bylaw Services

Monica.Ciriello@hamilton.ca

This is **Exhibit "F"** referred to in the Affidavit of Danielle Blake affirmed before me at the City of Hamilton, in the Province of Ontario, on July 30, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:
Bevin Shores
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Commissioner for Taking Affidavits
(or as may be)
Bevin Shores (LSO No. 56161F)

GENERAL ISSUES COMMITTEE
MINUTES 23-017

9:30 a.m.
May 17, 2023
Council Chambers, City Hall, 2nd Floor
71 Main Street West, Hamilton, Ontario

Present: Mayor A. Horwath
Deputy Mayor E. Pauls (Chair)
Councillors J. Beattie, C. Cassar, B. Clark, M. Francis, T. Hwang, T. Jackson, C. Kroetsch, T. McMeekin, N. Nann, M. Spadafora, M. Tadeson, A. Wilson, M. Wilson

Absent: Councillor J. P. Danko – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Proposed Encampment Protocol (HSC20036(f) / PED21188(c)) (Item 8.1)

(i) (A. Wilson/Nann)
That sub-section (e) of Report HSC20036(f) / PED21188(c), respecting Proposed Encampment Protocol, ***be amended***, with the inclusion of a new sub-section (f), as follows:

(e) That staff be directed to work with stakeholders to:
- i. Address washrooms, showers, and access to drinking water;
- ii. Integrate of peer and Indigenous supports into encampment response;
- iii. ***Develop a task force or committee, comprised of City staff, community stakeholders, and people with lived experience to advise on the development and policy of encampment response and appeals process;***
- iv. Report back to the General Issues Committee with recommendations and required resourcing; and,

(f) That prior to May 24, 2023 Council meeting staff incorporate - a process to inform residents of nearby compliant sites in the case of any enforcement measures (voluntary compliance notices, etc.), ensuring no residents are facing enforcement measures without being made aware of sanctioned and permitted sites where they can go - into the Proposed

Encampment Protocol attached as Appendix "A" to Report HSC20038(f) / PED21188(c).

Result: Vote on Sub-Section (e) and (f) of Report HSC20036(f) / PED21188(c), respecting Proposed Encampment Protocol, as *Amended* CARRIED by a vote of 12 to 2, as follows:

Absent	-	Mayor Andrea Horwath	
Yes	-	Ward 1	Councillor Maureen Wilson
Yes	-	Ward 2	Councillor Cameron Kroetsch
Yes	-	Ward 3	Councillor Nrinder Nann
Yes	-	Ward 4	Councillor Tammy Hwang
No	-	Ward 5	Councillor Matt Francis
No	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Absent	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

(ii) (Kroetsch/A. Wilson)
That sub-section (c) to Report HSC20036(f) / PED21188(c), respecting Proposed Encampment Protocol, ***be amended***, as follows:

(c) That, ~~***following Council ratification,***~~ staff be directed to make the Proposed Encampment Protocol attached as Appendix "A" to Report HSC20038(f) / PED21188(c) available for public comment ***(including written comments) until June 30, 2023***, ~~***and that staff monitor the implementation of the protocol,***~~ and that staff report back with a final recommended protocol at the General Issues Committee on August 2023.

Result: Vote on Sub-Section (c) of Report HSC20036(f) / PED21188(c), respecting Proposed Encampment Protocol, as *Amended* CARRIED by a vote of 13 to 1, as follows:

Yes	-	Mayor Andrea Horwath	
Yes	-	Ward 1	Councillor Maureen Wilson
Yes	-	Ward 2	Councillor Cameron Kroetsch
Yes	-	Ward 3	Councillor Nrinder Nann
Yes	-	Ward 4	Councillor Tammy Hwang
Yes	-	Ward 5	Councillor Matt Francis

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Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Absent	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
No	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Absent	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

(iii) (A. Wilson/M. Wilson)

(d) That staff be directed to conduct a scan of jurisdictions that currently operate sanctioned encampments and further research/consultation as required and bring back options regarding operating models, parameters and criteria for site identification and potential sites with the goal of incorporating sanctioned sites into a new encampment protocol once site(s) and operating model are approved by Council;

Result: Vote on Sub-Section (d) of Report HSC20036(f) / PED21188(c), respecting Proposed Encampment Protocol, CARRIED by a vote of 8 to 5, as follows:

Yes	-	Mayor Andrea Horwath	
Yes	-	Ward 1	Councillor Maureen Wilson
Yes	-	Ward 2	Councillor Cameron Kroetsch
Yes	-	Ward 3	Councillor Nrinder Nann
Yes	-	Ward 4	Councillor Tammy Hwang
No	-	Ward 5	Councillor Matt Francis
No	-	Ward 6	Councillor Tom Jackson
No	-	Ward 7	Councillor Esther Pauls
Absent	-	Ward 8	Councillor J. P. Danko
No	-	Ward 9	Councillor Brad Clark
Absent	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Absent	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
No	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

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This is **Exhibit "G"** referred to in the Affidavit of Danielle Blake affirmed before me at the City of Hamilton, in the Province of Ontario, on July 30, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:
Bevin Shores
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Commissioner for Taking Affidavits
(or as may be)
Bevin Shores (LSO No. 56161F)

CITY OF HAMILTON

A3056 REVISED

HEALTHY AND SAFE COMMUNITIES DEPARTMENT

Housing Services Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	August 14, 2023
SUBJECT/REPORT NO:	Public Feedback and Recommendations for an Encampment Protocol and Sanctioned Sites (HSC20036(g))
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Mike Jones (905) 546-2424 Ext. 3824 Danielle Blake (905) 546-2424 Ext. 3731
SUBMITTED BY: **SIGNATURE:**	Michelle Baird Director, Housing Services Division Healthy and Safe Communities Department Michelle Baird
SUBMITTED BY: **SIGNATURE:**	Angie Burden General Manger Healthy and Safe Communities Department A. Burden

RECOMMENDATIONS

(a) That Council adopt the Proposed Encampment Protocol attached as Appendix "A" to Report HSC20036(g), and that staff be directed to implement and enforce the Proposed Encampment Protocol;

(b) That Public Works be authorized to provide security to ensure access to washroom and/or shower services to support individuals who are unsheltered, including two existing all-year outdoor washroom facilities with 24-hour security and two existing all-year recreation centres with 12-hour security;

(i) at a cost of $576,240, for the period of September 1, 2023 to March 31, 2024 to be funded from the Tax Stabilization Reserve (#110046)

(ii) and that the cost of $987,840 to operationalize this as a permanent program in 2024 be referred to the 2024 Tax Budget process;

(c) That in order for Planning and Economic Development, Municipal By-Law Enforcement to support enforcement of the Protocol based on the existing Monday to Friday level of service, and a four-day response time, Council approve;

(i) the creation of a 1FTE Supervisor of Municipal By-law Enforcement for the period September 1, 2023 to March 31, 2024, at a cost of $86,120 to be funded from the Tax Stabilization Reserve (#110046),

(ii) and that the approval of one FTE at an annualized cost of $147,650 be referred to the 2024 Tax Budget process.

(iii) that the purchase of a vehicle at a cost of $35,000, and an annual operating impact of $9,000 be referred to the 2024 Tax Budget process

(d) That staff be directed to provide an enhanced service level to allow the Public Works, Parks Section staff to respond to requests for clean-up and maintenance in alignment with the service levels outlined in the Proposed Encampment Protocol and that Council approve;

(i) the creation of one FTE Parks Lead Hand and two FTE Parks Operators and that the cost of $93,000 for this enhanced service level be funded from the Tax Stabilization Reserve (#110046) for the period of September 1, 2023 to March 31, 2024;

(ii) The leasing of vehicles and equipment for the period of September 1, 2023 to March 31, 2024 at an estimated cost of $50,000, be funded from the Tax Stabilization Reserve (#110046);

(iii) the operating cost of $278,400 to annualize this enhanced service level, includes $245,000 for the approval of three FTEs, and $33,400 for the annualized operating cost of the vehicles in recommendation d)iv) be referred to the 2024 Tax Budget process;

(iv) the Capital Costs of $220,000 for equipment and vehicles to be referred to the 2024 Tax Budget process.

e) That the General Manager of the Healthy and Safe Communities Department ,or designate, be authorized and directed, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to hire the equivalent and two seconded peer Support Workers, at an approximate annual cost of $61,500 each (total for two FTEs $123,000) on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department, or designate, and in a form satisfactory to the City

Solicitor and that the funding for these positions be referred to the 2024 Tax Operating Budget;

(f) That upon the adoption of the Encampment Protocol, Housing Focused Street Outreach collaborate with key stakeholders to develop a liaison committee to ensure that individuals with lived/living experience of encampments, frontline operators, and staff are all meaningfully engaged in providing input into Hamilton's encampment response. Staff will collaborate with key stakeholders including Keeping Six, HAMSMArT, Hamilton Regional Indian Centre, and Hamilton Encampment Support Network (to help recruit people with lived/living experience for the committee), to develop terms of reference for the committee that identifies goals, scope, and desired outcomes;

(g) That the General Manager of Healthy and Safe Communities be authorized and directed to enter into the appropriate agreements with the Hamilton Alliance for Tiny Shelters for the operation of a two-year pilot of up to 25 temporary tiny homes on City lands, with appropriate security, services and supports at no cost to the City, subject to the following conditions; and,

(i) That the pilot program be located on the site of the parking area on the Strachan Avenue linear park or an alternative site that meets the criteria for the Protocol and is determined appropriate by staff

(ii) That all potential residents of the site are selected from the City of Hamilton's By-Name List, as per associated requirements of its Coordinated Access system, with approval from Housing Services Division;

(iii) That staff be directed to work with Hamilton Alliance for Tiny Shelters to review operating model and provision of security and services, determine performance metrics and outcomes, including eligibility and entry criteria, gender-specific considerations, Indigenous supports, identification of formalized community partnerships with health and social service sectors, pathways to permanent housing, and a process for evaluating the success of the pilot;

(iv) That staff be directed to evaluate program outcomes and that staff include information on the Hamilton Alliance for Tiny Shelters in progress updates to the General Issues Committee as part of future encampment reporting and performance metrics reporting; and

(v) That a detailed exit strategy has been created and will be executed should HATS not be able to ensure site safety and/or adequate funding to operate.

(vi) That the appropriate General Managers of Public Works, Planning and Economic Development, and the Healthy and Safe Communities Department or their designate be directed and authorized, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to implement the purchases and grants outlined above on terms and conditions satisfactory to the respective General Manager or their designate and in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

As Hamilton's housing crisis has increased, so have the numbers of individuals living unsheltered in encampments throughout the City. The issue of encampments is one faced by many municipalities and continues to be a challenge beyond Hamilton. Encampments exist because of complex challenges related to housing affordability and availability, substance use, incomes, and mental health. Housing is a human right. As a municipality we must find a way to respond to the needs of residents living unsheltered in our community while we also work towards permanent housing solutions.

In May 2023 given the significance of the issue for the community, Council directed staff to make the draft Encampment Protocol and issues related to Encampment Response available for public comment. Staff were directed to incorporate public feedback into an amended Protocol for Council's consideration, conduct a jurisdictional scan of sanctioned sites (including site criteria, potential sites and potential operating models), and identify resources required to integrate services and supports for individuals living unsheltered, including access to washrooms and showers, and integration of peer supports and Indigenous supports into the City's encampment response and report back to Council on these items,

Staff received significant feedback from the community on the draft Protocol and the City's response to encampments in June 2023, including 11,943 visitors to the Engage Hamilton website who contributed 15,965 individual comments as well as approximately 2,000 attendees at three in-person community engagement sessions.

Across all engagement forums, there was a strong consensus that respondents did not want tents in parks, and that parkland should continue to be available for public use, especially in wards where there is a lack of parks and greenspace. There was no clear consensus from the public related to adopting sanctioned sites as an approach to encampments. There was consensus that respondents wanted more permanent, housing-focused solutions to address the needs of individuals living unsheltered.

There was limited agreement regarding the Protocol, with some believing it was too lenient and others too restrictive. One area of consensus was that encampments should be further away from schools, day cares centres, playgrounds, pools, waterparks, or any spray pad, as well as from private property lines. To address the public feedback

provided, the recommended Protocol has been amended to extend the permissible distances from identified areas of concern. With amendments to the Protocol based on feedback from respondents, staff are recommending the adoption of the encampment Protocol as per Appendix "A" of Report HCS20036(g).

As directed by Council, staff completed a jurisdictional scan reviewing sanctioned encampments across North America, as well as their potential operating models. Staff used this scan and advice from staff within Housing Services Division to develop a list of criteria for sanctioned sites and ran scenarios of what locations would meet criteria and might be feasible in a sanctioned site model with services and supports. These scenarios assumed the need for a minimum of six sites to accommodate 150 individuals currently unsheltered in Hamilton, and a capacity of no more than 25 individuals at each site.

Given the costs associated with developing a fully serviced and managed sanctioned encampment site model; no clear mandate from respondents to trial the approach in Hamilton; unclear outcomes regarding pathways into housing; and limited resources being available, staff are not recommending identifying managed sanctioned encampment sites and related resourcing at this time.

However, staff's jurisdictional scan identified the need for a low-barrier alternative to encampments, and as a result staff are recommending implementation of a two-year pilot project led by the Hamilton Alliance for Tiny Shelters (HATS), at no cost to the City, to operationalize a model that will accommodate up to 25 structures where individuals living in encampments can live on a temporary basis. Staff used similar criteria as was used for identifying potential locations for sanctioned sites, as well as HATS criteria that was developed in consultation with community partners and individuals with lived experience, and the recommended Encampment Protocol to identify suitable sites that would work for the model. Strachan Linear Park on Strachan Avenue between Hughson Street and James Street has been identified as a preferred site for HATS for occupancy beginning Q4 2023. Staff will work with HATS to identify measurable outcomes to review the success of the approach, and ensure all prospective residents are selected via the City's By-Name List.

To meet Council direction related to providing access to washroom and showers for individuals living unsheltered, staff is recommending providing washroom and/or shower access via existing washrooms in parks, and at specified recreational centres in areas, both accompanied by security staff to ensure safety. Staff are recommending that two existing washrooms in two city parks be available and staffed 24 hours daily in addition to provision of shower and washroom facilities at two existing recreation facilities for 12 hours daily. Subject to Council approving resources, additional facilities can be added.

To meet Council direction to integrate peer support workers and Indigenous workers within the encampment response, an existing 1.0 FTE outreach worker was converted

to an Indigenous Outreach worker within existing budget and employed as part of Housing Outreach team through a partnership with the Hamilton Regional Indian Centre Staff are recommending an addition of two (2) FTE peer support workers to the Housing Outreach team, to provide expertise around harm reduction, and support the cleaning of encampment sites, with particular attention to needle debris and other paraphernalia. Peer support workers are individuals with lived experience, in this case experience with homelessness, substance use or mental health, and through their shared experiences are able to provide emotional and practical support to clients making a connection based on their experience. This is different than a Housing Focused Street Outreach worker whose role it is to engage with the individuals to understand their situation and needs in order to connect with services and support their journey to housing. The Outreach worker has specific training and expertise in working with the population and the homelessness serving sector.

There has been a growth in the number of encampments across the city. The increase in encampments often leads to more waste and garbage accumulation in and around these areas. In addition, the increased numbers of encampments means additional by-law officers are needed to address any issues that arise and ensuring compliance with the Protocol.

Council provided direction to staff to transition existing encampment response team resources to the new Protocol and encampment response. Staff have been able to convert one Housing Outreach worker funded in the initial response to an Indigenous Worker, in response to Council direction. The City's current encampment response, as approved by Council through Report HSC20038(e)/PED21188(b), which includes a seven day / week service level response from the City's Housing Outreach Team, will continue to be necessary and will be deployed to implement the recommended protocol. Additionally, new investments are recommended in this report to ensure the current Monday-Friday level of service with a four-day response time and increased resources for waste/garbage removal, as well as to address any new services and supports directed by the Council.

By investing in these additional resources, the goal is to manage the encampments more effectively, ensuring the safety and well-being of both the residents and the surrounding community. The recommended actions aim to strike a balance between providing support and services to those experiencing homelessness while also addressing the concerns of constituents and local authorities regarding the impact of encampments on the area. The goal is to achieve the current Monday-Friday level of service with a four-day response time to handle constituent complaints and effectively implement the recommended protocol.

Respondents in the public consultations were strongly in support of prioritizing garbage removal and management throughout the City, for the health and safety of individuals living in encampments and the broader public.

Overall, the report recommends the need for additional resources and a coordinated effort to manage encampments effectively and meet the community's needs and demands.

Finally, from a human-rights based approach, to properly address the needs of individuals living in encampments, and consistent with overwhelming feedback from respondents, staff are recommending the prioritization of permanent, affordable supportive housing and other supports to address the needs of individuals living unsheltered. Many of these permanent housing solutions are included in recommendations made in Report HSC23041 Addressing the Needs of Unsheltered Individuals and Emergency Shelter Capacity. This report aims to outline the current pressures in the shelter system and propose immediate and long-term solutions to address the pressures.

Alternatives for Consideration – Page 22

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial:

In order for the Coordinated Encampment response to implement additional service enhancements from September 1, 2023 through March 31, 2024, staff are requesting an additional $805K of operating costs to be funded through the Tax Stabilization Reserve, (#110046). A permanent coordinated encampment response is being referred to the 2024 Tax Operating budget with a levy increase of $1.6M or 0.15%, as well as an additional $255K of Capital Costs which will be referred to the 2024 Tax Budget.

Please see Table 1 below:

TABLE 1

Division/Section	2023 Council Approved Budget	August 2023 Additions – Recommended Resources	Total Costs
Housing Services Division	Manager of Housing Focused Street Outreach ($149,000) Project Manager of Housing-focused Street Outreach ($102,000) 3.5 FTE Street Outreach Workers ($216,000) – Added in March to transition Housing Focused Outreach Team from 5 days to 7 days/week	1FTE Street Outreach worker converted to 1FTE Indigenous Worker (cost neutral) 2 FTE Peer support workers, to support harm reduction ($123,000) (referred to 2024 budget process)	Approved in 2023 Budget: $467,000 Annual Operating Costs referred to 2024 Budget: $123,000
Licensing and Bylaw Services	Two Municipal Law Enforcement Officers ($277,000)	Growth in encampments since February will require additional resources for enforcement of the Protocol at current levels, and a dedicated team with a supervisor: One Supervisor of Municipal Law Enforcement ($147,650) One vehicle ($35,000) Vehicle Operating Costs ($9,000)	Approved in 2023 Budget: $277,000 Sept 1, 2023 – March 31, 2024 Operating Costs: $86,120 One-Time Capital referred to 2024 budget: $35,000 Annual Operating Referred to 2024 Budget: $156,650

Public Works	Parks Section Supervisor ($124,000) Public Works operating budget be increased by $200,000 annually	Public Works requires additional resources to ensure timely removal of debris and garbage given number of encampments and waste left behind when encampments are relocated One Parks Lead Hand ($95,000) and two Parks Operators ($150,000). Leasing of vehicles and equipment Sept. 1, 2023 – March 31, 2024 estimated at $50,000 One-time capital costs for Crew Cab Stake Truck ($100,000), Skid Steer ($100,000) and Dump Trailer ($20,000), plus an additional annual operational cost of $33,400 for gas, insurance, contribution to reserve and maintenance. Annual Increase in budget to hire security for ensuring individuals who are unsheltered have access to existing washrooms and recreational facilities ($987,840)	Approved in 2023 Budget: $324,000 Sept. 1 2023 – March 31 2024 Operating Costs: $719,377 One-Time Capital referred to 2024 Budget: $220,000 Annual Operating Referred to 2024 budget: $1,266,240
Hamilton Police Services	Two Encampment Engagement Officers ($268,646), plus $30,000 in one-time costs for ancillary equipment	N/A	Approved in 2023 Budget: $298,646

Summary costs by category in order to understand total costs of in-year, existing approved budget and proposed 2024 referred budget. Please refer to Table 2 below:

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TABLE 2

2023 Approved Budget	Operating Costs Referred to 2024 Budget	Total New Budget	Sept 1, 2023 – March 31, 2024	Capital Costs referred to 2024 Budget (one-time)
$1,366,646	**$1,545,890**	**$2,912,536**	**$805,497**	**$255,000**

There is no financial impact based upon staff's understanding of the Tiny Homes requirements as outline in this Council report.

Legal: N/A
Staffing:

The recommended coordinated encampment response enhancement would require an additional 6.00 FTEs, including 2.00 seconded staff and 4.00 budgeted complement staff:

- Funding for 2.00 additional seconded FTE, Peer Support Workers
- 1.00 FTE Supervisor of Municipal Law Enforcement
- 1.00 FTE Parks Lead Hand
- 2.00 FTE Parks Operators

HISTORICAL BACKGROUND

On May 17, 2023, staff provided a Proposed Encampment Protocol (HSC20038(f)/PED21188(c)) to Council. Staff recommended that Council adopt a Proposed Encampment Protocol in the interim, while a period of public comment occurred. Once the period of public comment closed, it was recommended that the City make the necessary changes and provide a final recommended Protocol to Council in August 2023.

Council did not adopt the proposed Encampment Protocol and directed staff to make the Protocol available for public comment until June 30, 2023, and to obtain public comment around the concept of sanctioned sites, conduct a jurisdictional scan on potential operating models, and report back to Council in August 2023. Council also directed staff to incorporate access to services and supports, including washrooms and showers, Peer Supports and Indigenous Workers, into encampment response.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not applicable

A3781

RELEVANT CONSULTATION

Staff from Healthy and Safe Communities (Housing Services Division, Recreation Division), Planning and Economic Development (Licensing and By-law Services), Public Works (Parks Division), and Corporate Services (Legal, and Finance) were consulted in the preparation of this report. Hamilton Police Services were also consulted.

Housing Focused Street Outreach engaged with the City's Indigenous Relations Office to review its approach to addressing Indigenous involvement in an outreach response model.

Additionally, Housing Focused Street Outreach met with the Program Coordinator at Keeping Six to review the proposed Encampment Protocol to ensure the language contained in the protocol reflected the voice of people with lived/living experience, and Hamilton Alliance for Tiny Shelters to understand program model and approach to operationalization.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Housing is a human right. While the City continues to work toward permanent solutions such as affordable and/or supportive housing, we continue to have individuals experiencing homelessness. Encampments have proliferated within communities across Canada since the beginning of the pandemic, creating challenges as well as new avenues for solutions to chronic homelessness. Various approaches to managing encampments have been identified and established in municipalities across Canada. Notably, a human-rights based approach to managing encampments has set a baseline for interactions between municipalities and individuals residing in encampments, as per principles outlined in a National Protocol for Homeless Encampments in Canada. The City is committed to pursuing deeply affordable supportive housing opportunities, while also pursuing an interim strategy based on a human-rights approach to manage encampments across the city.

From June 7 to June 30, 2023, City staff gathered input from the public through Engage Hamilton, conducted outreach to Ward Councillors offices, and ran three public meetings across the City, facilitated by Lura Consulting.

Additional comments from the public were submitted through other channels such as emailed comments, comments from town halls, and paper survey submissions. In total, the City received 11,943 visitors to the Engage Hamilton website, contributing 15,965 individual comments to the City of Hamilton regarding encampment response in the city. The questionnaire on Engage Hamilton resulted in 7,536 contributions. Approximately 2,000 Hamilton residents attended public meetings.

Protocol Feedback

Overall, there was diversity of response and limited agreement about the draft Protocol. The draft Protocol received 41% approval via the Engage Hamilton questionnaire, which was consistent with the feedback received within the three public forums and other comments and feedback provided. There was no clear consensus regarding the Protocol, as one significant cohort identified the protocol as too enforcement-laden, while another believed it was too permissive, and some preferred an enforcement-led approach, whereas others preferred a housing-led approach.

Several changes were recommended to the Protocol by respondents, including updates to the distances away from specific landmarks or facilities, and more clarity regarding roles and responsibilities of staff, processes, and service levels.

Respondents were clear that they did not want encampments in city parks as they wanted parks to be able to be used and enjoyed for park purposes by individuals and families. At the same time, respondents also recognized the need to identify a place where individuals who are unsheltered could set up temporary shelter, and provided suggestions such as vacant lots, greenspace, underutilized campgrounds, and industrial or commercial lands, as places to host encampments.

There was a strong consensus that the City should identify temporary indoor spaces as an alternative to planned outdoor encampments, suggesting that the City explore using existing vacant or underutilized spaces such as vacant city buildings, vacant schools, and/or vacant underutilized private buildings (i.e. office space, industrial buildings, faith-based buildings). Respondents also identified alternative housing options as alternatives to sanctioned encampments, such as tiny homes, increased shelter beds, and field hospital beds.

A majority of respondents identified encampments as a symptom of several interconnected issues rather than a root cause, and provided several ideas regarding investments or re-allocation of funding toward longer-term solutions, such as mental health and substance use supports (i.e., programs, beds), the creation of new affordable housing to meet the demands of the community, rent and cost of living controls that help ensure affordability of housing and other goods, and a basic income to ensure that everyone is afforded the dignity and opportunity to live a healthy life. They also urged the City to advocate to other levels of government for more resources and develop a strategy to better provide mental health and substance use supports (i.e., treatment programs, rehabilitation, counselling), housing solutions (i.e., supportive housing, affordable housing, licensed rooming houses), and better income support services.

Sanctioned Sites Feedback

The feedback received from respondents regarding sanctioned encampment sites highlights a mix of support and concerns. While 54% of respondents to the Engage Hamilton questionnaire were in favor of such sites, the support was less clear in the public forums, and significant concerns were raised, particularly about the locations of these sites.

One area of common consensus across various feedback modalities was that sanctioned sites should be situated away from parks and residential neighborhoods where children commonly gather. Concerns were raised about the potential impact on homeowners and nearby residents, including safety concerns, property values, residential taxes, and overall affordability.

Despite concerns, those who supported sanctioned encampment sites identified important benefits. One major advantage was the ease of providing services and support to the unsheltered population within these sites. These services included mental health and substance use supports, medical services, counseling services, and access to essential needs like potable water, washroom and shower facilities, garbage removal, and safekeeping of personal belongings.

To address the concerns raised and effectively implement sanctioned encampment sites, careful consideration of the locations is essential. Ensuring that these sites are not located near residential areas and places where children frequently gather can help alleviate the worries of nearby residents. Additionally, engaging in community dialogue and providing clear communication about the planned sites' services and benefits can build support and understanding among all stakeholders.
Overall, the feedback underscores the importance of finding a balanced approach to address homelessness, considering both the needs of the unsheltered population and the concerns of residents. By focusing on providing comprehensive services and support to those in need while respecting the concerns of the broader community, there is potential to find solutions that benefit everyone and foster a sense of compassion and empathy in addressing the issue of homelessness in Hamilton.

General Feedback

Based on the public engagement, it is evident that there was a strong consensus to support individuals living in encampments. The goal was to achieve better outcomes by providing access to the services they need, with a particular emphasis on housing, within a safe and healthy environment. This approach aims to address the immediate needs of the unhoused population while also taking into consideration the safety and access to recreation for the broader community.

Safety emerged as a significant concern across various feedback modalities. Respondents expressed a desire for actions and supports to ensure the safety of both individuals who are unsheltered and the community as a whole. Addressing safety concerns includes measures to protect those living in encampments, creating a sense of security for housed residents, and ensuring visitors to the City of Hamilton feel safe.

To gather and present the feedback accurately, a detailed methodology was utilized during the engagement process. This methodology allowed for comprehensive data collection and analysis, ensuring that the 'what we heard' section in the report encompassed the themes identified through feedback from all engagement sessions and modalities. The inclusion of Appendix “C” provides further transparency and clarity in presenting the findings and conclusions drawn from the public engagement.

Encampment Protocol Update

Following the feedback received through the consultations, staff are recommending a number of modifications to the Encampment Protocol that was originally presented to Council in May 2023 through Report HSC20038(f)/PED21188(c). These amendments seek to reflect some of the commonly raised issues that locations suitable for unsheltered individuals should not be mixed with locations for other uses (e.g. schools, recreational assets, private property).

The Protocol attached as Appendix “A” to this report remains largely the same as the version proposed in May 2023, but the following changes are being recommended to some of the separation distances between encampments and other uses to reflect public feedback:

- Schools and day-care centres (50 metres has been modified to 100 metres).
- Playgrounds, pools, waterparks, or any spray pad (50 metres has been modified to 100 metres).
- Private property line (5 metres has been modified to 10 metres).

A shift from a 50-metre to a 100-metre setback from playgrounds, in particular, does introduce a number of limitations on potential encampment locations, particularly in the downtown and lower city where parks tend to be a smaller size.

Where the Protocol prohibited tents in “any area identified as susceptible to flooding, erosion, slope instability, or other environmental hazards” the amended protocol now includes language added that this clause is only enforceable when it presents a risk to health and safety. While this is not a specific change to the Protocol, for clarity, and consistent with the housing-focused approach, By-law enforcement will only occur in situations related to health and safety concerns or where an encampment, tent, or temporary structure is not in conformity with the Encampment Protocol, and where there

is an alternative location permitted by the protocol, or where alternative accommodation exists within the City's emergency shelter or housing system.

Additionally, some notable changes, based on public feedback, have been made to the Protocol to ensure greater clarity and ease-of-reading. A detailed review of public feedback regarding the Encampment Protocol was conducted and staff rationale for changes and non-changes to the Protocol, is attached in Appendix "B".

To address direction from Council and to ensure individuals living in encampments are given a reasonable ability to comply with the Protocol, a set of measures has been included in the Protocol to inform residents of nearby compliant sites in the case of any enforcement measures, and to ensure no residents are facing enforcement measures without being made aware of sanctioned and permitted sites where they can go.

An updated Encampment Protocol inclusive of all changes being proposed to Council for adoption is attached as Appendix "A".

Enforcement

Staff are recommending that the City's encampment response continue to follow a housing-focused approach. The recommended enforcement process is defined within the Protocol attached as Appendix "A". The City's Licensing and By-law Services Division will dedicate the two officers previously approved by Council through Report HSC20038(f)/PED21188(c) to the City's encampment response, as well, staff are recommending through this report the addition of a Supervisor role. This staffing level will allow staff to maintain the existing Monday to Friday level of service, and a four-day response time.

Removal of Waste and Debris

Respondents in the public consultations were strongly in support of prioritizing garbage removal and management throughout the City, for the health and safety of individuals living in encampments and the broader public. As encampments have grown, there is an increased need to ensure sufficient resources for removal of waste and debris. To address updated service levels that ensure ongoing maintenance throughout the City including regular pickups at established encampment sites (not including the sanctioned HATS site), as well as cleaning and maintenance within three days of an encampment being abandoned (with discretion for extenuating circumstances such as inclement weather), additional staffing and equipment is required. An in-house team made up of a Parks Lead Hand and 2 operators who would report to the existing Parks encampment response supervisor is recommended to be able to provide an enhanced clean up response and would be available daily Monday to Friday for cleanup efforts throughout the parks system. In addition to this increase, existing funding would continue to cover the staff costs for overtime and contracted services as required.

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Jurisdictional Scan of Protocols, Sanctioned Sites, and Operating Models

While staff are not recommending sanctioned sites at this time, at Council direction, staff reviewed the cities across Canada that have implemented encampment protocols to manage the location of, and expectations of staff when interacting with encampments within a community. The scan included Halifax, Kingston, Toronto, Brantford, Niagara Region, St. Catharines, London, Windsor, Sudbury, Thunder Bay, Winnipeg, Edmonton, Prince George, Vancouver, and Victoria, as well as other smaller municipalities. Additionally, several municipalities across the United States also utilize protocols.

While the content of each protocol contains different goals, processes, and restrictions based upon unique local circumstances, all protocols identify key partners involved in encampment response, roles and responsibilities, areas of the city where camping is not permitted, and a process to manage encampments in non-permitted areas.

Other items contained within protocols include shared principles, process(es) for managing abandoned sites and/or site maintenance and cleaning, and approach to connect individuals to housing alternatives.

Approaches to Sanctioned Site Encampments

Jurisdictions across Canada have implemented sanctioned encampments including Victoria, Toronto, Waterloo Region, Fredericton, Halifax and Winnipeg. To increase the breadth of analysis, several jurisdictions in the United States were also included, such as Portland, Chicago, Tacoma, Denver and Oakland. Each of these sites was analyzed to compare approaches to providing overnight accommodations, operating models, and where possible, outcomes.

As part of a jurisdictional scan of sanctioned encampments in North America, operating models include a) sanctioned self-governed low barrier models; b) sanctioned, fully managed low barrier models; c) sanctioned, fully managed medium-high barrier models, and; d) transitional models. For means of comparison, each of the approaches were compared to a supportive housing model, which was also reviewed for cost and effectiveness by staff.

Staff reviewed potential operating models to be utilized within a sanctioned site (for a more comprehensive analysis of operating models, see Appendix “D”). Staff approximated the costs associated with providing this service for approximately 150 individuals who are living unsheltered in encampments (i.e., the City would require six sanctioned sites with a capacity of 25 per site to ensure service was available to every individual presently living within an encampment).

Utilizing benchmarks from other jurisdictions operating similar low barrier models and costing estimates using our local context wherever possible, the costs associated with

A3787

providing this level of service is significant, ranging from $2.8M and $8.1M to provide adequate staffing, food, and access to drinking water, washrooms, electricity, lockers and personal belongings safekeeping, and a heating and cooling common area, across six sanctioned sites. A range is provided to address several options available for implementation (i.e., staffing levels, food service). It should also be noted that there are significant risks to operating an under-resourced sanctioned site for individuals who are unsheltered with complex, co-occurring needs, particularly as it relates to adequate staffing.

Given that resources to address housing and homelessness are limited, and significant feedback was provided by respondents for permanent, sustainable options, applying funding to several sanctioned sites would result in significantly fewer funds available to address other acute areas within the housing and houselessness sector, namely transitional housing with supports. Across municipalities, there is little clarity regarding the long-term success of transitioning individuals staying in sanctioned encampments into permanent housing, as funds spent on emergency services often come at the expense of more permanent housing options.

Notably, other jurisdictions (i.e., Kingston and Edmonton) have come to similar conclusions regarding sanctioned encampments sites and have instead proposed new funding towards housing and other indoor shelter alternatives.

For additional jurisdictional scan details, including further analysis of potential operating models and operational principles and recommendations associated with low barrier models within sanctioned encampments, see Appendix “D”.

Site Criteria

As mentioned, staff are not recommending sanctioned sites at this time, however, following Council direction, staff used the work of the jurisdictional scan and professional experience to establish the following criteria where a potential sanctioned site might be identified if sanctioned sites were to be implemented:

- sites are immediately available (no current construction/disruption),
- site can be available within 1-2 months without significant site preparation,
- existing washrooms on site,
- access to drinking water and whether it is winterized,
- access to communal hydro connections for personal use,
- ability to provide a sense of privacy,
- readily accessible by service vehicles and emergency vehicles,
- safely accessible by foot,
- access to transit,
- accessible by waste vehicles and storage,
- near to downtown core,

A3073

- able to be compliant with protocol,
- site would not occupy or make unavailable public park space in an area or neighbourhood where park space is in limited supply,
- provides access to shade,
- site would not prevent or preclude special events where major public special events are held, and
- site is near where existing encampments are located.

After applying these criteria to existing park space, several sites were partially or fully able to meet these criteria either immediately or with minimum changes. These sites included Alexander Park, Strachan Avenue Linear Park, Woodlands Park -east side, Confederation Park, Mohawk Sports Park – north side of parking area in unprogrammed space, Turner Park – north of ballpark, and Valley Park – north side. As mentioned, although these sites matched the criteria, and demonstrate where sanctioned sites might be feasible if explored in the future, sanctioned sites are not being recommended by staff at this time. However, it should be noted that The Strachan Avenue Linear Park located between Hughson Street and James Street was identified through this approach and has been identified as the preferred site for HATs and is being recommended for the purpose of identifying a low-barrier alternative model for individuals living within encampments.

Hamilton Alliance for Tiny Shelters

Within Hamilton, and in alignment with the jurisdictional scan, there is a need for a low barrier emergency option for individuals who are unsheltered. As such, contingent upon the City providing a site, Hamilton Alliance for Tiny Shelters is prepared to operate a two-year pilot, providing a fully managed site with appropriate services and supports for up to 25 tiny shelters. This is a cost-neutral pilot for the City, as Hamilton Alliance for Tiny Shelters is a community-led initiative and has privately fundraised to support the operation of the site.

The Hamilton Alliance for Tiny Shelters will address an existing gap in the City's current approach to emergency overnight space and will provide a new option for those who have complex, co-occurring needs and are not interested in traditional emergency shelter.

To support Hamilton Alliance for Tiny Shelters in the operationalization of their pilot program, staff are recommending that the pilot program be located on the preferred site of the parking area on the Strachan Avenue linear park, or at an alternative site that meets the criteria for the Protocol and is determined appropriate by staff. In the longer term it is recommended that the Scout House site be considered as a site for Hamilton Alliance for Tiny Shelters and for this to happen changes are required at the property to address safety concerns (e.g. installation of sidewalks, etc.).

A3789

As part of an agreement with Hamilton Alliance for Tiny Shelters to operate the pilot program, prospective individuals residing at the site must be selected via the City's By-Name List, which provides the City with an up-to-date understanding of individuals experiencing homelessness in the community and establishes an individual's suitability for a particular housing. the results from this pilot will be evaluated on an ongoing basis and will inform the City's future encampment response.

Services and Supports within the Protocol

Consistent with a human rights-based approach and the National Protocol for Homeless Encampments in Canada, and supported by stakeholders, City staff and the public, Council directed staff to address washrooms, showers, and access to drinking water for individuals who are unsheltered in the community, as well as to integrate Indigenous and peer supports into the Protocol.

a) Access to Washrooms, Showers, and Drinking Water

Staff are recommending provision of washroom access using existing recreation and City Parks facilities by expanding hours of operation and staffing and providing security. Building new washrooms is not recommended given the time and resources required. The cost of building new winterized washroom facilities, is very high and requires significant planning and construction time. The cost for a new single, winterized washroom is between $1.75M and $2.25M and requires a minimum of 18-months to implement. Portable showering trailers and self-cleaning showers were investigated but are not being recommended, due to high up-front costs and operating fees, challenges in identifying potential vendors, as well as concerns with ongoing maintenance and repair. The City previously operated port-o-lets during COVID-19 and struggled with maintaining facilities in working order.

To support the implementation of this initiative, Housing Focused Street Outreach have partnered with Recreation Division and City Parks to identify potential sites available to provide services to individuals who are living in encampments. Staff is recommending an upset limit of $987,840 be provided annually to support individuals who are unsheltered in encampments to access washrooms, drinking water, and showers, in the most suitable locations given patterns of encamped individuals and in alignment with a rights-based approach to encampment response. This will provide the City with the funds to hire 24/7 security (one guard) at 2 outdoor, existing washrooms in parks ($525,600) and 12-hour security (one guard) at 2 recreation centres ($262,800), each for 365 days along with the maintenance costs associated with each.

The security guard will be responsible for providing oversight and ensure a harm-reduction focused approach to service delivery. Assigned security staff will receive Naloxone, and additional harm reduction training to support individuals who access the service.

City staff are also recommending resourcing to ensure that individuals who access showers, both within parks and in community or recreational facilities, be provided with the hygiene supplies and other sundry items necessary to maintain their hygiene. These costs will be managed within existing budget.

Council provided direction to staff to transition existing encampment response team resources to the new Protocol and encampment response. Staff have been able to convert one Housing Outreach worker funded in the initial response to an Indigenous Worker, in response to Council direction. The remaining resources approved by Council in the 2023 budget earlier this year will continue to be required for the response proposed in this report, and additional resources are required due to the growing encampment situation, in order to maintain existing service levels related to removal or garbage and debris, and by-law officer response times and enforcement of the Protocol as well as respond to Council direction related to services and supports

b) Integration of Peer Supports

While it can take considerable time for staff to build trust with individuals living unsheltered, peers can often act as a bridge between staff and those individuals and can also provide specialized expertise because of their uniquely similar experiences. Peers are also integral to overdose prevention. Statistically, peers are the most likely to be first responders to an overdose and should be equipped with the tools and training to engage in effective overdose prevention techniques. Peer workers can provide harm reduction education and training to City staff, frontline staff, and individuals living in encampments, and can also play a role supporting the cleaning of encampment sites, particularly needle debris and other paraphernalia. To formalize this work, peers with lived or living experience of encampments with a focus on harm reduction are being recommended to become part of the City's Housing Focused Street Outreach team.

While both peer support workers and Housing Focused Street Outreach workers play crucial roles in supporting individuals experiencing homelessness, their approaches and focuses differ. Peer support workers leverage their lived experiences to provide a unique form of emotional and practical support, while Housing Focused Street Outreach workers are trained to understand and connect individuals with the necessary resources and services to address their needs. Combining both approaches can lead to more comprehensive and effective support for those facing homelessness and related challenges. The cost to add an additional 2 FTE of a Housing Focused Street Outreach worker is $60,950 ($30,475 per FTE). Staff will need to work with individuals with lived/living experience to determine roles and responsibilities at encampments.

c) Integration of Indigenous Supports

To provide expertise in integrating and implementing a culturally appropriate approach, the City has partnered with the Hamilton Regional Indian Centre to fund, within existing

approved budget one FTE towards an outreach worker that will remain as part of Hamilton Regional Indian Centre's staffing complement as part of its Mobile Street Outreach Van. Hamilton Regional Indian Centre will lead the outreach response their staff are taking to address the needs of Indigenous peoples living in encampments and will bring their expertise as participants in the City's Coordinated Response Team, and proposed committee, which will also include people with lived/living experience, community stakeholders involved in frontline response, and relevant City staff. Adding an Indigenous staff to the City's outreach complement is a first step in an iterative process of establishing culturally appropriate frontline services for people living in encampments.

d) Development of an Encampment Liaison Committee

Upon the adoption of the Encampment Protocol, Housing Focused Street Outreach develop a liaison committee to ensure that individuals with lived/living experience of encampments, frontline operators, and staff are all meaningfully engaged in providing input into Hamilton's encampment response. The table will convene on a regular basis to discuss overall encampment response in the community and discuss approaches to sustain continuous improvement. Staff will collaborate with key stakeholders including Keeping Six, HAMSMArT, Hamilton Regional Indian Centre, and Hamilton Encampment Support Network (to help recruit people with lived/living experience for the committee), to develop terms of reference for the committee that identifies goals, scope, and desired outcomes. This may include a review process to address issues should concerns arise from individuals living unsheltered, community agencies or housed individuals in the community that the Protocol is not being implemented appropriately.

It is important to note that any changes to the Protocol itself, including the implementation process defined therein, would require a report to Council and Council approval. Furthermore, the committee would not have the authority to direct enforcement or to establish or alter City service levels. Development of this process will also require advisement from the City's Legal department.

Alignment to Permanent Housing Solutions

Given the benefits of permanent, appropriate transitional housing with supports, its alignment with a housing first approach, ability to address basic needs, and the cost-effectiveness of housing as a solution, staff are recommending that in lieu of recommending several sanctioned sites throughout the community, that available resources are directed towards permanent supportive housing solutions. Recommendations related to investments that will address the needs of unsheltered individuals are contained within the report "Addressing the Needs of Unsheltered Individuals and Shelter Capacity" on the same August 14, 2023 General Issues Committee meeting agenda.

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ALTERNATIVES FOR CONSIDERATION

1. Council could direct staff to identify suitable locations for and implement a sanctioned site model with services and supports. This approach would come with significant financial cost to the City.

2. Council could choose to increase the City's financial investment and expand the number of washrooms staffed throughout the City to meet the needs of those unsheltered in more areas, across a broader geographic distance.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report HSC20036(g): Updated Encampment Protocol

Appendix "B" to Report HSC20036(g): Rationale for Updates to Encampment Protocol

Appendix "C" to Report HSC20036(g): 'What we Heard' Public Consultation Report

Appendix "D" to Report HSC20036(g): Jurisdictional Scan of Sanctioned Sites and Operating Models

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Encampment Protocol – with Amendments **REVISED**

A) Shared Principles

When engaging in encampment response, all staff in a frontline capacity will use the same philosophical approach. In all interactions with people who are living unsheltered, staff will engage utilizing a human-centered, housing first, health-focused, rights-based approach. All actions will be guided by a commitment to upholding the human rights and human dignity of all individuals living in encampments, temporary shelters, or tents. Staff will also work to build rapport through mutual respect, effective communication, empathy, and by maintaining transparency around the expectations of individuals living in encampments, temporary shelters, or tents and City staff.

It is vital that all actions taken in the Protocol are grounded in the understanding that housing is a fundamental human need, and that people in our community deserve housing and homelessness responses that are based on intentional planning and good evidence and that have measurable positive impacts and outcomes. Working to provide permanent housing for all is critical and will require an ongoing commitment from the City, community, and other levels of government to find innovative, meaningful solutions.

B) Complaints and Service Request Information:

Individuals in the community who encounter an active or abandoned encampment, temporary shelter, or tent, or someone who is living unsheltered, and/or have questions or concerns about an encampment, should contact the Coordinated Response Team led by Housing Focused Street Outreach by email at unsheltered@hamilton.ca or by phone at 905-546-2828.

Any contacts made with other internal City divisions or through other City channels regarding encampments, temporary shelters, or tents will also be forwarded to Housing Focused Street Outreach for first response.

C) Alignment to Housing Resources and Supports

In establishing a housing-focused approach to interacting with individuals living unsheltered and/or in encampments, all individuals will be given an opportunity to complete a Vulnerability Index – Service Prioritization Decision Assistance Tool (VI-SPDAT)

In the context of individuals living in encampments, temporary shelters, or tents, the Vulnerability Index – Service Prioritization Decision Assistance Tool is a triage tool, with a series of questions asked by Housing Focused Street Outreach staff to individuals who are experiencing homelessness. The assessment tool is used to support conversations where staff learn about an individual's housing situation, needs, and strengths to help build a plan to achieve stable housing. It is also used to inform additional supports that may be needed and/or help prioritize housing interventions

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within Hamilton's Homeless-serving System likely to be most beneficial to support an individual's needs, preferences, and long-term housing outcomes.

There is no requirement for anyone who is living in an encampment, temporary shelter, or tent to complete the Vulnerability Index – Service Prioritization Decision Assistance Tool and it will have no bearing on whether they are able to stay in a particular location or for a specific duration of time. The assessment tool will only be used to help connect individuals experiencing homelessness to housing resources and supports.

D) Prohibited Areas for Erecting Encampments, Temporary Shelters, or Tents

In order to provide for the availability of space for temporary shelter in parks, persons without shelter or being homeless will be able to establish an encampment through erecting a temporary shelter for themselves and also be able group together with other such persons' temporary shelters. However, the encampment or cluster of shelters must not exceed five tents or similar temporary shelters, and there must be at least 50 meters separating the encampment or cluster from other encampments or clusters of shelters. Further, the balancing of public and private interests while allowing for temporary shelter will require encampments or clusters not be located:

1. On or within 100 meters of a school or children daycare centre
2. On or within 100 meters of a playground, pool, waterpark, or any spray pad
3. On or within 50 metres of any lake, beach, pond, watercourse or other body of water, or a dock
4. Within 10 meters of any private property line
5. On or within 50 metres of the Hamilton Alliance for Tiny Shelters model site. For th purpose of this site the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North, will be considered the site.
6. On or within 5 meters of any transit stop or a highway and specifically including a sidewalk, boulevard, or bridge or tunnel being part of such highway
7. On or within 5 meters of any property with an environmental or heritage designation
8. On or within 50 meters of any sports fields, inclusive of but not limited to, skateboard parks, fitness amenities, golf courses, ball diamonds, soccer pitches, tennis courts, or any other sports or multi-use courts, as well as stadiums, dugouts, stages, and bleachers.
9. On any fenced-in, off-leash dog area
10. On any cemetery, including its roads, lanes and paths for travel within the cemetery
11. On any community garden and including any garden shed or greenhouse
12. On any pathway, sidewalk, or parking lot or on or under any bridge, including pedestrian access points to such areas and structures
13. On or within any designated fire route, or the entrance to or exit from a designated fire route, or located so as the block any fire hydrant

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14. On or within any entrance, exit or a doorway to a building or structure, and including, without limiting the generality of the foregoing, an area adjacent to such entrances or exits required in the event of fire or emergency
15. On or within any accessibility entrance or ramp or located in a way that blocks access to such entrances or ramps.
16. On or within any area identified susceptible to flooding, erosion, slope instability, or other environmental hazards that presents a risk to health and safety.
17. Further no temporary shelter or tent will be placed against, or under, or be attached or tied to any building or permanent structure. All shelters or tents must be freestanding.

E) Campfire and Barbecue Use

Section 14 of By-Law 01-219, the Parks By-Law, which regulates campfires and barbecues in City Parks; as well as By-Law No. 02-283, the Open Air Burning By-Law, which regulates open-air burning within the City, shall be complied with and will be enforced.

F) Maximum Personal Space Allotment(s)

The total area for a single tent and all its associated belongings cannot exceed beyond a 3-metre-by-3-metre area, or 9-metres-squared, and the total area for five tents within a cluster cannot exceed beyond a total area of 45-metres-squared. The following chart identifies space limits by number of temporary shelters or tents:

Number of Temporary Shelters/Tents within Encampment Cluster	Maximum Total Space Allotment (metres)
One	9m²
Two	18m²
Three	27m²
Four	36m²
Five	45m²

Any items located outside of the allotted personal space area will be subject to removal by City staff.

G) Encampment Response Processes

Given that there are several circumstances that require a unique response from the Coordinated Response Team, the following guidelines have been established to direct responses to people living in encampments, and their temporary shelters, or tents:

A) When an encampment, temporary shelter, or tent is located on public property, and not within a prohibited area, as defined by this Protocol:

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1. Within 72 hours after receiving a complaint or request for service (unless exceptional circumstances exist), Housing Focused Street Outreach staff will engage with the individual(s) living within an encampment, temporary shelter, or tent to better understand their needs and connect them with internal and community supports, including housing-focused case management; referral into the emergency shelter system; referrals to health agencies, social assistance supports, and specialized outreach supports; and any other relevant supports available that would improve an individual's health and wellbeing.

2. If no health and safety issues are observed by Housing Focused Street Outreach (see Section J, 'Health and Safety' for further detail on specific circumstances or factors), and the encampment, temporary shelter, or tent complies with the prohibitions and locations outlined in this Protocol, individuals will be allowed to maintain and occupy temporary such shelter for the duration of the Protocol, as defined by City Council. Housing Focused Street Outreach will continue to engage with the individual(s) on an ongoing basis to provide supports and referrals as needed and work towards goals in individualized housing plans.

3. Only if a substantial change in circumstances is observed by Housing Focused Street Outreach in subsequent visits to the encampment, temporary shelter, or tent, such as new significant health or safety issues, will Hamilton Police Services be asked to attend to support any response. Hamilton Police Services will attend encampments within the normal course of responding to emergencies and other policing duties, and Housing Focused Street Outreach and other City partners will work cooperatively with Hamilton Police Services if a concern related to health and safety is identified at an encampment.

4. Any items or circumstances that are of clear and immediate risk to the individuals living in an encampment or neighbouring encampments or the broader public will result in a call for immediate emergency response. Hamilton Police Service Encampment Engagement Officers will attend the location and conduct a risk assessment when requested and as required.

B) When an encampment, temporary shelter, or tent is located on public property, within a <u>prohibited</u> area, as defined by this Protocol:

1. Within 72 hours after receiving a complaint or request for service (unless exceptional circumstances exist), Housing Focused Street Outreach staff will engage with individual(s) living within an encampment, temporary shelter, or tent to better understand their needs and connect them with internal and community supports, including housing-focused case management; referral into the emergency shelter system; referrals to health agencies, social assistance

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supports, and specialized outreach supports; and any other relevant supports available that would improve an individual's health and wellbeing. Housing Focused Street Outreach will have available information about possible suitable and compliant sites and will consider the needs and choices of the individual and collaborate with the individual(s) living within an encampment, temporary shelter, or tent, to identify a more suitable area that meets the conditions noted within this Protocol.

2. If after visiting an encampment, temporary shelter, or tent, Housing Focused Street Outreach staff observe the encampment, temporary shelter, or tent to be in a prohibited area, as defined by this Protocol, they will contact Municipal Law Enforcement to conduct a follow-up assessment.

3. Municipal Law Enforcement Officers will visit the site within four business days and confirm whether the encampment, temporary shelter, or tent is in a prohibited area. If so, Municipal Law Enforcement Officers will notify the individual(s) living at the location via a Notice of Trespass and verbally, if possible, that they are in a prohibited area, and that they will be required to move from the existing location.

4. Municipal Law Enforcement Officers will determine compliance timelines depending on the presenting circumstances, for the issuance of notices or actions to be taken in respect to the encampment, temporary shelter, or tent, within a maximum of 14 total days from the issuance of notice, unless exceptional circumstances exist. For example, if the Municipal Law Enforcement Officers observes a significant health or safety issue for the individual due to placing a shelter on a highway the Municipal Law Enforcement Officers will take more urgent action to require compliance or remediate the concern and may seek Hamilton Police Services support. If there are few or no immediate health, safety, or other concerns due to encampment or its location within a prohibited area, Municipal Law Enforcement Officers will allow for more time, up to a maximum of 14 days, unless exceptional circumstances exist, to engage with the individuals in an encampment, temporary shelter, or tent around supports and next steps.

5. After a Trespass Notice has been served and prior to an area being cleared, Housing Focused Street Outreach's will continue to engage with individual(s) at the location to identify alternate sheltering options and attempt to address any barriers to shelter or housing, such as lack of identification or item storage.

6. If the duration of time provided by a Trespass Notice expires and individual(s) at the site has not moved voluntarily and are unwilling to move, Municipal Law Enforcement Officers will notify Hamilton Police Services Encampment

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Engagement Officers. Hamilton Police Services will be available to support and assist the Municipal Law Enforcement Officers, operational plan, and/or the individual(s) living at the encampment, temporary shelter, or tent to vacate the prohibited area.

7. Hamilton Police Services Encampment Engagement Officers will interact with individuals in encampments, temporary shelters, or tents at the request of Housing Focused Street Outreach and/or Municipal Law Enforcement, in a supportive capacity. Otherwise, their level of intervention will be dictated by their own internal policies and the circumstances at a given encampment, temporary shelter, or tent site.

8. Parks staff will coordinate the clean-up, to be completed either by Parks staff, Roads staff, or the contractor, depending on the location, within 72 hours, with discretion for extenuating circumstances such as inclement weather.

C) When an encampment, temporary shelter, or tent is located on public property, is not located in a prohibited area, but health and safety concerns are identified:

1. If Housing Focused Street Outreach identify or confirm a health or safety issue at an encampment, temporary shelter, or tent, and depending on circumstances, will address or may collaborate with appropriate partners to address the health and safety concerns identified.

2. If the health and safety concern is considered serious and/or imminent (e.g., exposed electrical wiring, accumulation of discarded needles, use of propane tanks and other combustible materials, possession of weapons) as identified by Housing Focused Street Outreach or Hamilton Police Services Encampment Engagement Officers, Hamilton Police Services will follow appropriate policing responses required in the circumstances. In addition, they will communicate with the Coordinated Response Team and prioritize working with community partners to address any remaining safety concern. These partners may include Hamilton Fire Department, Hamilton Public Health's Community Points program, Hamilton Parks, or any other parties deemed necessary to address the observed health and safety concerns.

3. All items determined by Hamilton Police Services and/or partners to be a serious risk to the health and safety of individual(s) living at the encampment, temporary shelter, or tent, as well as the public will be removed at the earliest opportunity.

4. If the encampment, temporary shelter, or tent is also in an area deemed to be prohibited based upon the provisions identified in Section D of this Protocol, and after health and/or safety issues placing Municipal Law Enforcement Officers at

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risk have been removed, Municipal Law Enforcement Officers will initiate steps 4-9 in Encampment Response Process B – "*If an encampment is located on public property, in a prohibited area*."

5. If all serious health and/or safety issues have been removed or otherwise corrected, and the encampment, temporary shelter, or tent is not located in a prohibited area as designated in Section D of this Protocol, then the individual(s) will be permitted to remain where they are, in accordance with Encampment Response Process A.

H) Encampments on Private Property

Encampments, temporary shelters, or tents identified on private property are primarily the responsibility of the property owner. Where the owner has not provided consent, concerns of the owner are within Hamilton Police Services' jurisdiction and will be subject to ordinary enforcement procedures in accordance with applicable laws.

Hamilton Police Services may seek the assistance of Municipal Law Enforcement Officers as appropriate or required in the circumstances.

Provided the property owner permits, Housing Focused Street Outreach will engage with encampment, temporary shelter, or tent residents to identify alternate sheltering options and attempt to address any barriers to shelter or housing. Additionally, Housing Focused Street Outreach will work with individuals at the encampment, temporary shelter, or tent to provide supports and referrals as needed and work towards goals in individualized housing plans.

I) Process for Designating an Encampment, Temporary Shelter, or Tent as Abandoned

While Housing Focused Street Outreach is aware of many encampments, temporary shelters, and tents in the community, people living in encampments, temporary shelters, and tents may move to new locations and/or may abandon a previous site without Housing Focused Street Outreach's or other Coordinated Response Team partners' knowledge. Given that maintaining one's possessions while experiencing homelessness is vital to a human-rights based approach, staff will be cautious when deeming a site to be abandoned.

The following process will be followed regarding potentially abandoned sites on public property:

1. If Housing Focused Street Outreach have not interacted with anyone at a particular site and/or there has been observed inactivity for at least three (3) days, they will review the site with the Coordinated Response Team partners at

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the nearest opportunity to confirm there has been no recent activity witnessed at the site.

2. If Coordinated Response Team partners (i.e., Municipal Law Enforcement, Hamilton Police Services, Parks) have not witnessed anyone at the site and/or can confirm that the former inhabitants of the site have moved elsewhere, Housing Focused Street Outreach will place a notice at the site in a conspicuous area informing potential residents that the site is due to be cleaned in three (3) days from the time of the notice being placed.

3. Within the three-day timeline, all reasonable attempts will be made by Housing Focused Street Outreach and/or other Coordinated Response Team partners to ensure that individuals known to be previously staying at a site have been made aware that their former site will be deemed abandoned and cleaned.

4. If no interaction has been made by Housing Focused Street Outreach with the former inhabitants at the site, no attempts have been made by the former inhabitants of the site to contact Housing Focused Street Outreach, and/or no other changes are observed at the site by the end of the allotted time, Housing Focused Street Outreach will provide approval to Parks Section to clean the site.

5. Parks staff will coordinate the clean-up, to be completed either by Parks staff, Roads staff, or the contractor, within 72 hours of approval, with discretion for extenuating circumstances such as inclement weather.

Clean-up and maintenance of encampments, temporary shelters, or tents previously on private property are the responsibility of the property owner.

J) Health and Safety

Defining specific health and safety issues is difficult and can be based upon several factors unique to a particular site or circumstance. Some examples include, exposed electrical wiring, accumulation of discarded needles, illegal activity, abuse, threats or violence against staff, HPS or other persons, improper use or storage of propane tanks and other flammable materials, and acts involving weapons. Health and safety issues may also be identified via complaints from the public and/or businesses in relation to the encampment, temporary shelter, or tent; for example regarding harassment, vandalism, and/or stolen personal property.

Housing Focused Street Outreach staff will notify Animal Services when a pet is encountered at an encampment site. Housing Focused Street Outreach staff will collaborate with appropriate parties including the pet owner to identify how to best support the pet and pet owner, including implementing strategies to reduce any potential harms to the pet owner, public, City staff and the animal.

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Health and safety concerns existing for those living within or adjacent to an encampment, temporary shelter, or tent will be addressed in a reasonable and timely fashion, in good faith, on a case-by-case basis, prioritizing the seriousness of the concern and recognizing that there is a need to balance the needs of both the individual living in an encampment, temporary shelter, or tent and community members.

In situations where the need to intervene is less acute, the City may consult with additional internal and external partners to determine how to best balance the needs of individuals living encamped and community members.

If at any time City staff encounter someone in medical distress requiring immediate attention, witness violence, or believe violence to be imminent to people living in encampments, temporary shelters, or tents, staff, or community members, they will notify emergency medical, Hamilton Fire Department, or Hamilton Police Services, including members of the Hamilton Police Crisis Response Branch), to have the appropriate services dispatched. Additionally, City staff will leave the site irrespective of all procedures above, if their health and safety is currently being, or at risk of being threatened. To ensure safety of staff, the presence of Hamilton Police Services may be required while visiting the site.

K) Reporting

To provide ongoing accountability and transparency to the City's encampment response program and the implementation of its encampment protocol, communication with Council and Ward Councillors regarding the Encampment Protocol will be through monthly, ongoing reports to Council and include data and trends, operational updates, and any continuous improvement measures implemented to further efforts toward providing ongoing accountability and transparency to the City's encampment response program and the implementation of its encampment protocol. Where a Ward Councillor requests information regarding a specific encampment site within their ward, Housing Focused Street Outreach will provide an update as to whether the encampment has been deemed to be within a prohibited area. Reporting on the status of outreach or enforcement activities will be limited to the monthly Council reports.

L) Communicating Protocol to Residents of Encampments

An engagement strategy has been developed to update unsheltered individuals living in encampments about the Protocol as well as to communicate expectations of places within the City where encampments, temporary shelters, or tents can be erected.

The following approaches will be taken to build understanding of the Protocol:

- Housing Focused Street Outreach workers will have an information sheet outlining expectations of the Protocol, to be shared with unsheltered individuals when staff visit an encampment. Additionally, outreach staff will collaborate with individuals to understand their needs and choices in order to

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identify suitable locations (compliant sites) within the City where the individual can set up a temporary shelter or tent.

- Information sheets will also be shared with external frontline service providers who manage drop-ins, emergency shelters, and other related services and programs providers in the community, which can be posted in their locations and also communicated to staff throughout these organizations.
- City partners who also engage in frontline response, i.e., Parks Section and Municipal Law Enforcement, will also be provided information sheets to share with unsheltered individuals within the City, and community partners upon request.
- The City will post the Encampment Protocol and information sheet on the City’s website for public access.

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REVISED

Clause-Specific Feedback

Protocol Item	Public Feedback	Update Status	Rationale
In order to provide for the availability of space for temporary shelter in parks, persons without shelter or being homeless will be able to establish an encampment through erecting a temporary shelter for themselves and also be able group together with other such persons' temporary shelters. However, the encampment or cluster of shelters must not exceed five tents or similar temporary shelters, and there must be at least 50 meters separating the encampment or cluster from other encampments or clusters of shelters.	Several respondents shared concern with how people experiencing homelessness would be able to measure the distances required to ensure they are within the acceptable space limits.	Maintain	To address the concern that individuals living outside will not be aware of the prohibited areas and clauses resulting from this Protocol, the City will be working with frontline stakeholders, community partners, and its outreach team to provide educational materials and graphics that will assist individuals living outside in relocating to a space that is permitted within the protocol. For infractions that do not present immediate health and safety concerns, staff from Municipal Law Enforcement will work with unsheltered individuals to assist them in understanding the expectations of the Protocol and will give opportunity to make changes prior to enforcement.
Maximum Personal Space Allotment(s) The total area for a single tent and all its associated belongings cannot exceed	One respondent was concerned with applying the principles to varying numbers of individuals and sizes of tents (i.e., "having five single person tents is very different than having 5 10-person	Maintain	The protocol is clear about the number of tents, as opposed to the number of individuals living within them. The personal space allotment applies to each tent or temporary structure, not each individual.

Protocol Item	Public Feedback	Update Status	Rationale
beyond a 3-metre-by-3-metre area, or 9-metres-squared, and the total area for five tents within a cluster cannot exceed beyond a total area of 45-metres-squared.	tents. The City of Hamilton needs to consider specifics in their protocol.") Some respondents did not agree on the amount of space being provided, believing it to be too small an area, while others believed it was reasonable.		The distances used to define the personal space allotments were consistent with those used in other jurisdictions.
Further the balancing of public and private interests while allowing for temporary shelter will require encampments or clusters not be located:			
On or within 50 meters of a school or children daycare centre	Numerous responses were shared that 50m was not far enough from parks, daycares and schools.	Modify to 100m.	The initially proposed distance of 50-metres was deemed insufficient by the public. This distance was originally determined by planning guidelines, however, in response to the public feedback, the protocol has been amended to 100 metres, to provide a greater distance from schools or daycare centres.
On or within 50 meters of a playground, pool, waterpark, or any spray pad	Numerous responses were shared that 50m was not far enough from parks, daycares and schools.	Modify to 100m.	The initially proposed distance of 50-metres was deemed insufficient by the public. This distance was originally determined by planning guidelines, however, in response to the public feedback, the protocol has been amended to 100 metres, to provide a greater

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Protocol Item	Public Feedback	Update Status	Rationale
			distance from playgrounds, pools, waterparks.
On or within 50m of any lake, beach, pond, watercourse or other body of water, or a dock	There were a few comments regarding consideration of adding a required distance from trails.	Maintain.	Some individuals who are unsheltered prefer to live away from the downtown core and prefer wooden areas where they can maintain better privacy. As such, unless persistent, unsolvable health and safety concerns are present, it would be unreasonable to prohibit camping nearby trails.
Within 5 meters of any private property line	Several commenters wanted a distance much greater than 5-metres from residential lots (i.e., 50m or 100m), while a few others felt the end of someone's property line was the limit to what they could claim to influence, and that any further would impact the wellbeing of residents in encampments.	Modified to '10 metres of any private property line.'	Although planning guidelines identify 5 metres as a recommended distance from private property, the distance has been doubled to reflect the concerns of the public.
On or within 5 meters of any transit stop or a highway and specifically including a sidewalk, boulevard, or bridge or tunnel being part of such highway	A suggestion was made by a respondent that City should "ensure that the definition of sidewalk includes park pathways and multi-use trails and is not only limited to sidewalks that are part of the public right-of-way."	Maintain.	The suggestion to include a definition of a sidewalk that includes park pathways and multi-use trails is covered by 'On any pathway, sidewalk, or parking lot or on or under any bridge, including pedestrian access points to such areas and structures' within the Protocol.

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Protocol Item	Public Feedback	Update Status	Rationale
	Additionally, there was a suggestion from one respondent that 5m from a transit stop was considered too close, due to safety concerns (i.e., harassment).		Any criminal acts that are committed are the remit of Hamilton Police Services.
On or within 5 meters of any property with an environmental or heritage designation	A few respondents suggested removing the heritage designation clause.	Maintain.	Areas and buildings with environmental and heritage designation often require additional care for ongoing sustainment, and potential damage is both culturally and financially costly.
On or within 50 meters of any sports fields, inclusive of but not limited to, skateboard parks, fitness amenities, golf courses, ball diamonds, soccer pitches, tennis courts, or any other sports or multi-use courts, as well as stadiums, dugouts, stages, and bleachers.	It was noted by several respondents that 50m may be too restrictive (i.e., at Kay Drage Park), especially when compared to other restrictions. Additionally, there was a belief that 50m from a golf course was overreaching.	Maintain.	There was consideration of utilizing a buffer zone associated with each different field of play, but the required distances often remained close to 50-metres anyway. For the purposes of keeping the document consistent, and ease of understanding for the public and people living in encampments, the distance of 50 metres will be maintained in the protocol for all identified recreational assets.
On any fenced-in, off-leash dog area	One respondent suggested encampments should further away from the fenced-in, off-leash dog area, to ensure health	Maintain.	The fencing at an off-leash dog park already provides a natural separation between the environments. Adding a

A3807

A3092

Protocol Item	Public Feedback	Update Status	Rationale
	and safety of dog park users and encampment residents		greater distance would be needlessly prohibitive without significant benefit.
On any cemetery, including its roads, lanes, and paths for travel within the cemetery	Some respondents questioned why cemeteries should be prohibited.	Maintain.	Use of cemetery land is federally regulated, and the City does not have the jurisdiction to override this clause.
On any community garden and including any garden shed or greenhouse	One respondent believed a greater distance from a community garden should be considered.	Maintain.	Community gardens are meant to be accessible by the public and do not commonly experience heavy foot traffic. Adding a greater distance would be needlessly prohibitive without significant benefit.
On any pathway, sidewalk, or parking lot or on or under any bridge, including pedestrian access points to such areas and structures	Some respondents believed that given limited options for use, bridges would be ideal for use by individuals as it provides protection from the elements.	Maintain	This clause is being maintained due to inherent risks to the well-being of someone under a bridge. Not knowing the general conditions of all the bridges and culvert infrastructure, materials / debris could potentially fall from the bridge and potentially harm someone. Additionally, snow-plows are often moving at 50-60km/hr and pushing heavy and large masses of snow which contain ice, that could present a significant risk for someone sleeping underneath of an overpass.

A3093

Protocol Item	Public Feedback	Update Status	Rationale
On or within any designated fire route, or the entrance to or exit from a designated fire route, or located so as the block any fire hydrant	No changes noted.	Maintain	No changes required.
On or within any entrance, exit or a doorway to a building or structure, and including, without limiting the generality of the foregoing, an area adjacent to such entrances or exits required in the event of fire or emergency	No changes noted.	Maintain	No changes required.
On or within any accessibility entrance or ramp or located in a way that blocks access to such entrances or ramps.	No changes noted.	Maintain	No changes required.
On or within any area identified susceptible to flooding, erosion, slope instability, or other environmental hazards	Some respondents suggested providing more clarity and/or specificity around the locations not permitted.	Add language to protocol to specify that this clause is only enforceable when the	This clause has been included to protect the safety of encampment residents against safety hazards that may be known, or unknown by the party residing in the location.

A0094

Protocol Item	Public Feedback	Update Status	Rationale
		health and/or safety of the individual(s) is currently, or may potentially be at-risk	
Further no temporary shelter or tent will be placed against or under or be attached or tied to any building or permanent structure.	Several respondents suggested removing this clause as it is unnecessarily harsh and is likely to be covered by other clauses in the protocol already.	Maintain.	Tents should be freestanding and not affixed to any other structure. This is meant to ensure that encampments do not become entrenched by affixing to a building or any permanent structure.

A3810

A3095

Frequently Asked Questions and General Feedback Regarding Proposed Encampment Protocol

General Feedback	Update Status	Rationale
Several people are finding it difficult to understand where exactly encampment will be permitted, as the rules seem quite prohibitive.	Individuals living unsheltered seeking a place to stay outdoors will be provided a map of potential locations, and the support of Housing Focused Street Outreach staff and partners in securing a new location.	The protocol is intended to balance the needs of individuals who are unsheltered and those of the community. All potential, available locations will be indicated to individuals who are unsheltered so that they can identify a location that best suits their specific needs.
There needs to be a mechanism for non-encampment residents to file a complaint or request support.	This has been added to Section B – Complaints and Service Requests section.	Non-encampment residents require a mechanism to share information and concerns regarding encampments to ensure a comprehensive view of the impacts.
Staff should include performance indicators for the protocol – what are the measurable impacts and outcomes? How does it all connect to housing?	Staff have committed to updating the General Issues Committee on a monthly basis with data on key indicators to measure the success of encampment response efforts. Further approaches to sharing information will be considered.	Providing a set of indicators that the public can monitor will provide greater accountability and transparency toward the goals and outcomes of encampment response.

A3811

A3096

General Feedback	Update Status	Rationale
There needs to be greater enforcement around dogs and the potential for dog attacks on the public.	No update to Protocol.	Pets, such as dogs, are currently managed in accordance with addressing health and safety concerns at the site. Pets that are unfriendly and off-leash present greater risks to the public, and other pets, and raise the urgency for intervention at the site. Additionally, the Coordinated Response Team regularly collaborates with Animal Services, who provide services and supports for the pet and pet owner in an attempt to mitigate the health and safety concerns at the site.
Greater transparency for community members living nearby encampments, and an opportunity for ongoing discussion.	The City's website with information on encampments will be updated on an ongoing basis, and opportunities for further feedback will be prioritized as part of coordinated encampment response efforts. Additionally, all concerns or requests can be sent to unsheltered@hamilton.ca	Neighbours of encampments require a voice to share concerns regarding encampments, and transparency regarding the actions and approaches being taken by City staff to manage encampments within the city, and to provide services and supports to individuals living within encampments.
Why aren't "health and safety issues" being clearly defined? What counts, and how has it been decided?	No update to Protocol.	To ensure that the response is flexible and tailored to the unique needs of the individual(s) at a particular site, placing arbitrary timelines would not allow for a client-centred approach.

A3812

A3097

General Feedback	Update Status	Rationale
		As such, each site is managed on a case-by-case basis, working with individual(s) to find solutions. In the event solutions cannot be found, the issues will be escalated to the appropriate partners should further support be required, or as a last resort relocation of the encampment to another appropriate, suitable area as defined by the protocol. Some examples are included in Section J – Health and Safety, within the protocol.
The connection to the VI-SPDAT should not be voluntary, even if the person wants to remain anonymous, they should need to connect to potential housing solutions.	The VI-SPDAT will remain voluntary for individuals living in encampments.	Given the trauma that is experienced by individuals living in encampments, particularly by institutions, there is a need to build rapport and trust through ongoing engagement by Housing Focused Street Outreach staff. To effectively provide appropriate supports and services through the City's coordinated access system, including housing, individuals in encampments are required to share personal information with City staff. In requiring participation before trust and rapport is built, this damages the ability of outreach workers to foster a lasting, meaningful connection that is more likely to result in successful outcomes for the individual seeking support.
In the process for designating an encampment, temporary shelter, or tent as abandoned, there was	The three (3) day timeframe will be maintained.	A ten-day limit is likely to result in increased complaints from the community and divert resources from supporting individuals who are unsheltered. Additionally, any

A3813

A3098

General Feedback	Update Status	Rationale
discussion around the 3-day timeframe to identify whether an encampment was abandoned. Some felt it was too soon, and a 10-day limit was more reasonable while another cohort of responses felt 3-days was reasonable.		leftover food is likely to attract rodents and other pests, causing health and safety concerns for residents of neighbouring encampments. Members of Housing Focused Street Outreach and other partners of the Coordinated Response Team are in the community on a daily basis engaging with individuals living in encampments and maintain a strong understanding of active sites throughout the city. As such, a three-day limit, plus three days of posting a notice would ensure a reasonable amount of time has passed prior to removing items from a site.
Needle boxes should be available throughout the City. This had led to a reduction in 'discarded needles' in Guelph.	City staff are discussing its potential for implementation.	All solutions that attempt to reduce harms for individuals living in encampments, and the public should be pursued.
Service levels should be introduced re: timeliness when addressing health and safety concerns.	Service levels for timeliness have been introduced throughout the protocol, for Housing Focused Street Outreach, Municipal Law Enforcement, and Parks Section staff	Service levels provide accountability to the public regarding expectations associated with encampment response. These will be used as encampment response performance measures.
One respondent suggested that Housing Focused Street Outreach conduct risk assessments.	Formal risk assessments will still only be conducted	Housing Focused Street Outreach has a mandate to provide services and support to individuals living unsheltered in the community. Any items that may be of

A3814

A0099

General Feedback	Update Status	Rationale
	by Hamilton Police Services	potential risk will be flagged in Coordination Response Team meetings, and a strategy will be identified to mitigate the potential risk. Any items or circumstances that are of clear and immediate risk to the individuals living in an encampment, neighbouring encampments, or the broader public, will result in a call for immediate emergency support.

A3815

REVISED

Highlights

11,943 Engage Hamilton Visitors	7536 Engage Hamilton Contributors	233 Additional Comments	286 Protocol Notes	15,965 Individual Comments Submitted	41% Agree With Protocol Provisions	54% In Favour of Sanctioned Encampments Sites

Methods

Housing Services staff undertook quantitative summary and thematic analysis of the Engage Hamilton submissions. Additional comments submitted through other channels such as emailed comments, comments as a result of face-to-face public consultations, paper survey submissions etc. were also provided to Housing Services staff to include in the analysis. The data collection platform did not restrict multiple comments by submitters.

Summary statistics were generated for Engage Hamilton quantitative survey questions using MS Excel. Counts and percent values were generated. No confidence intervals were not included because of the voluntary non-representative nature of the survey.

Key messages and summary themes were derived from the Engage Hamilton submitted comments using a thematic analysis process. For the survey comments and annotated protocol comments, the process began with preliminary familiarization of the results and the development of the preliminary codebook. Additionally for the annotated protocol comments, the section where the comment was noted was also considered in the analysis. Codebook development initially focused on the comments associated with non-supportive responses to counterbalance any coding bias from Housing Services staff. Codebooks included preliminary descriptions and documentation of any coding decisions. Housing services reviewed comments and assigned codes. Any comments that contained results not in the original codebook were flagged for discussion where either new codes were developed or coding decisions were documented. Final coded results were reviewed themes and summarized into results and key messages. No theoretical framework was used to develop the codebook or themes given the broad open-ended questions posed.

Key Messages

Comment themes beyond general comments of support or non-support include:

- Measures should be taken to ensure safety for all community members, unhoused and community residents more broadly
- Garbage removal and management, including sharps debris, and sanitation are priorities for encampment sites
- Endorsed encampment site(s) should consider enforced rules or participant codes of conduct
- The City should explore the use of existing indoor space to temporarily house the homeless, including
    - Vacant City buildings
    - Vacant schools (e.g. Sir John A MacDonald)
    - Vacant or underutilized private buildings (e.g. office space, industrial buildings, faith-based buildings)
- The City should explore more permanent temporary housing options such as tiny structures or increased emergency shelter beds or other winterized options
- Many residents identified secondary impacts to the city as a result of permitting or endorsing encampments that caused concern.
- The City should invest in or choose to reallocate funding to longer-terms solutions
    - Mental health and addictions supports or beds
    - Affordable housing
    - Rent and cost of living controls
    - Basic income

If the City was to allow for sanctioned encampment sites, what things would you like the City to prioritize/consider when implementing this approach (e.g., community aesthetics, impacts on City resources, safety of unhoused residents, services to unhoused residents)

- Sanctioned encampment site(s) should be considered for implementation in lieu of the encampment protocol
- Endorsed encampment site(s) should consider the required amenities, supports, and services

Are you in agreement with the provisions being recommended under the protocol? If not, what suggestions would you make to the protocol that ensures the City can still meet its obligations to compassionately assist unhoused residents? Do you have any ideas on how this protocol could be improved?

- Encampments should not be permitted in:
    - Places where children play (e.g. near schools, playgrounds, recreation centres)
    - City parks

A3817

    - Close to residential neighbourhoods
- Encampments should possibly be permitted in:
    - Vacant City lots or greenspace
    - Underutilized campgrounds
    - Industrial/ commercial lands
- Lack of support for the current protocol is driven by:
    - Lack of evidence of effectiveness in other cities
    - Preference for sanctioned sites only with or without support service provision
    - Preference for temporary housing rather than permitted tents
    - Philosophical differences in the preferred approach (e.g. enforcement led vs human-centred/rights-based)
- There is limited agreement about the current protocol specifics

Key Messages Breakdown

Theme	Theme Driver	Summary	Illustrative Quotes
Theme Label	• High frequency • Cross question thread • High variability • Other	Description of the theme	Illustrative example comments of the theme
Measures should be taken to ensure safety for all community members	High frequency	Safety for unhoused residents as well as the community more broadly was identified as a key priority. This includes actions and supports to ensure safety of individuals experiencing homelessness and staying in an encampment, as well as actions to ensure nearby residents and visitors to the City of Hamilton feel safe. Safety concerns expressed include crime in general, harassment, property crime, petty theft, fire safety, violence, having security and ongoing site monitoring, perimeter fencing, and general health and safety related to waste and sanitation.	*Safety for unhoused residents (they should not be hidden, making it easier for them to be subject to violence), location should be close to other social services (people need to be near their doctors, mental health supports, clinics, etc.), the city should provide access to bathrooms, showers, running water.* *Safety for all, no one wants to feel fear when navigating their daily routes, or to have to stare at the ground they walk on to make sure they don't step on any foreign objects* *Safety of the general public. This policy feels like the rights of the homeless are above everyone's else. The city makes no effort to ensure safety for everyone else, seems like the only priority is "homeless rights" even when these homeless harass and threaten members of the public, openly use drugs, leave unsafe drug paraphernalia in public, and trash public spaces* *It is likely that these encampments will result in an increase in crime in the areas in which they are set up. For the sake of area residents, it is important to enhance policing in those areas to make sure that the neighbourhoods in which the encampments are set up remain safe for existing residents. Services should be provided to unhoused residents to help*

Theme	Theme Driver	Summary	Illustrative Quotes
			them find appropriate housing or deal with the issues that are causing them to be unhoused. *Safety and services to those living in the encampments should be the top concerns* *Safety of the unhoused residents and safety in the surrounding neighbourhoods. Many bylaws exist for safety; doesn't seem wise to, for example, prevent open-air burning by residents for fire safety and air quality, but ignore open campfires and otherwise illegal use of propane on public property….Additionally, when encampments lead to crime, harassment, theft, public drug use and paraphernalia, tensions will invariably rise in the vicinity, threatening safety for all.* *A major priority is security. These sites must be safe for residents and housed neighbours. Encampment violence is a reality that must be dealt with. (If it is felt that police are not appropriate monitors for these sites, then city housing employees or social workers should be on site at all times - these sites MUST BE SAFE FOR ALL)*
Garbage removal and management, including sharps debris, and sanitation are priorities for encampment sites	High frequency	The accumulation of garbage, in particular sharps, as well as the sanitary conditions of the site was noted as a priority. Comments include those noting waste removal, waste receptacles, dumpsters, City clean up, sharps clean up, sharps containers, sanitary conditions, human waste, access to washrooms, and access to clean water.	*Sanctioned sites only, no tents anywhere else, I am sick and tired of them sleeping anywhere causing trouble, intimating people, leaving garbage everywhere and needles on the ground.* *Easy access to sanitation similar to when Gage Park has festivals in the summer. There are numerous porta potties in several areas that are maintained. They also have had hand washing stations too.* A3820

Theme	Theme Driver	Summary	Illustrative Quotes
			Sanitation services (portable washrooms and water available for cleansing) and garbage removal should be key. *Who becomes responsible for the site? Currently there is garbage strewn about the encampments. Who is going to maintain/clean the encampment? The protocol doesn't have any responsibilities listed for either the unhoused resident nor for the City.*
Endorsed encampment sites should consider enforced rules or participant codes of conduct	Cross question thread	Commenters noted that there should be some accountability for participants who use encampments to follow agreed upon site rules or requirements. These comments include those that suggest that the protocol specifics need enforcement plan and resources, those that suggest a code of conduct or participation agreement should be in place, and those that identify consequences for not adhering to safety or site expectations or other relevant bylaws.	*If anything there isn't enough consequences in the protocol, it can be more compassionate to intervene with purpose.* *Also, a code of conduct would be useful to protect some encampment users from others who may be behaving badly.* *The protocol should outline responsibilities (not limited to littering, needle safety, trespassing private property, etc.) expectations that must be met by unhoused individuals if choosing to live outside of sanctioned encampment. And the rights that protect them from harassment, and/or destruction of property. Even though the land they are on is not legally there's, the equipment and personal belongings is and should therefore be treated (temporarily) as their property.*
The City should explore the use of existing indoor space to temporarily house the homeless	High frequency	As an alternative to planned outdoor encampments, many commenters identified that the City should explore the use of existing vacant or underutilized spaces. These spaces include: • Vacant City buildings	*Using the numerous vacant buildings throughout the city instead o outside subjecting them to the weather elements without public toilets/ showers etc.* *Fix up Sir John a Macdonald school and other dilapidating buildings around the city and house them there.* A3821

Theme	Theme Driver	Summary	Illustrative Quotes
		• Vacant schools (e.g. Sir John A MacDonald) • Vacant or underutilized private buildings (e.g. office space, industrial building, faith-based buildings)	*Unhoused people could be housed temporarily in buildings that are no longer in use. Such as Churches, schools, stores, factories etc.* *There are vacant lots of land throughout Hamilton (Upper Ottawa/ Stonechurch Rd.) There is a now barricaded, and previously run down and infested townhouse community (James St. N before Picton St)… why can't the city of Hamilton build there? Or at the very least make an encampment in those locations?* *There are many vacant city properties. Identify what ones would be suitable and get to work!* *Use unused public buildings for housing. I.e., unused schools and office and commercial space. How can you expect these people to live in tents? How inhumane. Petition the Federal and Provincial governments for funding. Pressure our elected officials to actually speak up on our behalf. Canada should be seeing to their citizens first. How disheartening to see such times.*
The City should explore alternative temporary housing options	High frequency	As an alternative to planned outdoor encampments, many commenters identified that the City should explore alternative temporary housing options. This includes tiny homes, increased shelter beds, and field hospital bed.	*A sanctioned encampment should closely resemble the Covid 19 hospital expansion built by HHS in a parking lot near the corner of Wellington St N and Barton St E. The site used substantial military type tents with services needed and managed by the hospital. I would suggest this same type of tent-service complex should be again constructed, maybe even on the same site as it was previously considered suitable. Covid 19 was an emergency and this suited the temporary emergency need. Lack of adequate available housing is an emergency as defined by City Council. The same emergency response seems appropriate and should be maintained until more substantial permanent*

Theme	Theme Driver	Summary	Illustrative Quotes
			affordable housing can be built over the next several years. *Increase shelter beds, use motel vouchers to take people of the streets and open temporary shelter homes to move unhoused residents.* *Investment needs to be made in appropriate housing solutions - full stop. The city has a wealth of under-developed land that could support new facilities or alternative housing models (e.g., tiny homes, pop-up housing). Seems fertile ground for multi-level or a public-private partnership with Non-profits/ foundations. Site selection is key, but there are lands available.* *Not in agreement with encampments! In freezing temperatures and high heat, we don't leave our pets outside. We need tiny homes for people. Let's make this happen!* *Provide alternative local solutions - tiny houses project, shelter funding, or programs that can support safe use/injection. Alternatively, fund transportation to an area of choice with these program options and availability.* *Perhaps tiny houses on unused industrial lands with very basic amenities & security.* *Consider green space that already has some infrastructure and where outreach can go, for example Sir John A school and turn on the power and water, or Confederation park, not encampments in city parks where children play, (or then can't safely play), especially in underprivileged areas where*

Theme	Theme Driver	Summary	Illustrative Quotes
			children already have so few to no other options for recreation, entertainment, and outdoor play.
The community identify a wide range of general concerns.	High variability	Many residents identified secondary impacts to the city as a result of permitting or endorsing encampments that caused concern. Some highlighted concerns include: • Property values to adjacent properties • Increased service demands from other communities • Impacts to residential taxes and affordability Some identified potential solutions to address the concerns include: • Temporary residential tax reduction for surrounding areas • Partnership with neighbouring municipalities • Advocacy to other levels of government who are better positioned to address the issues of basic income, immigration, and housing affordability	*There needs to be funds or reduction in taxes to property owners near the encampments to compensate for the loss in property value due to encampments.* *When these encampments are allowed it opens the doors for all homeless from other cities to move to Hamilton.* *this problem needs to be addressed from a provincial/federal level by supplying funding and housing and community supports. municipalities are suckers in this game and are in no way equipped to deal with this problem. bring forward a report to council that outlines a strategy to join with other municipalities to force higher levels of government to deal with this.* *The City needs to have all hands-on-deck and can't be expected to shoulder the task by itself, without the help of senior levels of government and our social service agencies.* *If we don't have housing for individuals then perhaps we have too many in Hamilton and numbers need to shared equally with other area, Burlington, Oakville etc., why does Hamilton have to take on the major brunt of social assistance, as tax payers*
The City should invest in or choose to reallocate funding to longer-terms solutions	High frequency	The following longer-term solutions were identified as high-priority areas of focus: • Mental health and addictions supports or beds • Affordable housing • Rent and cost of living controls	*We need affordable housing for those that are currently forced to live outside in tents.* *Need to focus on a sustainable plan. Sanctioned encampments are not a practical solution in our climate- extreme temperatures in both summer in*

Theme	Theme Driver	Summary	Illustrative Quotes
		• Basic income Comments include those noting that City investments and advocacy focus should be reallocated or assigned to: • mental health and addictions related support services such as treatment programs, institutional care, detox, rehabilitation, counselling, psychiatric supports • housing solutions such as more supportive housing, more affordable housing, more, government housing, rooming houses, subsidized housing • rent control, rent-geared to income services, subsidies, vouchers • income supports such as increased Ontario Works and Ontario Disability Support Program payments, guaranteed income	*winter. Need to keep working on shelter spaces / subsidized housing long term. Temporarily bring the services needed out to the people.* *The protocol must also have upstream work being done to limit multiple income property ownership without appropriate rent control and taxation.* *Commit to a basic income and see it through. If we truly want to end homelessness, it is going to cost $. But, if it works, it pays for itself by having renewed citizens. Will it fix every situation? Probably not. But at least we could prove we did our best.* *Enforce or establish requirements that new buildings have 20% of units for lower income. Creating more housing is the long-term solution*
Sanctioned encampment sites should be considered for implementation in lieu of the encampment protocol	High frequency	Commenters noted that there was a preference for designated encampment sites rather than the site self-selection permitted by the encampment protocol. Reasons noted for this preference was ease of support service provision, community aesthetics, coordination of supports and site management and monitoring.	*I think that any encampments that are allowed without any basic health and sanitation services are not doing anyone any good. They are unpleasant at best for housed neighbours and people using parks and trails. More significantly, they are not healthy for the encamped, and they are not sustainable throughout the winter. We simply must create sanctioned sites and/or tiny homes which will include basic amenities such as washrooms and showers, and access to clean drinking water. This is the only way to deal with the homeless crisis in a way that is safe for everyone.*

Theme	Theme Driver	Summary	Illustrative Quotes
			Ensure accessible sanctioned sites across the city, and don't permit encampments outside this. In practical reality It's the only way to appropriately regulate and support this marginalized group with efficient resource allocation. It's better for everyone *Do not permit living outside of sanctioned areas. If we're going to put the effort into creating and enforcing sanctioned areas, we're undermining those efforts with permitting encampments in unsanctioned areas.*

Endorsed encampment sites should consider providing the required amenities, supports, and services	High frequency	Commenters noted that providing supports to unhoused persons was a priority.
		
		The supports identified include:
		• Mental health and addiction support services including harm reduction services
		• Medical services for physical health needs such as nurses, paramedics
		• Assessment and counselling services to provide individualized supports to help individuals move to alternative housing options other than an encampment. For example, emergency shelter, treatment program, transitional housing, or permanent housing
		• Access to services to meet basic needs:
		  ○ access to running water and drinking water
		  ○ washroom and shower facilities (access to pre-
			services are key in order to ensure that encampments provide stability to unhoused residents; being homeless is very stressful and destabilizing; kitchen and washroom facilities, shelter, and staff to provide support is a minimum -- beyond this medium-term step, long term solutions are more important. Many people simply cannot afford market rent, if in fact they can even find a place available.
			
			Safety and services! Toilets, sanitation, water, harm reduction, resources, EVERYTHING they need to take care of themselves while in these circumstances.
			
			Daily services to check on encampment residents - EMS or nurse check ins (like social navigator), harm reduction supplies (safe drug use equipment), garbage collection, mental health outreach (not police officers). Avoid engagement with law enforcement as much as possible.
			
			Community supports need to visit the encampment daily, location of the encampment (if it is away from access to everyday services, how will the residents of the encampment get into the city), security/policing required 24/7

Theme	Theme Driver	Summary	Illustrative Quotes
		existing or mobile toilets and showers brought in) ○ access to food (for example, mobile food options such as food trucks, regular meal or food hamper delivery, on-site food preparation and safe storage, or close proximity to grocery stores or fast-food chains) ○ garbage removal and sanitation of site overall and washroom and shower facilities on site ○ personal belonging safe-keeping	*provide access to places for garbage, hygiene (bathrooms, showers etc.), social service and police visits* *Ensure that clean, potable water is available at all times; provide and maintain multiple public bathrooms around the city, not just in sanctioned encampment sites; provide shower facilities; provide basic facilities and supplies to prepare food and drinks; provide laundry facilities; provide safe and secure storage facilities; ensure residents will not be criminalized or policed; provide mental and physical health supports; provide drug testing and naloxone.* *Social supports for folks living in the encampments (ie outreach workers to support with hygiene materials, food, harm reduction supplies, first aid kits, sleeping bags etc). Medical supports such as street nursing visiting the site on a scheduled day to provide services (ie wound care, primary care, infectious disease point of care testing/treatment HIV/Hep C). Safety protocols without police involvement. Strongly believe police involvement would be triggering for many residents and likely cause more harm, I believe when looking at how safety protocols can be in place mental health professionals should be involved over police. Community cleaning and access to sharps containers. Food outreach services, and access to public washrooms and/or portable washrooms on the encampment site…What have unhoused community members said about this approach and services they need? Folks know their needs best!*
Encampments should not be permitted in certain areas	High frequency	Commenters identified the following locations as places where they would not like to see encampments or tents:	*Encampments should be away from schools, parks and anywhere children may be alone or families*

Theme	Theme Driver	Summary	Illustrative Quotes
		• Places where children play (e.g. near schools, playgrounds) • City parks • Close to residential neighbourhoods	*Allowing encampments in City Parks where families with children and pets are going to enjoy is not a good "fix" to these problems. Encampments are unsanitary and garbage is strewn everywhere making the city green spaces an eyesore. Community Aesthetics are important to bring new businesses into the city and unfortunately this will not happen if every green space has an encampment in it.* *Locations away from city parks and residences if possible to ensure the safety of citizens, especially children. Encampments should not be allowed outside of these zones. Children should not be exposed to violence or drug paraphernalia.*
Encampments should possibly be permitted in certain areas	High frequency	Commenters identified the following locations as places where encampments or tents could be permitted but there is no clear consensus on which areas of the city are most appropriate (e.g. downtown, outside urban areas, distribution of sites) • Vacant City lots or greenspace • Underutilized campgrounds • Industrial/ commercial lands	*an area that is away from neighborhoods, schools. Perhaps an empty lot in the industrial area. No one wants an encampment near their home.* *We agree with Sanctioned Sites as currently outlined by the city…Sanctioned sites should be located as to not infringe on local resident's enjoyment of their neighbourhood….Being a homeowner on Caroline St. North, near Central Park, we would recommend a sanctioned site on the empty lots north of Barton.* *It also needs to be recognized by the city, that being a resident on Caroline St. North, that the Central Park encampment has already increased fear in the community regarding the safety of our person & property & enjoyment of our neighbourhood…* *Property values have decreased dramatically.* *Turn the half of confederation park that was campgrounds back into a camp with shower and toilet facilities.*

Theme	Theme Driver	Summary	Illustrative Quotes
			The sanctioned areas should be located in a commercial or industrial area away from schools and the entertainment district. This provides a location for services to be provided to the homeless while also alleviating issues with schools and public places being overrun by tents. *Make a real campsite for Hamilton, include water facilities but no electricity…Let the campers purchase their own generators or have a a lease to own system for power generators... Please don't turn our playgrounds into campgrounds, nobody should be intimidated ...it is nerve wracking for us as parents and children to be so close to poverty-stricken people!* *There are many underutilized industrial- or commercial-zoned lands around the city that are near public transportation but also not close to people's homes, parks or schools. For example, along Burlington Street. Or, the Barton and Gage site suggested by the Hamilton Alliance for Tiny Shelters*
Lack of support for the current protocol	Cross question thread	The primary drivers identified as reason why the current proposed protocol was not supported include: • Lack of evidence of effectiveness in other cities • Preference for sanctioned sites only with or without support service provision • Preference for temporary housing rather than permitted tents • Philosophical differences in the preferred approach (e.g. enforcement led vs human-centred/ rights-based)	*More shelters. Send to other cities with more capacity so Hamilton doesn't have to weather this financial and health burden alone. Encampments beget more unhoused people who will come here, exacerbating the problem we already can't afford to solve. Look at San Francisco. Please walk an alternate path and respect your tax payers who deserve a clean and safe city. Solving a problem for one group should not create a wealth of problems for a larger group* *This is the stupidest idea Hamilton has ever had. It is not going to be how you think it will be. Look at Portland OR or San Francisco CA. The homeless population has increased drastically after allowing*

Theme	Theme Driver	Summary	Illustrative Quotes
			these same things to happen. What you're trying to do isn't new, it's been done already in major cities and look at the state those places are in. *Absolutely no unsanctioned site* *All the money that has been used to deal with this matter should have been placed into affordable housing; getting to families facing poverty early, etc. Hamilton has done a very poor job at dealing with the root cause of the issue.* *Unhoused residents need INDOOR housing with mental health and medical services. Hamilton is one of the largest medical cities in the country, in addition to having many unused/empty buildings. WE CAN DO BETTER THAN PUTTING PEOPLE INTENTS ACROSS THE CITY...health and safety of all people is necessary!* *This is a housing issue for the minority. This is a drug and mental health problem disguised as a housing issue. Get rid of the encampments in the parks. Force them into housing or force them into jail. Uphold the parks bylaw*
There is limited agreement about the current protocol specifics	High variability	There is limited agreement about the current protocol specifics. Some suggestions include: • Prohibit tents in City parks • Increase distances from private property and transit stops/ hubs • Increase distances from schools, daycare, playgrounds, waterpark, spray pads • Decrease distances from sport fields	*NOT IN RESIDENTIAL AREAS. NOT NEAR SCHOOLS. NOT IN PARKS THAT CHILDREN ATTEND…50 metres is essentially 50 giant steps. That's half of a 100 m dash which can be run in like 20 seconds. Are you all serious?* *Not far enough away from private property, I think. I would be interested in hearing the rationalization for 5m, but I think 50m would be much better.* A3830

Theme	Theme Driver	Summary	Illustrative Quotes
		• Reduce restriction related to bridges, cemeteries, golf courses, highways, and attachment to permanent structures • Specify inclusion of parks pathways and multi-use pathways and trails as prohibited areas • Include details for permissible heat and/or cooking options • Identify or provide a map of permissible locations • Include protocol enforcement and monitoring schedule specifics • Specify complaints processes and response times • Reduce or clarify escalated enforcement or removal of belonging including giving notice, warnings. exceptions • Specify protocol performance measures • Specify the timeline that the protocol would be in effect • Increase timeline for identifying and addressing potentially abandoned sites • Clarify additional expectations related to other bylaws e.g. tree removal, responsible animal ownership • No clear consensus on the preferred tent cluster size • No clear consensus on the whether the protocol is too restrictive or not restrictive enough	*50m is not far enough from parks, daycares and schools* *50 m from any sports field is overly restrictive (Kaye Drage is a perfect location for several sites), and perhaps there should be a time of year exemption, such that in off-seasons these areas (which would not be in use) are able to host sanctioned encampments.* *I'm not sure why cemeteries are restricted. The dead aren't capable of being inconvenienced by the unhoused.* *Please ensure that these are sufficiently important to warrant being on a list that creates restrictions for folks needing the human right of shelter. Particularly "golf courses" but potentially also others seems over reaching.* *I don't think distance to highways should be regulated.* *It is unclear to me why "any pathway or sidewalk under a bridge" would be prohibited. The health and safety issue is completely unclear to me. This seems like it would be a good place, given the shelter the bridge would provide.* *Please ensure that the definition of "sidewalk" includes park pathways and multi-use trails and is not only limited to sidewalks that are part of the public right-of-way.* *Fire is a big risk, but these are typically used for warmth and cooking. If we are strictly applying the fire restrictions that already exist, we need to provide other options for warmth and cooking.* A3831

Theme	Theme Driver	Summary	Illustrative Quotes
			The protocol is a good start, there are a few gaps that make the encampment logistics difficult to understand. The provision of some kind of map showing potential locations that would be acceptable would go a long way to helping to make the policy usable for a diverse unhoused population. I'm not sure if assigning acceptable encampment areas would be possible (or accepted by unhoused populations),but assigning encampment locations based on family or friend groups up to 5 may be a good opportunity to ensure that encampments are created in successful locations rather than needing to be relocated due to the initial location not meeting policy. Taking the uncertainty out of setting up an encampment seems like a positive way to foster goodwill for unhoused populations. *What about individuals whose quality of life is negatively affected by encampments, or whose safety is compromised? Will there be a mechanism for filing a complaint or requesting help?* *This should be changed to "may" to allow for some discretion. Two examples where some flexibility would be helpful: First, if there are no apparent safety issues and no community complaints, the lack of discretion translates to an unnecessary use of city resources and a major inconvenience for unhoused neighbours who we can assume, in most cases, will have made best efforts to follow the complex rules of the protocol. Second, discretion would be helpful in situations where best efforts have been made to follow the protocol but, due to space constraints for instance, an encampment is slightly outside the rules of the protocol.*

Specific Site Locations for Sanctioned Encampments Identified by Respondents:

Area/Location Identified in Public Comments	Nearest Address Identified
Vacant Stelco/Dofasco lands (i.e., abandoned buildings, unused parking lots), such as the site north of Burlington, East of Gage	386 Wilcox St, several additional locations
Tiffany-Barton lots (x3)	239 Caroline St N
City Hall and City Hall Parking Lots (i.e., lot 40)	78 Bay St S
Ancaster	N/A
Dundas	N/A
Binbrook	N/A
Upper Ottawa/Stonechurch Rd.	1375 Upper Ottawa
Woodlands park	501 Barton St E
Sir John A Macdonald school	130 York Blvd
Northeast corner of West fifth and Fennell Avenue	282 Fennel Ave W
Frid Street	606 Aberdeen Ave
Fortinos plaza on Dundurn and King St. W.	50 Dundurn St S
Temporary 'field hospital' that was setup adjacent to the General Hospital	191 Barton St E
Waterdown	N/A
Carlisle	N/A
Mount Hope	N/A

Farmland	N/A
Conservation Areas	N/A
Delta Secondary School	Main St E and Graham Ave S
At Juravinki psychiatric institute site	282 Fennel Ave W
Townhouse community (James St. N before Picton St)	419 James St N
Vacant property north of Barton and Gage	43 Lloyd St
Lands where the old Sanatorium was located	870 Scenic Drive
Gibson Street Elementary School	601 Barton St E
Kaye Drage park	200 Macklin St N
Birch and Brant St areas	Birch St (no number identified)
City parking lots	Several locations
Chedoke Golf park	18 Mountside
Areas around Rail trail	Unsure, escarpment open space
Auchmar House Lands	88 Fennell Ave W
Confederation Park	680 Van Wagner's Beach Rd
Lots along King east of Wentworth that burned down years ago	670 King St E
The toxic land near Collective Arts (the one that had old barrels discovered on it).	350 Wentworth St N
Gore Park	1 Hughson St S
Eastwood Park	111 Burlington St E A3834

Cathedral Park	40 Carling St
Hamilton City Centre	77 James St N
Several city parks already have washrooms, picnic pavilions and security lighting in place. eg:Turner Park, Dundas Driving Park, Battlefield Park. These parks would be ideal first picks. Other parks ,eg: Lawfield Park, have connected Recreation Facilities, these parks would also be ideal, as they also have safe toileting facilities and an added indoor space, this indoor space (often with a kitchen) could be utilized at a reduced or "free" rate by local charities looking to assist the tented population	Several locations
Former Hamilton Scout Shop	375 James St S

Municipalities with Encampment Protocols in Canada

Across North America, several cities utilize encampment protocols to govern where individuals who are unsheltered are permitted to set up their tent or temporary structure.

The following are Cities with encampment protocols, or clearly defined rules and processes around encampments:

- Halifax
- Kingston
- Toronto
- Brantford
- Niagara Region
- St Catherines
- London
- Windsor
- Sudbury
- Thunder Bay
- Winnipeg
- Edmonton
- Prince George
- Vancouver
- Victoria

All encampment protocols identified City parties involved in encampment response, including frontline staff and if applicable, teams responsible for coordination. Additionally, all protocols identified the roles and responsibilities of each team, generally via the aspects of the encampment response procedures they are responsible for.

All encampment protocols reviewed also included reporting mechanisms for the public to report on encampments and individuals who are unsheltered in the community that may require service and/or supports.

Several protocols included service levels for different types of response, including follow-up to a complaint or service request from the public, and enforcement periods. Less commonly, protocols included tiered responses based upon risks of the encampment (i.e., high, medium, low). This would change the parties involved in response and adapt the service levels required for intervention by staff and partners.

Level of detail varied across protocols, with some providing step-by-step procedures and recourse based on high-risk events, while others provided staff with greater flexibility in using their expertise when responding.

Analysis of Infrastructure to Support Overnight Accommodations at Sanctioned Encampment Sites

Across North America, several approaches have been used to provide overnight sleeping accommodations to unsheltered populations. Given the needs of unsheltered individuals in our community and the impacts of extreme weather, colder weather jurisdictions were reviewed to identify the most common approaches to overnight accommodations. The following is a list of indoor, outdoor, and hybrid options that have been used to reduce harms for those living unsheltered.

Infrastructure	Jurisdictions Implementing Approach	Description
Tents or tents on platforms	Halifax, Victoria, Toronto (rapid housing initiative pilot), Portland, Denver, San Jose	Recreational camping tents are most commonly used in sanctioned encampment areas across North America. In planned sanctioned encampments, tents are generally funded by the Service Manager (i.e., municipality or region) responsible for the program. In addition, many sanctioned encampment sites have wooden platforms that the tents are erected on top of, to provide additional protection from the elements and comfort for residents. In Denver, where extreme cold weather is an issue, ice finishing tents were purchased for residents to ensure consistency of service and to provide protection against the extreme cold. In some cases when an unsanctioned encampment becomes sanctioned, the tents initially brought to the site by residents are allowed to remain.
Tiny homes or cabins	Waterloo Region, Kingston, Fredericton, Oakland	Tiny homes or cabins are prefab wooden structures that are installed at the site. Some cabins resemble a studio with a hot plate and mini-fridge, and bed, while tiny homes often have more elaborate setups which may include a bathroom, shower, and personal storage space. Commonly each cabin will be heated and include access to electricity. In all cases, the structure provides a locked, private space with protection against the elements for residents to reside in.
Sprung structure with cots	Toronto, Los Angeles, San Francisco, Fresno, Portland	As part of its respite model, Toronto has purchased sprung structures, which are comparable to a temporary refuge facility, with a dorm-like open layout, and cots as sleeping materials. The site provides protection against extreme heat and cold, as well as facilities to prepare food, a recreation/dining area, staff offices, and outdoor areas. Sites are also equipped with private showers, bathrooms, running

		water and electricity. Sprung structures are used in locations across the United States as emergency shelters.

The following chart compares the various approaches to developing infrastructure to support overnight accommodation at a sanctioned encampment area. Supportive housing was included as a best practice reference point.

Least Desirable					Most Desirable
Objectives	Tents	Tents with Platforms	Tiny Homes or Cabins	Sprung Structure	Supportive Housing
Upfront capital expenditures required	Low	Low	Medium	High	High
Time required to prepare a site for operation	Low	Low	Medium	Medium	High
Safety of residents	Low	Low	Medium	Low	High
Privacy for residents	Medium	Medium	High	Low	High
Mitigation of environmental risks (i.e., exposure to extreme cold and heat)	Low	Low-Medium	Medium-High	High	High

Sanctioned encampment areas with recreational tents, ice fishing tents, or tents on wooden platforms have minimal upfront capital costs associated, but do not provide the level of mitigation of environmental risks, safety, or privacy as tiny homes, cabins, or sprung structures with cots. As such, this approach is often regarded as a shorter-term solution for individuals who are unsheltered, while working towards the longer-term outcome of housing.

Tiny homes and cabins provide a wider range of benefits to residents in terms of their ability to provide built-in amenities such as a mini-fridge and hot plate, and in some

cases washroom, shower, and dedicated storage areas. Each tiny home or cabin also provides a private, locked area that residents can call their own, which gives residents a feeling of autonomy and security. Unfortunately, given the complex co-occurring needs for many who are living unsheltered, this can present challenges. A locked door can be a safety concern for individuals who use substances if significant harm reduction/ overdose prevention measures aren't in place, such as non-intrusive wellness checks from staff and peer-to-peer witnessing/spotting. As a result, tiny homes/cabins are more commonly paired with medium or high barrier models that operate similarly to transitional housing, many requiring residents to pay to stay. Notably, Waterloo Region's 1001 Erb St location that welcomed residents in June 2023 will operate a lower barrier model with cabins.

Respite sites (sprung structures) operate within indoor facilities that resemble an overnight emergency shelter environment, often implementing a lower barrier operating model. The site provides significant protection against extreme heat and cold, but has significant costs associated with upfront capital expenditure in purchasing or leasing a sprung structure, as well as increased operating costs resulting from its operating model (i.e., in Toronto residents are provided three meals, and light beverages and snacks throughout the day). Another limitation is that cots, much like tents, do not provide an accessible environment for residents, and residents report that the open layout affords very little privacy and limited safety.

Analysis of Operational Models Utilized at Sanctioned Sites

The following charts were created utilizing information collected from other jurisdictions across Canada, including Victoria, Toronto, Waterloo Region, Fredericton, Halifax, and Winnipeg, as well as jurisdictions in the United States such as Portland, Chicago, Tacoma, San Jose, Oakland, and Denver, regarding operating models targeted toward people who are unsheltered.

Operating Model	Jurisdictions Implementing Approach	Description of Model
Sanctioned, Self-Governed Low Barrier Model	Halifax, Victoria, San Jose (CA)	Sanctioned Encampment site is sanctioned by the Service Manager (i.e., municipality or region) but managed by a community organizer or coalition of encampment residents who operate and manage the site with little to no government involvement.
Sanctioned, Fully Managed Low Barrier Model	Waterloo Region, Toronto (rapid housing pilot), Toronto (respite shelter), Kingston, Tacoma (WS),	Sanctioned Encampment site operates like an emergency shelter with 24/7 staff and supports but differs in that it adapts the service to address the needs of individuals with the highest acuity. The site is sanctioned by the Service Manager, but commonly managed by a funded operator, with many onsite

	Chicago (IL), Oakland (CA)	and in-reach supports offered by community stakeholders and City staff.
Sanctioned, Fully Managed Medium Barrier Model	Portland (OR), Denver (CO)	Site operates similarly to an emergency shelter with 24/7 staff and supports, utilizing a medium barrier model for individuals with medium-high acuity. The site is sanctioned by the service manager, but commonly managed by a funded operator, with some onsite and in-reach supports offered.
Transitional Model	Fredericton, Winnipeg	Site is sanctioned by the service manager but managed by a funded operator. Commonly, less supports are offered onsite, as the site operates like a transitional housing model, for individuals with medium-low acuity (i.e., some sites have a blend of people who are unsheltered and previously living precariously). Service is often rooted in abstinence-based approaches and work readiness programs.

Objectives	Self-Governed, Sanctioned Encampments	Low Barrier Sanctioned Encampments	Medium Barrier Sanctioned Encampments	Supportive Housing
Movement along the housing continuum	Low	Low	Low	High
Direct provision of health and social services	Low	High	Medium	High
Ability for staff to engage with unsheltered individuals	Low	Medium	Medium	High
Ability to stay at site long-term	Medium	Medium	Medium	High
Address barriers to access (i.e., couples, pets)	High	High	Low	High

Objectives	Self-Governed, Sanctioned Encampments	Low Barrier Sanctioned Encampments	Medium Barrier Sanctioned Encampments	Supportive Housing
Level of autonomy for residents	High	Medium	Low	High
Positive impacts on wellbeing	Medium	Medium	Low	High
Level of support from surrounding community	Low	Medium	Medium	High
Addresses Gap in Housing Continuum	High	High	Low	High
Upfront capital costs	N/A*	N/A*	N/A*	High
Long-term operating costs	Medium	High	High	Low-Medium

* Depends on model of housing utilized (i.e., tent, tent with platform, cabin, tiny home, indoor respite, modular unit)

Self-governed sanctioned encampments provide several benefits for individuals who are living unsheltered, in that it provides the highest level of autonomy, self-determination, and potential for skill development, and addresses a gap for low barrier service in the community. This approach takes advantage of peer coordination and requires less operational funding for staffing than other approaches due to its use of informal and existing supports (i.e., existing community groups and outreach supports).

Fully managed low- and medium-barrier sanctioned encampments provide broadly similar service models. Each model identifies and collaborates with community supports that provide ongoing in-reach services directly to residents. The primary difference in approaches is that commonly a low barrier model provides residents with a greater level of autonomy, is accessible to couples and people with pets, employs more varied and intensive in-reach services, and has a much greater focus on harm reduction, as is commonly required by people with complex co-occurring needs. Another notable difference is that a low barrier service would address a service gap within the community, while a medium barrier service is most likely to resemble service models already being offered at an overnight emergency shelter.

Implementing a medium- or high-barrier approach may be problematic given the target population of individuals who are living in encampments. In jurisdictions across North America, unsheltered populations living in encampments have consistently expressed apprehension toward accessing emergency shelter, given common barriers (i.e., access for couples and people with pets) and specific needs (i.e., harm reduction-friendly environment, less institutional approach). Re-introducing another medium- or higher-barrier service would increase redundancy in the system and is unlikely to have significant uptake from individuals with the highest acuity, which may result in an inefficient use of funds.

Despite high upfront capital costs, deeply affordable supportive housing is the most cost-effective, human rights-based solution to addressing the short- and long-term needs of individuals who are living in encampments.

Jurisdictional Scan of Sanctioned Sites and Operating Models

Item	Self-Governed, Lowest Barrier Models	Fully Managed, Low Barrier Model	Fully Managed, Medium-High Barrier Model	Transitional Model
Location(s)	Victoria, Halifax, San Jose	Waterloo, Toronto (rapid housing pilot), Toronto (respite), Kingston (Our Livable Solutions), Tacoma, Chicago, Oakland	Portland, Denver	Fredericton, Winnipeg
Operation of Site	Site is sanctioned by the service manager but managed by community organizer or encampment members that operate and manage the operations within the encampment with little to no government involvement.	Site operates like an emergency shelter with 24/7 staff and supports, utilizing a low barrier model for individuals with highest acuity. The site is sanctioned by the service manager, but managed by a funded operator, with many onsite and in-reach supports offered.	Site operates similarly to an emergency shelter with 24/7 staff and supports, utilizing a medium-high barrier model for individuals with medium-high acuity. The site is sanctioned by the service manager, but managed by a funded operator, with some onsite and in-reach supports offered.	Site is sanctioned by the service manager but managed by a funded operator. Commonly, less supports are offered onsite, as the site operates like a transitional housing model, for individuals with medium-low acuity (i.e., some sites have a blend of people who are unsheltered and living precariously).
Sleeping Materials	Includes a wide range of options and possibilities (i.e., tents, tents with platforms, cots, cabins, tiny homes, modular housing), irrespective of the program model selected. Most commonly, the lower barrier sites utilize tents with or without platforms underneath for additional support. Higher-barrier sites and sites that operate similar to a transitional housing environment more commonly utilize tiny homes, cabins, or modular housing.			
Staffing Models (including security)	Halifax has no permanent onsite staff or security. City- or community-led outreach visit the sites intermittently. In Victoria, peers have designated roles within the site. In San Jose, Hope Village was initially unsanctioned and peer-led, before the City leased the land and hired an operator to assist in organizing the site.	Waterloo utilizes four frontline staff on-site on a 24/7 basis. Health supports are a minimum of 15 hours per week. Toronto's pilot utilized a single staff on-site 9-5, with additional support from community partners. Security was present within the park to dissuade new tents from setting up. Toronto's respites all have 24/7 security onsite, with varying staffing models depending on capacity and location of site.	In Portland, the site will be managed on a 24/7 basis, with a 15:1 client to staffing ratio. In Denver, the site will be managed on a 24/7 basis. All staff will be trained in trauma informed care, person centered language, de-escalation, conflict mediation, crisis response, and site operations and logistics.	In Fredericton, the site is staffed by 12 Neighbours non-profit, who are also responsible for constructing the tiny homes. The site has three resident support staff, and an addictions and mental health coordinator onsite.

Item	Self-Governed, Lowest Barrier Models	Fully Managed, Low Barrier Model	Fully Managed, Medium-High Barrier Model	Transitional Model
Location(s)	Victoria, Halifax, San Jose	Waterloo, Toronto (rapid housing pilot), Toronto (respite), Kingston (Our Livable Solutions), Tacoma, Chicago, Oakland	Portland, Denver	Fredericton, Winnipeg
Site Security	Halifax sites do not have fencing, and no distinct entry points. The Victoria site had fencing around the site, as well as 24-hour security. 24-hour security was put in place. Additionally, at night, one of the two points of entry to the site were locked. San Jose's Hope Village had a fence around the perimeter of the site, but no hired security.	Waterloo has a security booth with one (1) security guard working 24/7 and fencing around the site. Toronto (respites) are located indoors and have a single, staffed entryway with security onsite. Toronto (pilot) is outdoors, with no fences and no distinct entryways or staffed entrances or exits. The park maintained a security presence to prevent new tents from being erected. Tacoma utilizes 24/7 onsite security. Also, fencing is erected around the site, and access to the site is limited to a single, staffed entryway.	In Portland, sites would only have one entrance and exit, and weapons checks would be conducted there. Service providers running the sites would be responsible for security inside and within a 1,000-foot perimeter of the camps. Additionally, each site offers a 24/7 hotline staffed by service provider for complaints or questions about the site or perimeter issues. In Denver, each site has a perimeter fence with a single point of entry that is constantly managed by staff. Only residents of the site will be permitted to enter.	In Fredericton, there is no security onsite.
Maximum Number of Tents and Spacing Requirements within Sanctioned Areas	In Halifax, there is a designated overall space outlined for each site, but no specific space requirements for each tent. Each site permits a maximum of four tents. In Victoria each tent was given a 10 metre-squared living space, and clear pathways between tents were required. There was a total of 20 tents in San Jose's Hope Village.	In Tacoma each tent was provided a 10 square-feet living space.	In Portland, each site will have a maximum of 150 pods and/or tents, for up to 200 people.	In Fredericton, 36 tiny homes were built in the first phase of the project, with another 50 planned for 2023. In Winnipeg, 22 tiny (modular) homes are currently built, with more planned.

Item	Self-Governed, Lowest Barrier Models	Fully Managed, Low Barrier Model	Fully Managed, Medium-High Barrier Model	Transitional Model
Location(s)	Victoria, Halifax, San Jose	Waterloo, Toronto (rapid housing pilot), Toronto (respite), Kingston (Our Livable Solutions), Tacoma, Chicago, Oakland	Portland, Denver	Fredericton, Winnipeg
Pay to stay at the site	No payment required.	No payment required.	No payment required.	In Fredericton, the site receives each individual staying at the sites' Ontario Works shelter portion. This is consistent with transitional models implemented in other jurisdictions.
Intake Policies	In Halifax, there are no intake policies due to the nature of the service being unsupervised. In San Jose and Victoria, the sites were previously unsanctioned, so the individuals at that site moved to the sanctioned encampment area.	Toronto (respite) intakes are completed by a centralized intake process and is open to all individuals experiencing homelessness in Toronto. Toronto (rapid housing pilot) did not include an intake process, as the pilot was developed for a site with existing encampments. Tacoma (WS) all adults experiencing homelessness are welcome to access the site. In Chicago (IL), only individuals in high-risk encampments were offered a placement in their low barrier shelter.	In Portland all residents must be referred by Outreach workers. No walk-ins are permitted. In Denver, resident placement is conducted through street outreach and referrals. Residents are then screened and provided relocation assistance, before signing an intake and use agreement at the site.	In Fredericton, the non-profit agency operating the site work with Fredericton's Social Development Department to contact people to gauge their interest and fit for staying at the site. In Winnipeg, the modular/tiny homes are being occupied by people who were previously living in encampments.

Item	Self-Governed, Lowest Barrier Models	Fully Managed, Low Barrier Model	Fully Managed, Medium-High Barrier Model	Transitional Model
Location(s)	Victoria, Halifax, San Jose	Waterloo, Toronto (rapid housing pilot), Toronto (respite), Kingston (Our Livable Solutions), Tacoma, Chicago, Oakland	Portland, Denver	Fredericton, Winnipeg
Intake: Pets Permitted Onsite	All sites permit pets.	In Toronto (pilot), sites have partnered with community agencies (i.e., SPCA, Humane Society) to offer spay/neuter programs, food, grooming, and other care for animals. All sites permit pets.	In Denver, pets are permitted in each individual shelter.	Yes, pets are permitted in Fredericton.
Intake: Couples Permitted Onsite	Yes, all sites permit couples.	Yes, although in Waterloo each individual was still assigned their own cabin. All sites permit couples.	In Denver, couples are permitted in each individual shelter.	Yes, couples are permitted in Fredericton.
Discharge Policies	In Halifax, significant health and safety issues, or a violation of another policy (i.e., four tents per site) are required for an individual to be moved from their location. In San Jose, the lease was not renewed for the site due to complications with being too close to an airport. A new site has not since been identified, and all residents were given motel vouchers for thirty days on discharge.	Significant health and safety issues are required for an individual to be moved from their location.	In Portland, there is a clear, legislated process for clearing an encampment, which includes a notice being placed on or nearby the tent once it has been deemed to be abandoned. The notice would include a date in which the notice was issued and the date the notice would expire. Upon expiry, all personal property within the individual(s) personal space allotment would be stored, removed, and/or disposed based upon conditions outlined. Additionally in Portland, there will be no strict time limit on duration of stay at the site. In Denver, staff utilize a multi-step, restorative accountability process that is led	Fredericton's discharge policies were not published or shared.

Item	Self-Governed, Lowest Barrier Models	Fully Managed, Low Barrier Model	Fully Managed, Medium-High Barrier Model	Transitional Model
Location(s)	Victoria, Halifax, San Jose	Waterloo, Toronto (rapid housing pilot), Toronto (respite), Kingston (Our Livable Solutions), Tacoma, Chicago, Oakland	Portland, Denver	Fredericton, Winnipeg
			by staff and promotes the safety and well-being of all residents, staff, volunteers, and neighbors, prior to discharge.	
Oversight and Appeal Body	In Victoria, due to the self-governing nature of the site, site residents are responsible for governing the site and developing their own roles and responsibilities with some support from community stakeholders and the municipal government. In Halifax, the municipality funded the United Way to bring together a lived experience committee, to ensure the voices and perspectives of persons with lived experience of homelessness are heard in the decision-making process by providing feedback to the municipality on its approach and polices related to homelessness.	In Toronto (pilot), a robust local taskforce utilized expertise of leaders from health, housing, community agencies, and residents, as well as staff from relevant City divisions to help steer and strategize around best practices implemented at sanctioned encampment areas. Toronto (respite) have developed Toronto Respite Standards to govern the services offered, role of staff, etc.	Generally, there is less resident input in high barrier jurisdictions, and more rigid rules and structures are already in place.	Fredericton has its own board that helps direct the services and supports available at the site.

Item	Self-Governed, Lowest Barrier Models	Fully Managed, Low Barrier Model	Fully Managed, Medium-High Barrier Model	Transitional Model
Location(s)	Victoria, Halifax, San Jose	Waterloo, Toronto (rapid housing pilot), Toronto (respite), Kingston (Our Livable Solutions), Tacoma, Chicago, Oakland	Portland, Denver	Fredericton, Winnipeg
Harm Reduction Supports and Services	In Halifax, in-reach services are provided to individuals who are living in encampments from outreach providers in the community, and sharps containers are provided onsite. In Victoria, people with lived and living experience (peers) of substance use are very often the first, and only responders to overdoses in encampments. As such, peers were resourced and supported to continue to do this life-saving work.	In Waterloo, the service provider for this location operates in a very low barrier and high harm reduction model to address the specific needs of the encampment population. As such, they have a full suite of harm reduction supplies available to residents. In Tacoma, people who use substances will be permitted to stay onsite. Site contracts out to an outreach agency who provide sterile injecting equipment, safer sex supplies, MRSA prevention wound care kits, and Naloxone (opiate overdose reversal drug) to people who use substances. In Toronto (respite), all sites must adhere to Toronto Respite Standards. Use is not tolerated within the site (although some safe consumption areas are being developed). Harm reduction supplies are provided. In Chicago, their low barrier shelter offers a harm reduction approach to people using substances, including counselling and treatment. Additional approaches identified in research include overdose prevention sites or supervised consumption facilities (including for both injection and inhalation of substances) run by workers that include people with lived experience. Additionally,	In Portland, all drugs and alcohol are banned in common areas. Substance use treatment programs are available onsite. In Denver, drugs and alcohol are not permitted onsite.	In Fredericton, the focus is recovery-oriented, and includes substance use counselling. In Winnipeg, the site practices harm reduction, providing unused pipes and needles.

Item	Self-Governed, Lowest Barrier Models	Fully Managed, Low Barrier Model	Fully Managed, Medium-High Barrier Model	Transitional Model
Location(s)	Victoria, Halifax, San Jose	Waterloo, Toronto (rapid housing pilot), Toronto (respite), Kingston (Our Livable Solutions), Tacoma, Chicago, Oakland	Portland, Denver	Fredericton, Winnipeg
		these settings should also have integrated safe supply programs for residents. In Kingston, staff with harm reduction training and other substance use counselling services are offered onsite.		

Item	Self-Governed, Lowest Barrier Models	Fully Managed, Low Barrier Model	Fully Managed, Medium-High Barrier Model	Transitional Model
Location(s)	Victoria, Halifax, San Jose	Waterloo, Toronto (rapid housing pilot), Toronto (respite), Kingston (Our Livable Solutions), Tacoma, Chicago, Oakland	Portland, Denver	Fredericton, Winnipeg
Integrated Health Supports	Integrated health supports are commonly provided regardless of the service model employed. The lower barrier models often have more robust and intensive services provided, including ongoing case management. In Waterloo, health Partners have committed to 15 hours per week of nursing, social work, and other health support staff. In Victoria, COVID-19 pandemic health outreach teams were developed and deployed to provide health, harm reduction, and mental health supports in the encampments. In Toronto (pilot), intensive clinical health support was provided by Inner City Health Associates, a local agency staffed by doctors, registered nurses, counselors, and other health professionals.			
Housing Supports	Halifax uses an integrated team-based approach designed to provide comprehensive community-based support to help people remain stably housed.	In Toronto (pilot), a targeted use of existing housing resources for those staying in the Dufferin Grove encampment was implemented, so that everyone could move to a suitable shelter space, or into housing. In Waterloo, there will be two dedicated housing plan, support staff, FTEs onsite. In Toronto (respite), all locations have staff dedicated to developing individualized housing plans and case management. In Tacoma, housing navigation is a part of the site management team's expertise and focus. In Chicago, intensive housing supports are offered onsite via the City's outreach team, with connections to the City's Coordinated Entry System, which connects people to housing.	In Denver, wellness screenings are conducted daily, creating links to hotels and health care services	In Fredericton, individuals are permitted to stay long-term at the site.

Item	Self-Governed, Lowest Barrier Models	Fully Managed, Low Barrier Model	Fully Managed, Medium-High Barrier Model	Transitional Model
Location(s)	Victoria, Halifax, San Jose	Waterloo, Toronto (rapid housing pilot), Toronto (respite), Kingston (Our Livable Solutions), Tacoma, Chicago, Oakland	Portland, Denver	Fredericton, Winnipeg
Additional Supports	All sites provide some in-reach supports. Lower barrier sites are most likely to provide a wider range of in-reach supports (ID clinics, income tax clinics, legal support), while higher barrier sites often have more abstinence-based and employment-readiness supports. In New Brunswick for example, which operates its site as a transitional housing model, the site includes a social enterprise centre with a café and retail store, and an area onsite where homes are built to train people in carpentry, roofing, insulation, etc.			
Access to Potable Water	All sites provide residents with potable water access onsite.	In Waterloo, potable water is supplied in the main community building with a large holding tank under the building that is refilled weekly. Potable water was available onsite in Tacoma. Potable water is available onsite in Chicago's low barrier shelter/respite. In Kingston's cabin solution, no running water is available onsite.	In Portland, access to potable water is available onsite.	In Fredericton, each tiny home has its own sink. In Winnipeg, each unit has a sink.

Item	Self-Governed, Lowest Barrier Models	Fully Managed, Low Barrier Model	Fully Managed, Medium-High Barrier Model	Transitional Model
Location(s)	Victoria, Halifax, San Jose	Waterloo, Toronto (rapid housing pilot), Toronto (respite), Kingston (Our Livable Solutions), Tacoma, Chicago, Oakland	Portland, Denver	Fredericton, Winnipeg
Access to Washrooms	Halifax permits use of its existing washroom facilities at sites with sanctioned encampments or provides portable toilets. In Victoria, washrooms were provided by the municipality. Residents took care of cleaning the washroom. In San Jose, portable washrooms were provided at the site.	Toronto (pilot) utilized two portable toilets, extended hours for City washroom building. Facilities were cleaned twice daily. In Waterloo, there were four onsite shower, and washroom units. One additional fully accessible/barrier free washroom/shower. Washrooms are available onsite in Tacoma and Chicago. In Kingston, there are no washrooms onsite.	In Portland, washrooms are available onsite.	In Fredericton and Winnipeg, each tiny home has its own washroom.
Access to Showers	In Victoria, a mobile shower unit was brought to the site and residents were also able to access showers at two nearby service providers. In San Jose, showering facilities were provided at the site.	In Waterloo, there were four onsite shower, and washroom units. One additional fully accessible/barrier free washroom/shower. The grey/black water from sinks and showers/toilets go into a holding tank under the community building; this tank is emptied two times per week. Showers are available onsite in Tacoma and Chicago.	In Portland, showers are available onsite.	In Fredericton, each tiny home has its own shower. Winnipeg has accessible showers available onsite.
Access to Electricity, Heating, and Cooling	No electricity available onsite in Halifax or San Jose. In Victoria, a warming tent was provided and staffed by a Service Provider for eight hours a day. Additional outlets and electricity use provided by municipality.	No electricity access in Tacoma, currently exploring options. No electricity available at Toronto (pilot). In Waterloo, each cabin/unit has electricity (and own breaker panel), A/C, baseboard heater.	In Portland, tents have access to electricity within a common area, as well as Wi-Fi. In Denver, the site has a temporary electric panel with its own meter.	Yes, each unit in Winnipeg and Fredericton has access to electricity.

Item	Self-Governed, Lowest Barrier Models	Fully Managed, Low Barrier Model	Fully Managed, Medium-High Barrier Model	Transitional Model
Location(s)	Victoria, Halifax, San Jose	Waterloo, Toronto (rapid housing pilot), Toronto (respite), Kingston (Our Livable Solutions), Tacoma, Chicago, Oakland	Portland, Denver	Fredericton, Winnipeg
Common Spaces and/or Private Areas	In Victoria, a warming tent was provided and staffed by a Service Provider for eight hours a day. No provided common space in Halifax sanctioned encampment areas.	In Toronto (respites), common areas were limited depending on the layout of the site. Sprung structures in particular have very few private areas. In Toronto (pilot), an onsite Information & Help Centre was established to assist with streamlining connections to services, which was staffed by a Project Coordinator onsite five days a week, seven hours a day. In Chicago's low barrier/shelter model, encampment residents have access to common spaces and private areas inside the shelter.	In Portland, common space will be offered at each 'temporary alternative shelter site.'	In both sites, there are common spaces within the site to be accessed by all residents.
Food	In Halifax, no meals are provided. In Victoria, meals were delivered twice daily to the site and encampment residents were provided an honorarium to deliver meals tent to tent. In San Jose, meals were donated by local churches and schools.	Toronto (respites) provides three catered meals every day, along with snacks and water throughout the day. Toronto (pilot) provided meals via a community partner to residents on an ongoing basis. In Tacoma, meals are available onsite at the community kitchen. In Chicago, three meals are provided every day.	In Portland, food is provided to residents onsite twice a day, plus snacks. In Denver, food is provided through partnerships with faith community and existing food service providers	A community kitchen and equipment are provided to give residents the ability to cook meals onsite. Most cabins, tiny homes, or modular spaces are equipped with a mini fridge, sink and hot plate.
Garbage Pickup	All sites have ongoing garbage pickup schedules that utilize municipal resources. Peer cleanup crews were utilized in Victoria, as well as a Cleanup Crew Team and Parks Ambassadors in Toronto (pilot) doing wellness checks and park maintenance. In Portland, trash cleanup in the 1,000 ft. perimeter (at least weekly; hazardous material removed immediately).			

Item	Self-Governed, Lowest Barrier Models	Fully Managed, Low Barrier Model	Fully Managed, Medium-High Barrier Model	Transitional Model
Location(s)	Victoria, Halifax, San Jose	Waterloo, Toronto (rapid housing pilot), Toronto (respite), Kingston (Our Livable Solutions), Tacoma, Chicago, Oakland	Portland, Denver	Fredericton, Winnipeg
Storage of Personal Items	At all sites, personal items were to be kept inside of tent or defined area for personal space.	In Waterloo, individuals have access to their own cabin and can keep their personal belongings inside a locked space.		In Fredericton, individuals have access to dedicated storage space within their tiny home.

Operational Principles of a Fully Managed, Low Barrier Service Model

There are several distinct components that make an overnight accommodation setting *low barrier*. The following are principles of a low barrier operating model at a sanctioned site(s):

1. Adequate staffing is required to provide intensive case management and to manage the day-to-day operations of the site. Staff should be trained in trauma-informed care, de-escalation, conflict mediation, crisis response, and harm reduction, including how to administer naloxone.

2. Intake requirements should be minimal. There should be few barriers to accessing the site preventing access for people who actively use substances, couples who want to cohabitate, and people with pets.

3. Operating staff should be more lenient than a medium or high-barrier shelter when applying service restrictions. Instead, the site should focus on de-escalation, conflict mediation, and restorative approaches that avoid discharge if possible.

4. Overly institutional elements of service delivery should be de-emphasized at the site, including the requirement to be within your tent or cot at a specific time and to participate in onsite programming.

5. Residents should be encouraged to participate in decision-making processes that affect them, to adapt the service model to the specific needs of residents at the site.

6. Harm reduction is an evidence-based, human-centered approach that utilizes a set of strategies, policies, or programs designed to reduce substance-related harm without requiring abstinence and ensures that individuals using substances are not excluded from a range of supports and services that would be valuable to their health, wellbeing, and housing prospects.

7. Intensive, integrated physical and mental health services and supports are provided onsite to residents via partnership(s) with community health providers, including doctors, nurses, counsellors, social workers, and other professionals with capacity to provide ongoing, preventative, and intensive supports.

8. Housing workers should collaborate with residents to create customized housing plans and provide ongoing, intensive support to each resident to find suitable housing.

9. Sites should partner with other community agencies that provide legal supports, employment supports, ID clinics, income tax clinics, and any other services or supports requested by residents at the site that will benefit their health, wellbeing, and ability to acquire housing.

10. Sites should provide access to basic needs, such as access to potable water, washroom access, and shower access, to ensure residents have a dignified, respectful environment to maintain their health and hygiene.

While medium- and high-barrier operating models may implement some of the features identified above, the suite of features of a low barrier model are distinct in that they systematically encourage client autonomy, respect, and dignity, particularly for individuals with higher acuity and complex co-occurring needs. There are other aspects of service that are compatible across models, including garbage and waste disposal policies; space for storage of personal items; access to electricity, heat, and cooling; and the provision of additional in-reach services such as ID clinics, income tax clinics, legal services.

PUBLIC FEEDBACK AND RECOMMENDATIONS FOR AN ENCAMPMENT PROTOCOL AND SANCTIONED SITES

(HSC20036(g)) (City Wide)

General Issues Committee

August 14, 2023

Overview

- Issue and Context
- Public engagement – June 2023
- What did we hear?
- Collaborative approach
- Hamilton Alliance for Tiny Shelters pilot
- Services and Supports
- Recommended Encampment Response
- Complaint response process
- Next steps

Issue and Context

- The number of individuals living unsheltered has grown as the severity of Hamilton's housing crisis has increased.
- Encampments are a result of lack of affordable, appropriate housing options
- Housing is a Human Right
- Strategy to manage encampments is needed while addressing root causes – respecting autonomy and choice of individuals living unsheltered
- Solutions must address homelessness and its root causes

Public Engagement – June 2023

- 11,943 Engage Hamilton visitors
- 7,536 Engage Hamilton questionnaire response
- 15,965 Individual comments submitted
- ~2,000 people attended three in-person town hall sessions

What Did We Hear?

- No tents within public parks, and that parkland should be safe and available for public use and for children and youth
- Contrasting views - Some believing Protocol was too lenient and others too restrictive
- Some agreement around greater proximity from schools, daycares, playgrounds, pools, waterparks, spray pads and private property lines
- Clear consensus for the City to focus on permanent housing

Collaborative Approach

- Internal
  - Coordinated Response Team:
    - Housing Focused Street Outreach
    - Municipal Law Enforcement
    - Parks Section
    - Hamilton Police Services
      - Encampment Engagement Officers
      - Additional members from the Crisis Support Branch

- External/Stakeholder
  - Encampment Liaison Committee
  - Hamilton Regional Indian Centre

Hamilton Alliance for Tiny Shelters

- Two-year pilot approach beginning Q4 2023
- Low barrier alternative to emergency shelter
- Strachan Linear Park as preferred short-term site
- Work with Housing Services Division to ensure alignment with Coordinated Access and measurable outcomes

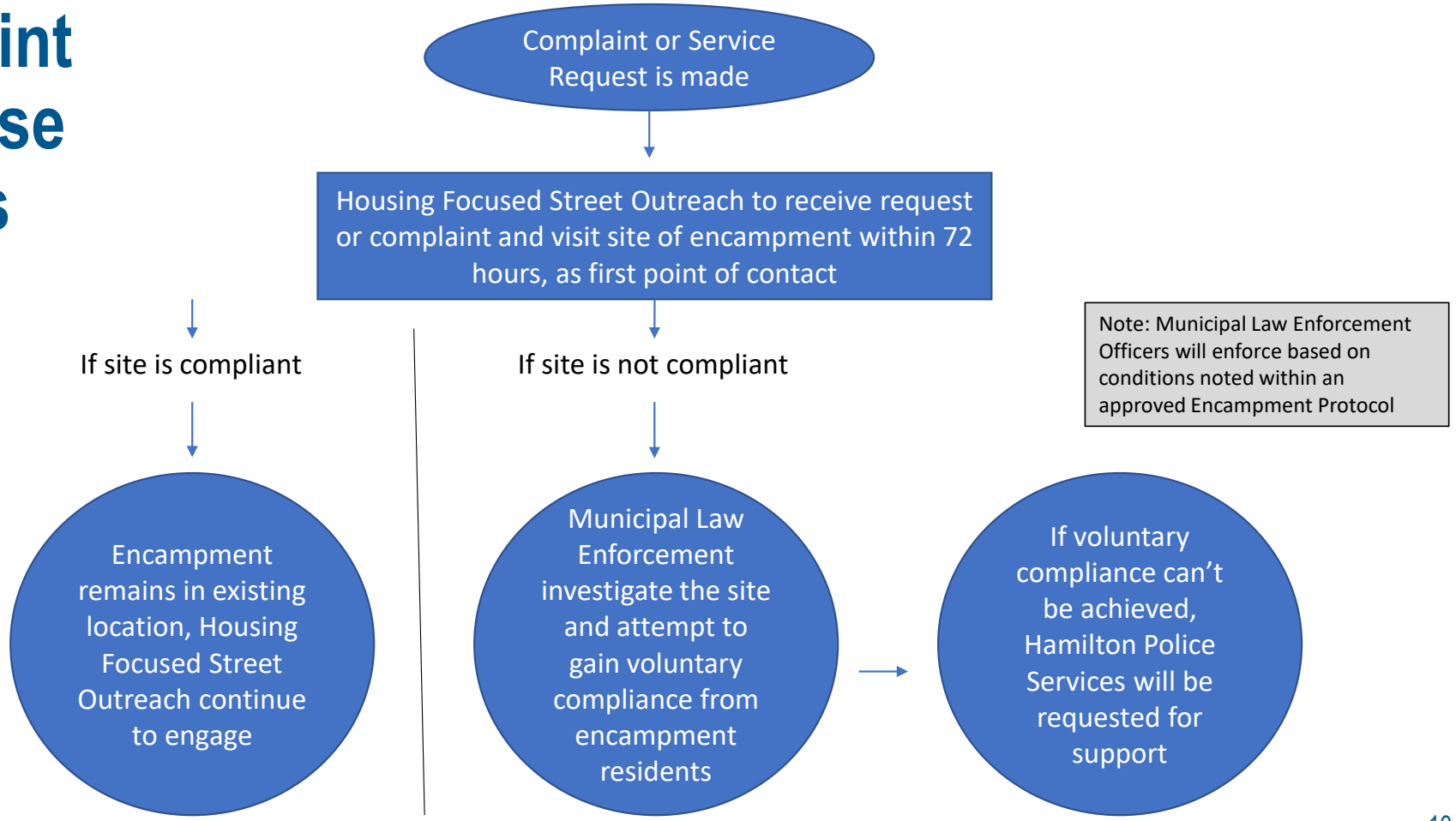
Services and Supports

- Provide access to washrooms, showers, and drinking water
  - Two 24/7 existing washrooms in two city parks
  - Shower and washroom facilities at two existing recreation facilities for 12 hours daily. Each facility with showers will provide hygiene and sundry supplies
- Integration of indigenous supports (cost-neutral)
- Integration of peer supports
  - Two seconded Outreach workers, with focus on harm reduction

Recommended Encampment Response

- Implement Protocol to provide guidelines for our City while we work towards permanent housing for all
- Continue 7 day/week, housing-led approach
- Increase services and supports to individuals living unsheltered;
- Increase garbage and waste removal; ensure Monday-Friday service level for By-law officers
- HATS pilot (up to 25 shelters)
- Invest in immediate and long term permanent housing solutions

Complaint Response Process



Next Steps

- Council to consider:
  - Adopting Encampment Protocol with Amendments
  - Providing security to ensure access to washroom and/or shower services to support individuals who are unsheltered, including two existing all-year outdoor washroom facilities with 24-hour security and two existing all-year recreation centres with 12-hour security

Next Steps

- Council to consider:
  - Supporting enforcement of the Protocol based on the existing Monday to Friday level of service, and a four-day response time, via approval of 1 FTE Supervisor of Municipal By-Law, and vehicle
  - Supporting an enhanced service level to allow Parks staff to respond to requests for clean-up and maintenance in alignment with the service levels outlined in the Proposed Encampment Protocol and approve 1 FTE Parks Lead Hand, 2 FTE Parks Operators, and required equipment.

Next Steps

- Council to consider:
  - Directing staff to enter into the appropriate agreements with the Hamilton Alliance for Tiny Shelters for the operation of a two-year pilot of up to 25 temporary tiny homes on City lands, with appropriate security, services and supports at no cost to the City on the preferred site of Strachan Linear Park
  - Referring 2 FTEs within the Housing Services Division, as Peer Support Workers to the 2024 Tax Operating Budget; and additional costs in 2023 also referred to 2024 Tax Operating Budget to make resources permanent

Hamilton

THANK YOU

Michelle Baird
Director, Housing Services Division

Michelle.Baird@hamilton.ca

This is **Exhibit "H"** referred to in the Affidavit of Danielle Blake affirmed before me at the City of Hamilton, in the Province of Ontario, on July 30, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:
Bevin Shores
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Commissioner for Taking Affidavits
(or as may be)
Bevin Shores (LSO No. 56161F)

GENERAL ISSUES COMMITTEE
MINUTES 23-023

9:30 a.m.
August 14, 2023
Council Chambers, City Hall, 2nd Floor
71 Main Street West, Hamilton, Ontario

Present: Mayor A. Horwath
Deputy Mayor M. Francis (Chair)
Councillors J. Beattie, C. Cassar, B. Clark, J.P. Danko, T. Hwang, T. Jackson, C. Kroetsch, T. McMeekin, N. Nann, E. Pauls, M. Spadafora, M. Tadeson, A. Wilson, and M. Wilson

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THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Overview of Housing 2023 Reports and Budget Asks (HSC23058) (City Wide) (Item 8.1)

(Spadafora/Pauls)
That Report HSC23058, respecting Overview of Housing 2023 Reports and Budget Asks, be received.

Result: MOTION, CARRIED by a vote of 16 to 0, as follows:

Yes	-	Mayor Andrea Horwath	
Yes	-	Ward 1	Councillor Maureen Wilson
Yes	-	Ward 2	Councillor Cameron Kroetsch
Yes	-	Ward 3	Councillor Nrinder Nann
Yes	-	Ward 4	Councillor Tammy Hwang
Yes	-	Ward 5	Councillor Matt Francis
Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

2. Public Feedback and Recommendations for an Encampment Protocol and Sanctioned Sites (HSC20036(g)) (City Wide) - REVISED (Item 8.2)

(Horwath/A. Wilson)

(a) That Council adopt the Proposed Encampment Protocol attached as ***amended*** Appendix "A" to Report HSC20036(g);

(b) That staff be directed to implement and enforce the Proposed Encampment Protocol;

(c) That Public Works be authorized to provide security to ensure access to washroom and/or shower services to support individuals who are unsheltered, including two existing all-year outdoor washroom facilities with 24-hour security and two existing all-year recreation centres with 12-hour security;

(i) at a cost of $576,240, for the period of September 1, 2023 to March 31, 2024 to be funded from the Tax Stabilization Reserve (#110046)

(ii) and that the cost of $987,840 to operationalize this as a permanent program in 2024 be referred to the 2024 Tax Budget process;

(d) That in order for Planning and Economic Development, Municipal By-Law Enforcement to support enforcement of the Protocol based on the existing Monday to Friday level of service, and a four-day response time, Council approve;

(i) the creation of a 1FTE Supervisor of Municipal By-law Enforcement for the period September 1, 2023 to March 31, 2024, at a cost of $86,120 to be funded from the Tax Stabilization Reserve (#110046),

(ii) and that the approval of one FTE at an annualized cost of $147,650 be referred to the 2024 Tax Budget process.

(iii) that the purchase of a vehicle at a cost of $35,000, and an annual operating impact of $9,000 be referred to the 2024 Tax Budget process

(e) That staff be directed to provide an enhanced service level to allow the Public Works, Parks Section staff to respond to requests for clean-up and maintenance in alignment with the service levels outlined in the Proposed Encampment Protocol and that Council approve;

(i) the creation of one FTE Parks Lead Hand and two FTE Parks Operators and that the cost of $93,000 for this enhanced service level be funded from the Tax Stabilization Reserve (#110046) for the period of September 1, 2023 to March 31, 2024;

(ii) The leasing of vehicles and equipment for the period of September 1, 2023 to March 31, 2024 at an estimated cost of $50,000, be funded from the Tax Stabilization Reserve (#110046);

(iii) the operating cost of $278,400 to annualize this enhanced service level, includes $245,000 for the approval of three FTEs, and $33,400 for the annualized operating cost of the vehicles in recommendation d)iv) be referred to the 2024 Tax Budget process;

(iv) the Capital Costs of $220,000 for equipment and vehicles to be referred to the 2024 Tax Budget process.

(f) That the General Manager of the Healthy and Safe Communities Department ,or designate, be authorized and directed, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to hire the equivalent and two seconded peer Support Workers, at an approximate annual cost of $61,500 each (total for two FTEs $123,000) on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department, or designate, and in a form satisfactory to the City Solicitor and that the funding for these positions be referred to the 2024 Tax Operating Budget;

(g) That upon the adoption of the Encampment Protocol, Housing Focused Street Outreach collaborate with key stakeholders to develop a liaison committee to ensure that individuals with lived/living experience of encampments, frontline operators, and staff are all meaningfully engaged in providing input into Hamilton's encampment response. Staff will collaborate with key stakeholders including Keeping Six, HAMSMArT, Hamilton Regional Indian Centre, and Hamilton Encampment Support Network (to help recruit people with lived/living experience for the committee), to develop terms of reference for the committee that identifies goals, scope, and desired outcomes;

(h) That the General Manager of Healthy and Safe Communities be authorized and directed to enter into the appropriate agreements with the Hamilton Alliance for Tiny Shelters for the operation of a two-year pilot of up to 25 temporary tiny homes on City lands, with appropriate security, services and supports at no cost to the City, subject to the following conditions; and,

(i) That the pilot program be located on the site of the parking area on the Strachan Avenue linear park or an alternative site that meets the criteria for the Protocol and is determined appropriate by staff

(ii) That all potential residents of the site are selected from the City of Hamilton's By-Name List, as per associated requirements of its Coordinated Access system, with approval from Housing Services Division;

(iii) That staff be directed to work with Hamilton Alliance for Tiny Shelters to review operating model and provision of security and services, determine performance metrics and outcomes, including eligibility and entry criteria, gender-specific considerations, Indigenous supports, identification of formalized community partnerships with health and social service sectors, pathways to permanent housing, and a process for evaluating the success of the pilot;

(iv) That staff be directed to evaluate program outcomes and that staff include information on the Hamilton Alliance for Tiny Shelters in progress updates to the General Issues Committee as part of future encampment reporting and performance metrics reporting; and

(v) That a detailed exit strategy has been created and will be executed should HATS not be able to ensure site safety and/or adequate funding to operate.

(vi) That the appropriate General Managers of Public Works, Planning and Economic Development, and the Healthy and Safe Communities Department or their designate be directed and authorized, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to implement the purchases and grants outlined above on terms and conditions satisfactory to the respective General Manager or their designate and in a form satisfactory to the City Solicitor.

Result: MAIN MOTION, *As Amended*, CARRIED by a vote of 10 to 6, as follows:

Yes	-	Mayor Andrea Horwath	
Yes	-	Ward 1	Councillor Maureen Wilson
Yes	-	Ward 2	Councillor Cameron Kroetsch
Yes	-	Ward 3	Councillor Nrinder Nann
Yes	-	Ward 4	Councillor Tammy Hwang
No	-	Ward 5	Councillor Matt Francis
No	-	Ward 6	Councillor Tom Jackson
No	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko

A8160

No	-	Ward 9	Councillor Brad Clark
No	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
No	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

3. Light Rail Transit Sub-Committee Report 23-003 - July 26, 2023 (Item 9.2)

(A. Wilson/Spadafora)

(a) Light Rail Transit Operations Models (PED23166) (City Wide) (Item 8.1)

That Report PED23166, respecting Light Rail Transit Operations Models, be received.

Result: MOTION, CARRIED by a vote of 15 to 0, as follows:

Yes	-	Mayor Andrea Horwath	
Yes	-	Ward 1	Councillor Maureen Wilson
Yes	-	Ward 2	Councillor Cameron Kroetsch
Yes	-	Ward 3	Councillor Nrinder Nann
Yes	-	Ward 4	Councillor Tammy Hwang
Yes	-	Ward 5	Councillor Matt Francis
Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Absent	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

4. Open for Business Sub-Committee Report 23-001 - July 28, 2023 (Item 9.3)

(A. Wilson/Tadeson)

(a) APPOINTMENT OF CHAIR AND VICE-CHAIR (Item 1)

(i) That Councillor T. Hwang be appointed as Chair of the Open for Business Sub Committee for the 2022-2026 Term of Council.

(ii) That Councillor C. Cassar be appointed as Vice-Chair of the Open for Business Sub Committee for the 2022-2026 Term of Council.

A3876

(b) Open for Business Update (PED23118) (City Wide) (Item 8.1)

That staff be directed to report back to the Open for Business Sub-Committee on the impacts of Bill 23 on the grading plan requirement for development projects and what the new grading requirements are for the projects that didn't previously require them.

Result: MOTION, CARRIED by a vote of 15 to 0, as follows:

Yes	-	Mayor Andrea Horwath	
Yes	-	Ward 1	Councillor Maureen Wilson
Yes	-	Ward 2	Councillor Cameron Kroetsch
Yes	-	Ward 3	Councillor Nrinder Nann
Yes	-	Ward 4	Councillor Tammy Hwang
Yes	-	Ward 5	Councillor Matt Francis
Yes	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Absent	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

5. Advisory Committee for Persons with Disabilities (ACPD) Report 23-007 - July 11, 2023 (Item 9.4)

(Kroetsch/Tadeson)

(a) Stakeholder Consultation Process to Explore Options for an Effective Governance Structure for the Board of Health (no copy) (Item 11.1)

That the Advisory Committee for Persons with Disabilities supports the adoption of a hybrid model of governance for the City of Hamilton's Board of Health, whereby the membership includes representation of persons with disabilities.

(b) Reimbursement for the Purchase of Candy for the Senior's Month Kick-off Event (Item 12.2)

WHEREAS, members of the Advisory Committee for Persons with Disabilities' Outreach Working Group represented the Committee at the Senior's Month Kick-Off Event on June 20, 2023; and

This is **Exhibit "I"** referred to in the Affidavit of Danielle Blake affirmed before me at the City of Hamilton, in the Province of Ontario, on July 30, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:
Bevin Shores
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Commissioner for Taking Affidavits
(or as may be)
Bevin Shores (LSO No. 56161F)

A8163

CITY COUNCIL
MINUTES 24-013

9:30 a.m.
June 26, 2024
Council Chamber
Hamilton City Hall
71 Main Street West

Present: Mayor A. Horwath
Deputy Mayor T. Hwang
Councillors J. Beattie, C. Cassar, B. Clark, J.P. Danko, M. Francis, T. Jackson, C. Kroetsch, T. McMeekin, N. Nann, E. Pauls, M. Spadafora, M. Tadeson, A. Wilson and M. Wilson

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Mayor Horwath called the meeting to order and recognized that Council is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

APPROVAL OF THE AGENDA

The Clerk advised Council of the following changes to the agenda:

5. COMMUNICATIONS

5.12 Correspondence respecting the Heritage Designation of 84 York Boulevard:

(a) Raimund Laqua
(b) Sidney Stacey
(c) Tim Rosenberger
(d) Michael Mileski

Recommendation: Be received and referred to the consideration of Item 9 of Planning Committee Report 24-009.

A3879

YES - Ward 9 Councillor Brad Clark
NO - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Deputy Mayor - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

GENERAL ISSUES COMMITTEE REPORT 24-011

(Hwang/Spadafora)
That General Issues Committee Report 24-011, being the meeting held on Wednesday, June 19, 2024, be received and the recommendations contained therein, be approved.

(Kroetsch/Nann)
That Item (h)(i)(2) be lifted from the Information Section and added as Item 8 (3) to the General Issues Committee Report 24-011, as follows:

8. Reducing Homelessness and Managing Encampments (HSC24027) (City Wide) (Item 10.7)

(3) That sub-section (c)(ii) to Report HSC24027, Reducing Homelessness and Managing Encampments, ***be deleted***, as follows:

(c) That staff be directed to prepare a motion to amend the Encampment Protocol to mitigate impacts on those living in and around encampments as outlined in Appendix "A", which was approved by Council on August 18, 2023, including:

~~***(ii) adding an exclusion from allowing encampments, temporary shelters, or tents for the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North until further park development options can be explored;***~~

Result: Motion on the Lift Item (h)(i)(2) and adding it as Item 8 (3) of the General Issues Committee Report 24-011, CARRIED by a vote of 12 to 3, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
NO - Ward 9 Councillor Brad Clark
NO - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis

A8165

NO - Mayor Andrea Horwath
YES - Deputy Mayor - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
NOT PRESENT - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

Upon Council's request, Item 8 (3) was voted on separately, as follows:

8. Reducing Homelessness and Managing Encampments (HSC24027) (City Wide) (Item 10.7)

(3) That sub-section (c)(ii) to Report HSC24027, Reducing Homelessness and Managing Encampments, ***be deleted***, as follows:

(c) That staff be directed to prepare a motion to amend the Encampment Protocol to mitigate impacts on those living in and around encampments as outlined in Appendix "A", which was approved by Council on August 18, 2023, including:

~~***(ii) adding an exclusion from allowing encampments, temporary shelters, or tents for the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North until further park development options can be explored;***~~

Result: Motion on Item 8 (3) of the General Issues Committee Report 24-011, DEFEATED by a vote of 8 to 8, as follows:

YES - Ward 10 Councillor Jeff Beattie
NO - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
NO - Deputy Mayor - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
NO - Ward 2 Councillor Cameron Kroetsch
NO - Ward 15 Councillor Ted McMeekin
NO - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
NO - Ward 11 Councillor Mark Tadeson
NO - Ward 13 Councillor Alex Wilson
NO - Ward 1 Councillor Maureen Wilson

A3881

A8166

Upon Council's request, Item 8(1)(a), was voted on separately, as follows:

8. Reducing Homelessness and Managing Encampments (HSC24027) (City Wide) (Item 10.7)

(1) (a) That staff report back with the results of a call for information on the feasibility and costs associated with creating new shelter beds with 25% being pet friendly, in the following bed numbers: Men's singles: 110, Women's singles: 50, Couple's: 55.

Result: Motion on Item 8 (1)(a) of the General Issues Committee Report 24-011, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Deputy Mayor - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

Upon Council's request, the balance of Item 8(1), ***as amended***, was voted on separately, as follows:

8. Reducing Homelessness and Managing Encampments (HSC24027) (City Wide) (Item 10.7)

(1) (b) That Council approve enhancements to the homeless-serving system for an approximate cost of $1,556,000 between August 1 and December 31, 2024, to be funded first from any available government funding, then from any 2024 Housing Services Division surplus, then from any 2024, Healthy and Safe Communities Departmental Surplus, and lastly from any 2024, Corporate Surplus or any source deemed appropriate by the General Manager of Corporate Services; and that those enhancements are as follows:

(i) approximately $940,000 be added to enhance existing shelter operator contracts by 25% to rectify historic underfunding;

(ii) approximately $266,000 in additional funding to enhance the Hamilton Regional Indian Centre's indigenous drop-in program;

A3882

(iii) approximately $210,000 to enhance Rapid Rehousing and Intensive Case Management supports to improve outflow from shelters into permanent housing;

(iv) approximately $40,000 be approved for one full-time equivalent for Housing Service Division to provide tax filing support for those experiencing homelessness; and

(v) approximately $100,000 to be provided to housing landlords for exceptional unit damage as a result of housing an individual from City-funded case management programs.

(c) That staff be directed to prepare a motion to amend the Encampment Protocol to mitigate impacts on those living in and around encampments as outlined in Appendix “A”, which was approved by Council on August 18, 2023, including:

(i) removing the following provision from Section D, indicating the removal of encampments, temporary shelters, or tents “on or within 50 metres of the Hamilton Alliance for Tiny Shelters model site. For the purpose of this site the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North, will be considered the site.”;

(ii) adding an exclusion from allowing encampments, temporary shelters, or tents for the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North until further park development options can be explored;

(iii) Establishing a minimum distance of 100m for additional sensitive uses, specifically around funeral homes and long-term care residencies as well as spaces that are designed and programmed for children as an amendment to the encampment protocol;

(iv) Amending the requirement to keep 5 metres from sidewalks during the winter months to be a full year requirement, and to include walkways and pathways in this requirement; and

(v) Establishing a minimum 25m distance from active construction sites

(d) That Council approve additional investments into encampment management, for an approximate cost of $286,000 between August 1 and December 31, 2024, to be funded first from any available government funding, then from any 2024, Housing Services Division surplus, then from any 2024, Healthy and Safe Communities Departmental Surplus, and lastly from any 2024, Corporate Surplus or any source deemed appropriate by the General Manager of Corporate Services; and that those enhancements are as follows:

(i) approximately $108,000 be approved to increase Housing-Focused Street Outreach support;

(ii) One permanent FTE to provide program coordination, at an approximate cost of $48,000;

(iii) Make permanent one Community Services Program Analyst FTE supporting the Housing Focused Outreach Team, at an approximate cost of $42,500;

(iv) approximately $130,000 to provide two Social Navigator Paramedic by Hamilton Paramedic Service; and

(e) That the following items be referred to the 2025 municipal tax operating budget for an annual cost of $4,186,000

(i) approximately $2,255,000 be added to enhance existing shelter operator contracts by 25% to rectify historic underfunding;

(ii) approximately $400,000 for ongoing operations of the Hamilton Regional Indian Centre's indigenous drop-in program;

(iii) approximately $500,000 for enhanced Rapid Rehousing and Intensive Case Management supports to improve outflow from shelters into permanent housing;

(iv) approximately $90,000 for one permanent full-time equivalent for Housing Service Division to provide tax filing support for those experiencing homelessness;

(v) approximately $250,000 for exceptional unit damage because of housing an individual from City-funded case management programs;

(vi) approximately $266,000 for increased Housing-Focused Outreach support;

(vii) One permanent FTE to provide program coordination, at an approximate cost of $115,000;

(viii) Make permanent one Community Services Program Analyst FTE supporting the Housing Focused Outreach Team, at an approximate cost of $100,000;

(ix) approximately $310,000 to provide enhancements for two Social Navigator Paramedics by Hamilton Paramedic Service; and

(f) That the appropriate General Managers of Public Works and the Healthy and Safe Communities Department or their designate be directed and authorized, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to implement recommendations (a) and (b), inclusive of all sub-sections, outlined above on terms and conditions satisfactory to the respective General Manager or their designate and in a form satisfactory to the City Solicitor.

(g) That two Outstanding Business items be removed from the list including:

(i) A 2023 OBL item respecting increasing beds in Residential Care Facilities

(ii) A 2023 OBL Item respecting reporting back on a proposed investment ratio for Housing Services Division

Result: Motion on the balance of Item 8 (1) of the General Issues Committee Report 24-011, CARRIED by a vote of 10 to 6, as follows:

NO - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
NO - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
NO - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Deputy Mayor - Ward 4 Councillor Tammy Hwang
NO - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
NO - Ward 7 Councillor Esther Pauls
NO - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

Result: Motion on the balance of the General Issues Committee Report 24-011, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar

A3885

YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Deputy Mayor - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

CITY OF HAMILTON INTEGRITY COMMISSIONER'S REPORT
DGB-HAMILTONICI-2024-04

(M. Wilson/Spadafora)
That the City of Hamilton Integrity Commissioner's Report Regarding Citation: Frisina, Anthony (Re) – DGB-HamiltonICI-2024-04 dated June 20, 2024, be received.

(M. Wilson/Clark)
That the City of Hamilton Integrity Commissioner's Report Regarding Citation: Frisina, Anthony (Re) – DGB-HamiltonICI-2024-04 dated June 20, 2024, be REFERRED back to the Integrity Commissioner for a review of Item 66.4 of the Report and report back to Council.

Result: *Amendment* to City of Hamilton Integrity Commissioner's Report Regarding Citation: Frisina, Anthony (Re) – DGB-HamiltonICI-2024-04 dated June 20, 2024, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Deputy Mayor - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

This is **Exhibit "J"** referred to in the Affidavit of Danielle Blake affirmed before me at the City of Hamilton, in the Province of Ontario, on July 30, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:
Bevin Shores
75E43E7F402846F...

Commissioner for Taking Affidavits
(or as may be)
Bevin Shores (LSO No. 56161F)

Litigation Data Request: Service Request Monthly Summaries

Source: unsheltered@hamilton.ca

Timeframe: August 2023-June 2024

Generated July 22, 2024

AUGUST 2023 Total # of Service Requests: 95			
Nature of Request		Source of Request	
Reported Encampment	58%	Concerned Citizen	78%
Reported Garbage/Debris	16%	Community Stakeholders	7%
Supports for Unsheltered Individual(s)	7%	Internal-Public Works	3%
Health & Safety Concerns	6%	BIA or Local Business	3%
Encamped in Bus Station	5%	Other	2%
Person Experiencing Homelessness	3%	Internal-Other	2%
Abandoned Building	2%	Hamilton Police Services	2%
Encampment Protocol Questions	2%	PWLE	1%
		Internal-Municipal Law Enforcement	1%

SEPTEMBER 2023 Total # of Service Requests: 897			
Nature of Request		Source of Request	
Reported Encampment	38%	Concerned Citizen	76%
Request to Enforce Protocol	21%	Councilor's Office	6.35%
Follow-up(s) to Previous Request	16%	BIA or Local Business	5%
Reported Garbage/Debris	9%	Community Stakeholders	3%
Supports for Unsheltered Individual(s)	5%	Internal-Other	3%
Other	4%	Internal-Public Works	2%
Health & Safety Concerns	3%	Other	2%
Encampment Protocol Questions	2%	Internal-Municipal Law Enforcement	1%
Person Experiencing Homelessness	1%	Hamilton Police Services	1%
Encamped in Bus Station	0%	Encampment Resident	0.45%
		Mayor's Office	0.11%

OCTOBER 2023 Total # of Service Requests: 680			
Nature of Request		Source of Request	
Reported Encampment	35%	Concerned Citizen	73%
Follow-up(s) to Previous Request	23%	Internal-Other	8%
Request to Enforce Protocol	17%	BIA or Local Business	6%
Reported Garbage/Debris	11%	Internal-Public Works	4%
Supports for Unsheltered Individual(s)	4%	Community Stakeholders	3%
Other	4%	Councilor's Office	2.21%
Health & Safety Concerns	2%	Hamilton Police Services	2%
Person Experiencing Homelessness	2%	Other	1%
Encamped in Bus Station	1%	Internal-Municipal Law Enforcement	1%
Encampment Protocol Questions	0%	Encampment Resident	0.29%
		Mayor's Office	0.15%

NOVEMBER 2023 Total # of Service Requests: 517			
Nature of Request		Source of Request	
Reported Encampment	28%	Concerned Citizen	63%
Follow-up(s) to Previous Request	25%	BIA or Local Business	7%
Reported Garbage/Debris	15%	Councilor's Office	6.19%
Request to Enforce Protocol	13%	Internal-Public Works	6%
Supports for Unsheltered Individual(s)	10%	Internal-Other	5%
Other	4%	Community Stakeholders	4%
Health & Safety Concerns	3%	Other	4%
Person Experiencing Homelessness	1%	Internal-Municipal Law Enforcement	3%
Encampment Protocol Questions	1%	Hamilton Police Services	2%
Encamped in Bus Station	0%	Encampment Resident	0.19%

DECEMBER 2023 Total # of Service Requests: 410			
Nature of Request		Source of Request	
Reported Encampment	25%	Concerned Citizen	61%
Reported Garbage/Debris	20%	Internal-Public Works	14%
Follow-up(s) to Previous Request	20%	Councilor's Office	6.10%
Request to Enforce Protocol	13%	Internal-Other	5%
Health & Safety Concerns	8%	Internal-Municipal Law Enforcement	3%
Other	6%	Hamilton Police Services	2%
Supports for Unsheltered Individual(s)	5%	BIA or Local Business	2%
Encamped in Bus Station	3%	Other	2%
Abandoned Building	0%	Community Stakeholders	2%
Person Experiencing Homelessness	0%	Internal-Fire	0.98%
Encampment Protocol Questions	0%	Internal-Transit	0.73%
		Internal-Housing Services	0.49%
		Encampment Resident	0.49%
		Hospital or Medical Facility	0.24%

JANUARY 2024 Total # of Service Requests: 427			
Nature of Request		**Source of Request**	
Follow-up(s) to Previous Request	23%	Concerned Citizen	62%
Reported Encampment	18%	Internal-Public Works	9%
Reported Garbage/Debris	17%	BIA or Local Business	5%
Request to Enforce Protocol	16%	Internal-Other	4%
Supports for Unsheltered Individual(s)	10%	Internal-Municipal Law Enforcement	4%
Health & Safety Concerns	7%	Community Stakeholders	3%
Other	6%	Councilor's Office	3.03%
Person Experiencing Homelessness	1%	Internal-Housing Services	2.33%
Abandoned Building	1%	Other	2%
Encamped in Bus Station	1%	Internal-Transit	1.63%
Encampment Protocol Questions	0%	Hamilton Police Services	1%
		Mayor's Office	0.47%
		Encampment Resident	0.47%
		Internal-Facilities	0.47%
		Hospital or Medical Facility	0.23%
		Internal-Fire	0.23%

FEBRUARY 2024 Total # of Service Requests: 382			
Nature of Request		**Source of Request**	
Follow-up(s) to Previous Request	31%	Concerned Citizen	63%
Reported Encampment	20%	Internal-Public Works	14%
Reported Garbage/Debris	18%	BIA or Local Business	4%
Request to Enforce Protocol	14%	Councilor's Office	3.93%
Supports for Unsheltered Individual(s)	5%	Community Stakeholders	3%
Health & Safety Concerns	5%	Internal-Municipal Law Enforcement	3%
Other	3%	Internal-Other	3%
Person Experiencing Homelessness	3%	Internal-Housing services	2.62%
Abandoned Building	1%	Other	1%
Encamped in Bus Station	1%	Mayor's Office	0.79%
Encampment Protocol Questions	0%	Internal-Transit	0.79%
		Hamilton Police Services	1%
		Encampment Resident	0.52%
		Internal-Facilities	0.26%

MARCH 2024 Total # of Service Requests: 328			
Nature of Request		Source of Request	
Request to Enforce Protocol	26%	Concerned Citizen	76%
Reported Garbage/Debris	21%	Internal-Public Works	5%
Reported Encampment	19%	Community Stakeholders	4%
Follow-up(s) to Previous Request	16%	BIA or Local Business	4%
Supports for Unsheltered Individual(s)	6%	Councilor's Office	3.05%
Other	5%	Internal-Other	3%
Health & Safety Concerns	5%	Internal-Housing Services	2.44%
Abandoned Building	1%	Other	2%
Encampment Protocol Questions	1%	Encampment Resident	0.61%
Encamped in Bus Station	1%	Internal-Municipal Law Enforcement	1%
		Mayor's Office	0.30%
		Hamilton Police Services	0%

APRIL 2024 Total # of Service Requests: 530			
Nature of Request		Source of Request	
Follow-up(s) to Previous Request	28%	Concerned Citizen	77%
Request to Enforce Protocol	22%	Internal-Public Works	7%
Reported Encampment	19%	Councilor's Office	4.53%
Reported Garbage/Debris	16%	Internal-Other	3%
Health & Safety Concerns	7%	Community Stakeholders	2%
Supports for Unsheltered Individual(s)	4%	Other	2%
Other	1%	BIA or Local Business	1%
Encamped in Bus Station	1%	Internal-Housing Services	1.13%
Encampment Protocol Questions	1%	Hamilton Police Services	1%
Person Experiencing Homelessness	1%	Encampment Resident	0.57%
General Housing Support	0%	Internal-Municipal Law Enforcement	0%
		Mayor's Office	0.19%
		Hospital or Medical Facility	0.19%

MAY 2024 Total # of Service Requests: 737			
Nature of Request		Source of Request	
Request to Enforce Protocol	33%	Concerned Citizen	74%
Follow-up(s) to Previous Request	28%	Internal-Public Works	7%
Reported Encampment	10%	BIA or Local Business	6%
Reported Garbage/Debris	8%	Internal-Other	3%
Health & Safety Concerns	7%	Internal-Municipal Law Enforcement	2%
Supports for Unsheltered Individual(s)	6%	Councilor's Office	2.04%
Other	3%	Community Stakeholders	2%
Person Experiencing Homelessness	2%	Internal-Housing Services	1.63%
Encampment Protocol Questions	1%	Hospital or Medical Facility	1.22%
General Housing Support	1%	Internal-Fire	0.41%
Encamped in Bus Station	1%	School or Child Care Centre	0.27%
Reporting Fire	0%	Hamilton Police Services	0%
		Other	0%
		Mayor's Office	0.14%

JUNE 2024 Total # of Service Requests: 787			
Nature of Request		Source of Request	
Request to Enforce Protocol	32%	Concerned Citizen	76%
Follow-up(s) to Previous Request	24%	Internal-Public Works	6%
Reported Garbage/Debris	10%	BIA or Local Business	4%
Reported Encampment	10%	Internal-Other	3%
Other	7%	Councilor's Office	2.41%
Health & Safety Concerns	6%	Internal-Housing Services	2.03%
Supports for Unsheltered Individual(s)	5%	Community Stakeholders	2%
Encampment Protocol Questions	4%	Other	2%
Person Experiencing Homelessness	2%	Encampment Resident	1.40%
Reporting Fire	0%	Internal-Municipal Law Enforcement	1%
Reporting Vandalism	0%	School or Child Care Centre	0.25%
Encamped in Bus Station	0%	Internal-Transit	0.25%
		Hamilton Police Services	0%

A8177

Data Notes

Data was pulled from the unsheltered@hamilton.ca email log. Data does not include values from the Housing Focused Street Outreach (HFSO) voicemail log. Email is the more popular form of communication to reach the HFSO team (anywhere from 10-40 emails per day, compared to 1-5 voicemails per day).

Emails received are referred to as service requests, as most emails revolve around some sort of request for service provided by the Housing-led Coordinated Response Team. The Coordinated Response Team includes Housing Services, Municipal Law Enforcement, Parks Department, Vehicle/Parking Enforcement, Hamilton Police Services and Hamilton Fire.

This data includes a breakdown of the *source* of the request, not necessarily the person/department who contacted HFSO in the first place. For example, it is common for Municipal Law Enforcement, Councilor's Offices and the Customer Contact Centre to forward HFSO complaints from concerned citizens.

As many emails include multiple different requests for service at once (for example, request to enforce the Encampment Protocol *and* clean up garbage), requests to enforce are always prioritized when logging.

The process of logging emails has been standardized as much as possible using specific categories and definitions, however, there will be some person-to-person variation when categorizing emails. This is especially true for the more complex, multi-faceted requests.

Logging unsheltered emails began August 1st, 2023, shortly before the Encampment Protocol was put into place. This information was not tracked prior to August 2023.

As seen above, the categories occasionally change over time. This is due to the team's ongoing quality improvement initiatives to better align the logging with data requests.

Definitions: Nature of Requests

Reported Encampment: informing the HFSO team of a new encampment. More neutral in nature and does not request any enforcement or action.

Request to Enforce Protocol: when the individual/department contacting HFSO specifically requests that an encampment be enforced under the Encampment Protocol. Requests of this nature have increased in frequency over time as the public becomes more familiar with the Protocol guidelines.

Reported Garbage/Debris: request for cleanup of garbage, debris, abandoned encampments and hazardous waste (needles, glass, etc.)

Supports for Unsheltered Individual(s): this could include a variety of requests for the HFSO team to support folks living outside. Examples include self-referrals from unsheltered individuals, referrals from community partners and case manager requests to keep a look-out for their clients.

Health and Safety Concerns: this includes a service request pertaining to any health and safety issue.

Encamped in Bus Station: reported unsheltered individual encamped in a bus station. Due to the increase of these requests in the winter and increased volume of data requests for this statistic, this category was separated from "Reported Encampment".

Person Experiencing Homelessness: emails will be logged with this when individuals email about a person who is unsheltered but does not have a tent or temporary structure.

A3893

Abandoned Building: emails are logged with this when the nature of the service request revolves around an unsheltered individual in an abandoned building.

Encampment Protocol Questions: this category includes any question specifically about the Encampment Protocol.

Reporting Fire: any email reporting an active or previously active fire.

Reporting Vandalism: any email reporting vandalism, often in the form of graffiti or theft of public goods.

General Housing Support: any email requesting support with housing and not pertaining to the Encampment Protocol.

Other: any email that does not align with the categories above.

Definitions: Source of Request

Concerned Citizen: any member of the public not affiliated with any organization or business. Typically, a taxpayer living in the neighbourhood of an encampment.

Internal-Public Works, BIA/Local Business, Internal-Municipal Law Enforcement, Councilor's Office, Internal-Housing Services, Internal-Transit, Hamilton Police Services, Mayor's Office, Internal-Facilities, Hospital or Medical Facility, Internal-Libraries, Internal-Fire: all as the name describes.

Internal-Other: could include Healthy & Safe Communities, Animal Services, Public Health, Ontario Works, Tourism & Culture, etc. Any internal department not described in definition above.

Other: any source not included in the above definition. Examples include other municipalities, other levels of government or the media.

Encampment Resident: previously categorized as People With Lived Experience. An unsheltered individual reaching out to HFSO.

Community Stakeholder: any community partner with the City of Hamilton. Typically, these emails come from shelters and Intensive Case Management programs.

This is **Exhibit "K"** referred to in the Affidavit of Danielle Blake affirmed before me at the City of Hamilton, in the Province of Ontario, on July 30, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:
Bevin Shores
75E43E7F402846F...

Commissioner for Taking Affidavits
(or as may be)
Bevin Shores (LSO No. 56161F)

Encampment Protocol

Rules and Regulations

Updated: August 2023

A8180

Less than five (5) tents per cluster, with 50m of separation between each cluster

Encampments are NOT to be located on or within any:

Off-Leash Dog Area

Cemetery

Community Garden

Sidewalk or Pathway

Fire Route or Blocking Fire Hydrant

Entrance, Exit, or Doorway

Accessibility Entrance or Ramp

Area Susceptible to Flooding or Erosion

100 metres of any:

School or Childcare Centre

Playground or Spray Pad

Pool or Waterpark

10 metres of any:

Private Property

50 metres of any:

Hamilton Alliance for Tiny Shelters Pilot Site

Sports Fields, Multi-Use Courts and Bleachers

Lake, Beach, Pond, Watercourse, or Dock

5 metres of any:

Transit Stop or Highway

Property with a Heritage or Environmental Designation

A3896

Note: Encampments should not be placed against, under, or be attached or tied to any building or structure. All temporary shelters or tents must be freestanding.

If you are experiencing homelessness and require support or follow-up, contact Housing Focused Street Outreach at the City of Hamilton at unsheltered@hamilton.ca or 905-546-2828

Court File No. CV-21-00077187-0000

KRISTEN HEEGSMA et al. - and - CITY OF HAMILTON

Applicants Respondent

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
HAMILTON

AFFIDAVIT OF DANIELLE BLAKE
AFFIRMED July 30, 2024

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File Number: H227899

Court File No. CV-21-77187

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

KRISTEN GEEGSMA, DARRIN MARCHAND, GORD SMYTH, MARIO MUSCATO, SHAWN ARNOLD, BRADLEY CALDWELL, CHRISTINE DELOREY, GLEN GNATUK, TAYLOR GOGO-HORNER, CASSANDRA JORDAN, JULIA LAUZON, AMMY LEWIS, ASHLEY MACDONALD, COREY MONAHAN, MISTY MARSHALL, SHERRI OGDEN, JAHMAL PIERRE, LINSLEY GREAVES and PATRICK WARD

Applicants

- and -

CITY OF HAMILTON

Respondents

--- This is the Cross-Examination of DANIELLE BLAKE upon her affidavit sworn July 30, 2024, taken via video conference hosted by the offices of Nimigan Mihailovich Reporting Inc., 1 James Street South, Suite 701, Hamilton, Ontario, L8P 4R5, on the 19th day of August 2024.

A P P E A R A N C E S :

Sujit Choudhry, Esq., for the Applicants
& Sharon Crowe, Esq.,
& Curtis Sell, Esq.,
& Nnonyechi Okenwa, Esq.

Bevin Shores, Esq., for the Respondents

Also Present: Liz Marr, Vivian Caldas

REPORTED BY: Lorraine Fedosoff, (CSR) Ontario

A8182

I N D E X

WITNESS: DANIELLE BLAKE

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The following list of undertakings, advisements and refusals is meant as a guide only for the assistance of counsel and no other purpose

INDEX OF UNDERTAKINGS

The questions/requests undertaken are noted by U/T and appear on the following pages: None

INDEX OF ADVISEMENTS

The questions/requests taken under advisement are noted by U/A and appear on the following pages: 60:15, 62:17

INDEX OF REFUSALS

The questions/requests refused are noted by R/F and appear on the following pages: 26:16, 44:24

INDEX OF EXHIBITS

NUMBER/DESCRIPTION	PAGE NO.
1: Report HSC23041 - Addressing the Needs of Unsheltered Individuals at Encampment and Emergency Shelter Capacity marked for identification.	24
2: Encampment Observation Report dated May 15th, 2024 marked for identification.	28
3: Document entitled "Reducing Homelessness and Managing Encampments" marked for identification.	34
4: Document entitled "Encampment Protocol Distance Proposals" dated August 12th, 2024 marked for identification.	46
5: Document entitled "Point in Time Connection Results 2021" marked for identification.	71

A3898

--- upon commencing at 10:02 a.m.

DANIELLE BLAKE: Affirmed

CROSS-EXAMINATION BY MR. CHOUDHRY:

1. Q. Ms. Blake, good morning. Can you hear me?

A. I can, yes.

2. Q. Good. Thank you. Ms. Blake, my name is Sujit Choudhry. I am one of the lawyers for the applicants in this case. And so I'm just going to begin with a bit of introduction, if you don't mind, before I get into asking questions [indiscernible].

And so as you know, Ms. Blake, I'm cross-examining you on your affidavit which has been filed by the City in a court case regarding homeless encampments, and your affidavit in this cross-examination will be put into evidence before the Court --

A. Yes.

3. Q. -- and so it's therefore important that you tell the truth. If you would like me to repeat a question, please do. If you would like a moment to collect your thoughts to answer a question, please take it.

And just to confirm, I'm sure the

A8183

A. Thank you, yes.

6. Q. Great. And Ms. Blake, do you have any questions about anything I've just said?

A. No.

7. Q. Okay. Good. So Ms. Blake, if we could begin, is just want to start a bit with your role at the City. And so I understand that you've been an employee of the City of Hamilton for 20 years?

A. That's correct.

8. Q. And so you are currently manager of Housing Focused Street Outreach; is that right?

A. That's correct.

9. Q. Okay. And you're also currently acting director of Housing Services?

A. For the capacity of the encampments, yes.

10. Q. Oh, sorry, I didn't realize that. What do you mean for the capacity of the encampments?

A. So I am doing the director level. I work for the encampment portfolio, but there is another person who is currently acting director of Housing Services.

11. Q. I see. And how long have you been

City's counsel has told you this. You may only have your affidavit in front of you and you may not have any notes. Could you please confirm that that's the case, ma'am?

A. Yes, that's correct.

4. Q. Okay. Thank you.

THE COURT REPORTER: Sorry, sir, can I just get you to speak up, please? I am having trouble hearing you.

MR. CHOUDHRY: I said thank you. Lorraine, can you hear me?

THE COURT REPORTER: Could we just go off, counsel, please.

-- OFF THE RECORD DISCUSSION --

BY MR. CHOUDHRY:

5. Q. So Ms. Blake, the -- I've given the instructions. The last instruction I just want to give you is that there might be points in your cross-examination where I refer you to evidence.

Some of that evidence will be in your affidavit; some of that evidence will be exhibits to your affidavit; some of that evidence will be in City websites or they'll be other documents, and I'll put those up on the screen so that you can see them and I'll take you through them, all right?

in this acting role for?

A. I believe it's been since June.

12. Q. Okay. And are you able to tell us how long you'll be in that role for?

A. No, I'm not sure.

13. Q. Okay. All right. I just want to get a sense of your involvement in housing issues prior to these two current roles. I guess is it correct to say you're wearing two hats right now?

A. Sort of, yes.

14. Q. Okay. So prior to wearing these two hats, could you just begin to walk me back a bit? And I'll let know when to stop because 20 years is a long time.

A. Sure. So prior to being the manager of Housing Focused Street Outreach, I was the supervisor of access to housing, which is our social housing waitlist. That was my role for approximately seven years before taking on this role.

Prior to that, I was a supervisor for the Ontario Works program for about a year and a half, and then prior to that, I was with the -- I was with the Ontario Works program for the rest of my career before that.

A3899

15. Q. Okay. And so with your prior role to these two, right, so before you joined HFSO, over -- what were the exact dates? If you could just give us the years, perhaps?
A. Sorry, the exact dates from when I joined Housing Services?
16. Q. Yeah, if you wouldn't mind, please.
A. Okay. So I came to Housing Services in 2017. So roughly April of 2017.
17. Q. Mm-hmm. Okay. And so in that prior role, did you have any direct involvement with the October 2020 encampments protocol?
A. I did not.
18. Q. And were you involved at all in the process surrounding the repeal of that protocol of August 2021?
A. I was not.
19. Q. So you can't answer questions about those things, about those --
A. Correct.
20. Q. -- decisions? Okay.
A. Correct.
21. Q. I just needed to verify. All right. And so I'd like to now go to your

affidavit. And so if you wouldn't mind, we're going to turn to paragraph 14 of your affidavit. So as I refer to your affidavit, Ms. Blake, you should feel free to flip to it so you can see what I'm referring to.
A. Sure.
22. Q. Okay. So Ms. Blake, at paragraph 14 you state -- you refer to an Exhibit C, which is a report of the General Issues Committee; is that correct?
A. That's correct.
23. Q. And it's dated January 18, 2023?
A. That's correct.
24. Q. Okay. I'd like to take you to that, if I may, because I'd like to ask you some questions about it.
A. Sure.
25. Q. And so I'm going to put on the screen in a minute some passages from this document that I think that I'd like to kind of raise with you, okay?
A. Okay.
26. Q. Okay. And so first of all, let me do a screen share here. Give me one second. All right. So Ms. Blake, can you still hear me?

A8184

A. I can.
27. Q. Okay. So this is page 6 of the document and you're welcome to have it in hardcopy as well if you want to refer to it.
So what I'd like to take you through is a bit of this chronology, and so here what I'm particularly interested in is the March -- the entry describing March 22nd, 2022, the motion 11.3 of the planning process -- or the Planning Committee, and the motion refers to directing staff to:
"Complete their activities under the encampment process, including notifying the Hamilton Police that a Trespass Notice has been issued within 12 to 72 hours after staff receive the first complaint regarding unauthorized camping in a City park or public place."
It also directs staff to enforce the encampment process seven days per week. Do you see that?
A. I do.
28. Q. So this motion refers to the

encampment process. So I just want to confirm I understand what the components of that process are, if I may, with you.
And I have six -- I understand that there's six parts to it. What I'd like to do is state those parts to it and you can just confirm that they are part of that process, if I may.
A. So I'm not very familiar with that process. I was not a part of the team when that process was actually operationalized. So I'm not very familiar with that process.
29. Q. And you can't answer questions about it?
A. Unfortunately, no.
30. Q. And you can't answer questions about how the process was enforced?
A. I cannot at this time, no.
31. Q. Not at this time. Okay.
A. I cannot, yes.
32. Q. Okay. And so that's helpful. Just give me a second, Ms. Blake, if you may, because I have a series of questions about that.
A. Sure.
33. Q. Okay. And so I'm just going to ask you some questions for the record and, if you

A3900

aren't able to answer, please just say so.

And so can you -- so you can't explain why the motion 11.3 was adopted by the Planning Committee on March 22nd, 2022, can you?

A. No, I cannot.

34. Q. Okay. And then if you continue down this document, there is a -- it states that on March 30th, 2022, in response to motion 11.3, Council approved the encampment process at staffing feasibility/service levels impacts -- that's a report -- and then it approved four new temporary dedicated MLEO officers at certain costs. Were you involved in that decision at all?

A. I was not.

35. Q. So can you offer any evidence about that or an explanation about this?

A. I cannot. I didn't join the team until 2023.

36. Q. Okay. Fair enough. Okay. Thank you for that. And so you can't explain why the decision to hire these officers?

A. I cannot.

37. Q. Okay. So I now would like to continue and I'd like to take you to page 10 of this document, and so -- I'd like to kind of ask

you some questions about this last paragraph here about the HFSO.

And why don't we take a minute, if you could. And this continues onto the next page. If you could just refresh your memory, just to re-read this paragraph, I'd like to ask a couple of questions to help us summarize it because it's quite long.

A. Yeah, sure. Okay.

38. Q. Okay. Great. And so I just want to summarize. I want to put to you some points that I -- and ask you if you agree with them as fair summaries of this paragraph. So the first point is that:

"HFSO engages with unsheltered individuals, understanding their needs and makes referrals for them."

Do you agree with that statement?

A. I do.

39. Q. Okay. The second statement is:

"HFSO makes referrals for housing, including putting individuals on waiting lists, referring individuals to shelters, makes referrals for health and also

A8185

for social assistance."

Is that true?

A. Yes.

40. Q. And also, "HFSO provides direct assistance to secure housing." Is that true?

A. Yes.

41. Q. And so I now would like to take you to a third passage, and if you want to follow along, it's at the bottom of page 14 and it begins here with a section entitled "Impact on People with Lived Experiences".

A. Okay.

42. Q. And I want to take you to the second paragraph that begins at the bottom of page 14 and goes over to the next page. I'm going to read it into the record and then ask you a question about it.

A. Okay.

43. Q. So it says, "Others living" -- I'll highlight it for you if that helps:

"Others living in encampments moved to less conspicuous areas where they would not be found and, therefore, would not need to move as frequently."

Do you see that sentence?

A. I do.

44. Q. Is it your understanding that encampment residents were moving because of the enforcement of bylaws under the enforcement process?

A. I would say yes, that is my understanding.

45. Q. Okay. Thank you. And then I'd like to take you to the next sentence and it says:

"This impacted the ability of HFSO staff to aid as it became more difficult for staff to find them to make necessary referrals and provide harm reduction and other basic supplies."

Do you agree with that statement?

A. I do.

46. Q. Okay. And then I'd like to take you to the third sentence here, and let me just make this a little bit larger so it's easier to see and I'm going to highlight it for you. The third sentence says the following:

"Additionally, due to gaps between making contact with people

A3901

living in encampments, it became more difficult for HFSO staff to maintain continuity in providing a housing plan as this requires ongoing interaction with staff and coordination with other services in the community."

Do you agree with that statement?

A. I do. Just to clarify, that it is -- it provided challenges, but outreach staff still continued to make contact with most of the folks living outside at that time.

47. Q. But it did provide challenges?

A. It did.

48. Q. And those challenges wouldn't have existed if individuals weren't moving; is that correct?

A. I would say by nature of people who live encamped, they do move anyway. So I would say the movement does make things challenging, but the movement was not strictly because of the enforcement of the bylaws. It is sort of the nature of people who live in encampments.

49. Q. Okay. So now let me move on to page 15, and so I would like to look at -- if you

give me one second, it's the section "Continuing Encampment Response in the City", and I'd like to take you to this paragraph -- the third paragraph of the first sentence here. So it states:

"Several individuals who remain in encampments have refused available emergency shelter space, which they report they have done for a variety of reasons. Their stated reasons include lack of space for couples, lack of space for pets, safety concerns, service restrictions and policies restricting drug use in shelters."

Do you agree with that statement?

A. I agree that that is what we've heard from individuals, correct.

50. Q. Okay, good. And now let's move on to this next sentence:

"For these individuals, there are very few places to stay overnight in the community which adequately meet their needs and they often persist in encampments as a result."

A8186

A. Are you asking if I agree with that one?

51. Q. Yes, I am.

A. Okay. I agree that that is the perception of people that are in encampments. I would say that it is not the case that there are no options for those individuals.

People that have pets, that are part of couples, that are drug users have the option to go to shelters. It just would not be their preference to go to a shelter that restricts pets or drug use or them being with their partner.

52. Q. Now, Ms. Blake, just to be fair, though, I mean I think the previous sentence described the views of encampment residents, but this sentence doesn't do so. It's a statement of fact from the City, wouldn't you agree? It says:

"For these individuals, there are very few places to stay overnight."

It doesn't say for these individuals in their view there are very few places to stay overnight; isn't that correct?

A. That might be the way that you're reading that, but that was not the way it was

intended.

It is intended to say according to those individuals, there are very few places to stay because we know that some of those individuals could choose to come inside either separately from their partners, if their pets were able to stay somewhere else or if they were able to use drugs outside of the building where they were staying. So some of these things are preferences for someone.

53. Q. And did you draft this document?

A. Personally, no.

54. Q. Okay. But you're saying -- but you're nonetheless opining on what was intended by that statement?

MS. SHORES: Well, counsel, you asked her.

MR. CHOUDHRY: Yeah. Well, I'm trying to understand the basis for her assertion regarding the intention behind the statement.

BY MR. CHOUDHRY:

55. Q. So if you could answer the question, Ms. Blake?

A. I would say that my knowledge of the system and the fact that I do know that there

A3902

are spaces for those individuals to stay should they choose to is what's informing my statement.

56. Q. Okay. And then let's take you to the last paragraph -- the last sentence here. It says:

"Connecting individuals in encampments to HFSO workers [and I think the word 'that' might be a typo] can assist with basic needs, supports and build the necessary rapport to make effective referrals to address complex mental health issues, substance use and other health and housing needs."

Do you agree with that statement?

A. I do.

57. Q. Okay. I'd now like to take you to the next paragraph and this sentence here and I'd like to read it:

"Several unique individuals continue living in encampments throughout the City for which an enforcement-based approach is not deemed to be prudent nor effective."

Do you agree with that statement?

A. I do.

58. Q. And so do you agree that the basis for that statement is that if the City removed an encampment, some individuals would not go into shelter?

A. No, that is not how I read that statement.

59. Q. Then why do you say that it's not prudent nor effective?

A. This speaks to individual circumstances on a couple of different, unique individuals, very specific --

60. Q. Okay.

A. -- circumstances.

61. Q. Okay. A couple of unique? It says several individuals.

A. Okay.

62. Q. How many --

A. Several --

63. Q. -- are we -- sorry.

A. I have no idea, I have no idea.

64. Q. You have no idea. Okay. And so for those individuals, would you agree that if their encampments were removed, they would not go into shelter?

A8187

A. I can't speak to -- I don't know those individual circumstances.

65. Q. So why would it state that living in -- that an enforcement-based approach is not prudent or effective?

A. The only thing I can assume is that it's speaking to someone --

MS. SHORES: Hang on. Sorry, Danielle. Danielle, I'm going to just interject. You're here to give evidence based on your knowledge, not speculation or assumption. That's not something that anybody is asking of you.

So if you can answer the question based on your knowledge, then please do so. But if you're assuming or speculating, then I'll instruct you not to do so.

THE WITNESS: Okay. So having not authored this report, I don't know what that refers to specifically.

BY MR. CHOUDHRY:

66. Q. Okay. Thank you. All right. So I'm going to take you back to your affidavit. So if you just give me a second. Okay. So this is paragraph 21 of your affidavit, and it refers to the August 14th, 2023 report to the General Issues

Committee, and that is actually Exhibit G. So I'm going to take you to Exhibit G.

A. Okay.

67. Q. And I'm taking you now to page 7 of this report and I want to take you to this paragraph. So if you could just refresh your memory there?

A. Okay.

68. Q. And so this paragraph, it refers to another document called "Report HSC23041 - Addressing the Needs of Unsheltered Individuals at Encampment and Emergency Shelter Capacity"; does it not?

A. It does.

MR. CHOUDHRY: So I'd like to now call up as Exhibit 1 to the cross-examination that report, and I'll put it up on the screen. So if you give me one second, please.

EXHIBIT NO. 1: Report HSC23041 - Addressing the Needs of Unsheltered Individuals at Encampment and Emergency Shelter Capacity marked for identification.

BY MR. CHOUDHRY:

69. Q. So do you see that report on the

A3903

screen?

A. I do.

70. Q. Okay. I'm just going to move something here. Okay. So do you recognize this report?

A. I do.

71. Q. Were you involved in preparing it?

A. Not directly.

72. Q. Did you read drafts of it?

A. Yes.

73. Q. Okay. And would you agree -- so I'm going to take you down to the recommendations here. So if you could just look at this recommendation --

A. Okay.

74. Q. -- okay, and then I want to take you to this recommendation as well.

A. Okay.

75. Q. And then there's further recommendations here, (d).

A. Yes.

76. Q. Okay? And then there's further recommendations, (e), (f), (g). So there's lot of recommendations, and I'm going to continue down to (h), (i), (j). Just tell me when you've had a

A8188

79. Q. Ms. Blake, your counsel has objected to the question so we'll move on. So let me take you to page 9, and I want to take you to -- this is the section called "Analysis and Rationale for Recommendation". Do you see it?

A. Yep.

80. Q. And I want to take you to the "Emergency Shelters" heading. Do you see that?

A. I do.

81. Q. And I want to take you to two statements that I've highlighted. The first is as follows and I'll read it into the record:

"Although the number of beds within the system was significantly higher from March 2020 through December 2022, demand for emergency shelter increased proportionately and shelter occupancy remained at capacity or overcapacity during the same period."

Do you agree with that statement?

A. I don't have direct knowledge of that particular capacity within the shelter system.

82. Q. Okay. And I'd like to take you to the second sentence I've highlighted and I'll read

chance to look at all of those recommendations, and, if you want me to scroll back, I can. Let me know.

A. It's okay. I'm good. Okay.

77. Q. So I'd like to summarize these recommendations, if I could. So would you agree that it's fair to summarize these recommendations as a recommendation from staff --

MR. CHOUDHRY: Yes?

MS. SHORES: Go ahead, counsel.

MR. CHOUDHRY: Yeah.

BY MR. CHOUDHRY:

78. Q. That staff recommended emergency response expenditures to City Council to address the needs of unsheltered individuals?

R/F MS. SHORES: Yeah, I'm going to interject, counsel. If you're weighing the foundations for the next question, I don't want to obstruct, but she's -- the report says what it says and she's already indicated that she wasn't involved in its preparation. So I'm not sure how much purpose is to be served by having her summarize it.

MR. CHOUDHRY: Okay. Fair enough.

BY MR. CHOUDHRY:

it out:

"Persistent overcapacity and long stays in the emergency shelter system are a direct result of lack of permanent housing options. Beds are occupied for longer periods leading to bottlenecks and forcing others to be turned away due to lack of space."

Do you agree with that statement?

A. Again, that's not within my scope of expertise. I don't know. I'm not an expert in capacity in the shelter system.

83. Q. Okay. Thank you. And so I'd like to now shift gears, if I may, to a different time period which is after the enactment of the August 2023 protocol, okay, and I'd like to take you to two documents.

MR. CHOUDHRY: And so the first one I'd like to mark as Exhibit 2 to the cross-examination. And to the court reporter, I -- we will send you copies of these documents, ma'am, when we're completed with the cross-examination of Ms. Blake, okay.

EXHIBIT NO. 2: Encampment Observation

A3904

Report dated May 15th, 2024 marked for identification.

BY MR. CHOUDHRY:

84. Q. So Exhibit 2 is a -- is this report. It is entitled "Encampment Observation Report". It's dated May 15th, 2024. Do you see it?

A. I do.

85. Q. Have you ever seen this report before?

A. I have.

86. Q. Are you familiar with it?

A. I am.

87. Q. Were you involved in preparing it?

A. Yes.

88. Q. Could you please explain the role you had in preparing it?

A. So I had oversight over the report while it was being written by Mike Jones who was the senior project manager on my team.

89. Q. And so when you said "oversight over the report while it was written by Mr. Jones", does that mean that you -- could you explain what that oversight --

A. Sure.

A8189

And it's a section called "Barriers to Housing and Emergency Shelter", and it begins -- it starts at the bottom of page 13 and runs over to the next page. So I'd like you to just refresh your memory by looking at these passages, please.

A. Okay.

97. Q. So the first sentence states the following:

"Without identified outflow from encampments into indoor spaces such as emergency shelter, temporary or transitional housing or permanent housing, encampments are likely to maintain or increase in total."

And so would you agree that that's the conclusion of staff?

A. Yes.

98. Q. Okay. I'd now like to take you to the next paragraph which I believe offers an explanation for that staff conclusion. And so the first sentence says:

"Individuals living unsheltered reported several barriers to emergency shelter, including a lack of pet-friendly and couples' spaces,

90. Q. -- consisted of?

A. Yeah, so I would review drafts, as well as provide input into the content.

91. Q. Okay. And how many drafts did you review?

A. I have no idea.

92. Q. Okay. And how long did it take this report to be drafted?

A. Again, I have no idea.

93. Q. And did you have to approve the report in its final version?

A. No, approval would be given by Michelle Baird at that time.

94. Q. And before it went to Ms. Baird, did you have to approve it?

A. Not in an official way. I reviewed it, but I did not approve it in any official capacity.

95. Q. But before it was sent to Ms. Baird for her official approval, did you have finished your rounds of revisions and feedback to Mr. Jones?

A. Correct.

96. Q. Okay. Thank you. Okay. So I'd like to take you to the bottom of page 13. Okay.

harm reduction friendly policies, privacy concerns, and requirements to leave and return to secure a bed every day that precluded them from wanting to access the service."

Do you agree with that statement?

A. Yes, that is what we heard from individuals.

99. Q. And then let me take you to the next sentence. It says:

"When asked if they would consider accessing spaces in the emergency shelter system more suitable to their needs (i.e., some of the barriers to access were potentially reduced) 71 percent were interested. To reflect this need, Housing Services division continues to explore various program models aimed at providing more inclusive service."

Do you agree with this statement?

A. Yes.

100. Q. Okay. And then further down the page, I want to take you to a -- this paragraph.

A3905

I'm going to read a sentence to you:

"Housing also continues to be difficult to acquire for individuals living in encampments, especially those who may require supports that assist in their transition."

Do you agree with that statement?

A. I do.

101. Q. And then the next sentence states:

"While many of the individuals living outside had connected with housing supports and were on the access to housing waitlist, many still felt unsupported and shared little to no hope in acquiring housing."

Do you agree with that statement?

A. Yes, I agree that that is what we heard from people.

102. Q. Okay. I'd now, Ms. Blake, like to take you to a June 2024 document. So I'm going to be switching to a new document on the screen.

MR. CHOUDHRY: And this is the document that we'll mark as Exhibit 3 to the cross-examination.

EXHIBIT NO. 3: Document entitled "Reducing Homelessness and Managing Encampments" marked for identification.

BY MR. CHOUDHRY:

103. Q. As you'll see it states "Reducing Homelessness and Managing Encampments", and Ms. --

MR. CHOUDHRY: I'm sorry, counsel?

MS. SHORES: Yeah, I need to interject, and I probably ought to have done sooner. The document that you've placed on the screen has some redlining and some highlighting. That was added, I assume, by you or by your office?

MR. CHOUDHRY: Just to help direct the witness to certain passages that I was going to pose to her.

MS. SHORES: Yeah, but there's also some text on this particular document.

MR. CHOUDHRY: This one just has the correct page. Yeah, that's --

(Simultaneous speakers - unclear)

MS. SHORES: Right. But the point is this document has been altered from its original state, and I think that should be indicated on the record.

MR. CHOUDHRY: Sure. I'll make it easy

A8190

for you. That document -- that text has now been removed, and I can undertake, too, counsel, that the only alterations have been simply to highlight or sidebar or underline to provide direction to the witness to identify text.

MS. SHORES: Okay. So yeah, let's just get this clear on the record. And I don't have the document numbers handy, but -- so there was Exhibit 2, I think, also had some sidebars and highlighting on it, and this exhibit, whichever number this is, also has sidebars and highlighting that were added and, therefore, do not represent the original document.

MR. CHOUDHRY: Sure. But again, to be clear, there was no additional text added nor alteration to the text, counsel.

MS. SHORES: Right. But it's also relevant for anybody who may be looking at these documents in the future that the highlighting --

MR. CHOUDHRY: Of course.

MS. SHORES: -- and sidebaring was not in the original.

MR. CHOUDHRY: Fair, fair. That's fair.

BY MR. CHOUDHRY:

104. Q. Okay. So Ms. Blake, I see that I've highlighted your name here, so I take it that you prepared this document?

A. Yes.

105. Q. So you're familiar with it?

A. I am.

106. Q. Ms. Blake, the document states that the date is June 19th, 2023. Is that accurate?

A. It is not.

107. Q. What is the actual date?

A. June 19th, 2024.

108. Q. That's a typo?

A. Correct.

109. Q. Okay. And so there are four issues I would like to cover in this document with you, if I may, okay?

A. Okay.

110. Q. So the first is I'd like to go down to page 2, and, again, you'll see my highlighting here and there is -- under point (c) it begins by saying:

"That staff be directed to prepare a motion to amend the encampment protocol."

A3906

And then I've highlighted for your reference a number of amendments or possible amendments. Could you just update us? Were staff, in fact, directed to prepare a motion to amend the 2023 August protocol?

A. Yes.

111. Q. They were. And they were directed by Council?

A. Yes.

112. Q. By a vote at a meeting?

A. Yes.

113. Q. Do you happen to recall the date on which Council voted to direct staff to amend the protocol?

A. I do not know, no.

114. Q. Okay. Would it have been after this report was tabled, though?

A. No, it would have been before. This is in response to a motion received from Council.

115. Q. I see. So I'm just going to go back to the top. This section is entitled "Recommendations" --

A. Okay.

116. Q. -- and I had understood -- and

maybe I misunderstood, Ms. Blake -- that this report contained recommendations to the General Issues Committee, and one recommendation to the committee is that staff be directed, as in in the future be directed, to prepare a motion to amend the encampment protocol. Have staff been directed to prepare such a motion?

A. I'd have to refer back to Council minutes. I'm not sure. I can't remember the chronicity of that.

117. Q. Okay. I'd like to ask you a question about the substance of these recommendations --

A. Okay.

118. Q. -- if I could, or these potential -- lot's call them possible amendments to the protocol.

A. Okay.

119. Q. So the first one is (i), if you could just read that.

A. Yes.

120. Q. And so would you agree that -- that (i) would remove a current condition on encampments?

A. Yes.

A8191

121. Q. Okay. I'd now like you to read (ii) through (iv).

A. Okay.

122. Q. Would you agree that those proposed amendments would add additional conditions for encampments?

A. Correct.

123. Q. Okay. And so Ms. Blake, again, I'm just going back a bit to try to get a sense of where things stand with this and, if you don't know, just please say so. Again, I'm sorry if I'm covering ground we've already covered.

My understanding is that there was a General Issues Committee meeting on August 12th, 2024; is that right?

A. That is correct.

124. Q. Ms. Blake, were you in attendance at that meeting?

A. I believe I was. I usually am, but I don't recall specifically if I was at that meeting.

125. Q. Okay. I imagine you have to go to lots of meetings. Okay. So Ms. Blake, I understood -- and if you can't answer, please just say you can't answer. I understood that at that

meeting there were some further amendments, possible amendments to the encampment protocol discussed. Do you recall that?

A. I do.

126. Q. For example, is it correct that there was a discussion to possibly amend the protocol to exclude Southam Park?

A. Yes.

127. Q. And to possibly exclude Sam Lawrence Park?

A. Yes.

128. Q. And to possibly exclude Confederation Beach Park?

A. Yes.

129. Q. And to possibly exclude Mountain Drive Park?

A. Yes.

130. Q. And to the best of your recollection, can you recall if at the August 12th, 2024 General Issues Committee meeting there were -- there was a discussion of any other possible exclusions from the scope of the August 2023 protocol discussed?

A. I believe that there was a motion brought forward to further increase some distances

A3907

spoken to in the protocol.

131. Q. And do you recall the specifics of that motion?

A. I can't off the top of my head, no.

132. Q. Do you recall if the motion was adopted?

A. It was not. But the -- sorry, I think I'm confusing myself. Are you referring to the -- like are you -- so maybe just to backtrack, so these particular exclusions were not as a result of the motion. I have clarified that in my head now.

So the ones that are on the screen highlighted were not the result of the motion. Those were staff recommendations. There was a motion brought forward by one of the councillors subsequently that spoke to additional restrictions. Are those the restrictions that you're referring to?

133. Q. Yes, Ms. Blake, they are.

A. Okay. So I believe that it was to put in a 100-metre distance from businesses, as well as from long-term care facilities.

And to add to the bullet point three

there, to include active businesses, there was an additional restriction put in place to amend the distance from pathways, additional distance from active construction sites, et cetera. I can't remember all of them, but that was some of them.

134. Q. And who made the motion, Ms. Blake, if you recall?

A. Councillor Danko.

135. Q. Could you spell that, please, for the benefit of the court reporter?

A. Sure. D-A-N-K-O.

136. Q. And what's the status of that motion?

A. That motion was for us to explore the feasibility of those distances and to bring back a report, which we did bring back, and ultimately there were no motions that came to make changes to the protocol as a result.

137. Q. I see. So the motion to ask you to explore the feasibility of those options was passed and then staff then acted on the motion to explore the feasibility?

A. That's correct.

138. Q. And so when did staff report back?

A. That was August the 12th.

A8192

139. Q. Okay. And then did staff suggest that those proposed amendments were feasible?

A. Staff suggested that it would put each of those --

THE WITNESS: Yep, go ahead.

MS. SHORES: I'm getting a little bit uncomfortable because we're asking about things that are a matter of public record without those documents in front of the witness.

MR. CHOUDHRY: That was my next question. If we could have -- we'd like to be provided with a copy of these documents, please.

MS. SHORES: You can get them from the City's --

MR. CHOUDHRY: Well, I'm asking for an undertaking. Would you please provide them?

MS. SHORES: No, no. And the reason is that they can be obtained publicly from the City's website.

MR. CHOUDHRY: So then you won't object to us putting them in evidence?

MS. SHORES: I didn't say that.

MR. CHOUDHRY: Well, then, you know, Ms. Shores, these documents are relevant to this litigation. I'm asking for an undertaking under

this cross-examination because I'd like to put them to the Court.

If you're telling me you won't provide them because I can get them on the website, then you're saying I can't put them into evidence when I get them on that website. I can't have that.

So I'm asking for an undertaking that you provide them, or yet you raise no objection to us putting them into evidence ourselves. Which will it be?

MS. SHORES: It's not as binary as you're presenting it, counsel. You can obtain this publicly available information at any time, and whether or not they're going to be admissible in evidence depends on the circumstances of their propounded admissibility and what purpose they're intended to be put, and that's something ultimately for the hearing judge to decide.

So I'm not going to preemptively take a position as to admissibility without the context and I'm not obliged to.

MR. CHOUDHRY: So I would like this noted as a refusal.

R/F MS. SHORES: Yes, that's a refusal.

MR. CHOUDHRY: Thank you. Could you

A3908

just give me a moment, please?

MS. SHORES: Yep.

MR. CHOUDHRY: So Ms. Shores, I think we're in a bit of a difficult position because you've said that the -- you've objected to me asking questions about a document that this witness has knowledge of.

You then said you would provide me with a copy of the document. You said it's available on the Council website, but then if we can't have it, then we're going to have to adjourn this cross-examination, but we won't dismiss the witness because we reserve the right to ask her questions about it. We might have to recall her.

MS. SHORES: Counsel, I'm not sure why you say that you can't have it. You can literally go onto the City of Hamilton's website, pull down the agenda or the minutes for the meeting that you want to see and obtain the document.

MR. CHOUDHRY: So we're going to take a break now. We're going to find the document since you won't provide it to us, and then we're going to put it to your witness if we think the questions are appropriate.

MS. SHORES: Sure.

A8193

BY MR. CHOUDHRY:

141. Q. Do you recognize this document?

A. I do.

142. Q. Were you involved in preparing it?

A. I was.

143. Q. What was your role in preparing it?

A. I co-authored the report with my senior project manager.

144. Q. Okay. And so you're familiar with its contents?

A. I am.

145. Q. Okay. And so I understand that this report was prepared in response to a motion for staff to review the report on encampment protocol distance proposals, and I've listed -- I've highlighted on this page five proposals. Are those proposals that you were asked to look at?

A. They are.

146. Q. Okay. And so I'd like to take you to your recommendations, and if you could please -- Ms. Blake, I've just received this document. And so I'd like to -- if you could help me to summarize these points, if you may?

MS. SHORES: Counsel, the document says

MR. CHOUDHRY: Okay. So we'll take a ten-minute break.

--- Recess commenced at1 11:03 a.m.

--- Upon resuming at 11:12 a.m.

BY MR. CHOUDHRY:

140. Q. So Ms. Blake, thank you for waiting while we attempted to locate the Council document I believe you were referring to. I've pulled what I believe to be that document up on the screen. It's stated for the --

MR. CHOUDHRY: And I'd like to mark this as an exhibit to the cross-examination.

MS. SHORES: Which exhibit are we on?

MR. CHOUDHRY: Yes. Lorraine?

THE COURT REPORTER: Yes, I believe we're on 4.

MR. CHOUDHRY: I think this is Exhibit 4. Yes, so we'll mark this as Exhibit 4 to the cross-examination, and this report is entitled "Encampment Protocol Distance Proposals". It's dated August 12th, 2024.

EXHIBIT NO. 4: Document entitled "Encampment Protocol Distance Proposals" dated August 12th, 2024 marked for identification.

what it says.

MR. CHOUDHRY: Okay.

BY MR. CHOUDHRY:

147. Q. And so that's fine, Ms. Blake. The document's in evidence now. We'll go on as we need to.

MS. SHORES: Well, no, it's not in evidence. It's been marked for identification. Whether or not it's admitted into evidence, again, is something for the judge presiding --

MR. CHOUDHRY: Good. Absolutely, Ms. Shores.

BY MR. CHOUDHRY:

148. Q. Okay. So I'd like to take you back now, if I may, to my questions about the previous document. So if you'll give me a second. This is Exhibit 3. So I'd now like to take you -- this is just to refresh your memory. This is the June 19, 2024 report that we were on a minute ago.

A. Yes.

149. Q. And so I'd like to take you to a second issue, and so this is at pages 11 to 12. Okay. And so I'd like to just take you to Figure 2 here.

A. Okay.

A3909

150. Q. And it says that -- and the Figure 2 is entitled "Approximate Demographics of Those Living Unsheltered"?

A. Yes.

151. Q. And it states here:

"The current approximate total number of individuals living unsheltered in Hamilton is 205."

Is that correct?

A. Yes. At that time, yes.

152. Q. Now, Ms. Blake, I can put it on the screen, if you'd like, but there's another witness, Mr. Buckle, who I believe you know?

A. I do.

153. Q. And Mr. Buckle's evidence we will hear is that there are 271 encampment residents in Hamilton?

MS. SHORES: Well, counsel, let's put Mr. Buckle's evidence because there was a particular timeframe of which Mr. Buckle was speaking.

MR. CHOUDHRY: Okay.

BY MR. CHOUDHRY:

154. Q. So would you like me to put Mr. Buckle's affidavit on the screen for you, Ms.

Blake?

MS. SHORES: Well, I would. If you're going to put a particular proposition to her, then please make sure that it's being accurately presented to her.

MR. CHOUDHRY: I will put it up. Just give me one second.

BY MR. CHOUDHRY:

155. Q. So Ms. Blake?

A. Yes.

156. Q. So this is Mr. Buckle's affidavit --

A. Mm-hmm.

157. Q. -- supplementary affidavit, and I'd just like to take you down to the 271 figure. So this is in paragraph 6. If you could just familiarize yourself with it?

A. Yes.

158. Q. Okay. So if you could just tell me when you've had a look at it, I'd like to ask you a couple of questions.

A. That's fine.

159. Q. So are you able to just explain for us the reason why the report, the June 19th report provides a figure of 205 but Mr. Buckle had

A8194

provided a different figure?

A. Yeah, so the 205 number was based on the time that we completed a survey which gave us the data that's contained in the table.

160. Q. Okay. I see. And could you just for the record tell us when the survey was complete as of?

A. I don't recall.

161. Q. Okay. So which is the more recent figure, in your opinion? Is it the 205, or the 271?

A. 271.

162. Q. Thank you. Okay.

MS. SHORES: And to be clear, Ms. Blake is not here to give opinion evidence. I don't think, in fairness to you, counsel, you were actually asking for her opinion, but...

MR. CHOUDHRY: Yeah. And so thank you for that clarification.

BY MR. CHOUDHRY:

163. Q. I wasn't asking for your opinion. I was asking for which figure do you believe is more accurate.

MS. SHORES: Well, you said more recent.

BY MR. CHOUDHRY:

164. Q. Or more recent, the 271?

A. The 271 is more recent.

165. Q. Okay. So I'd now like to take you to this highlighted paragraph here, which is on page 12 of this report. And so would you agree -- and so the first sentence is:

"There are currently 90 encampment sites with over 200 individuals."

Would you agree with that statement?

A. I do.

166. Q. Okay. Then there is an explanation for this at the next paragraph, and I'm going to read it out. The next sentence, it says:

"While there will always be individuals who prefer to live outside, there are individuals who would shelter within City-funded programs if there were appropriate spaces."

Do you agree with that sentence?

MS. SHORES: Well, hang on, counsel. You introduced that statement that you just read as an explanation for the preceding one, and I don't

A3910

see that that's been established yet.
MR. CHOUDHRY: Okay. Well --
MS. SHORES: So you can ask her if she agrees with this -- with the sentence, but your preparatory statement wasn't a question and there's no buy-in from this witness.
MR. CHOUDHRY: Okay.
BY MR. CHOUDHRY:

167. Q. Ms. Blake, do you agree with that statement?

MS. SHORES: Sorry, which statement?
BY MR. CHOUDHRY:

168. Q. Do you agree with the statement:

"While there will always be individuals who prefer to live outside, there are individuals who would shelter within City-funded programs if there were appropriate spaces"?

Do you agree with that statement?
A. I do.

169. Q. Then I will read you the next sentence:

"However, City-funded shelters are constantly [sic] at or

overcapacity."
Do you agree with that statement?
A. I would say that as at the time that this report was written, that is accurate.

170. Q. Okay. Thank you. And then I'd like to take you to the next two sentences which I'll highlight:

"In addition to these capacity pressures, there are gaps in service for individuals with pets and couples without children."

Do you agree with that statement?
A. I do.

171. Q. And then the following sentence:

"Because there is no space for those who are unwilling to access shelters separately from their partners, these individuals will often choose to live in encampments."

Do you agree with that statement?
A. Yes, it is the unwillingness as opposed to the unavailability of that statement.

172. Q. Okay. And then for the next sentence:

A8195

"Without additional resources in these targeted areas, encampments are likely to persist."

Do you agree with that statement?
A. Yes, people will make that choice to be outside as opposed to accessing available shelter space.

173. Q. Okay. And then I'd like to take you to the last sentence here:

"As such, staff used peak encampment population numbers, plus 10 percent, from last summer to develop the number of new shelter beds to consider funding through the recommended Call for Information."

Do you agree with that statement?
A. I do.

174. Q. And so I'd like to take you now to page 13 and I'd like to take you to the first sentence here.
A. Okay.

175. Q. Do you agree with the statement:

"Shelter operators are been chronically unfunded"? [As read]

A. I don't. That's not my area of

expertise. This report was co-authored with other managers, and that would be their purview.

176. Q. Oh, I see. And which manager's purview would that statement be?
A. I think it's at the -- so it's Rob Mastroianni.

177. Q. Rob Mastroianni. Okay. Thank you. And so -- and I'll pose a question. If you can't answer, then please just say so, right.

So would it be fair to say that the goal of increasing shelter funding would be to increase shelter bed capacity?
A. I don't think that it would be fair to say that that is the sole reason, no.

178. Q. Is it a reason?
A. I can't speak to that.

179. Q. Okay. Thank you for that. Okay. I now would like to take you to some data. Just give me a second. So I'd like to take you to this highlighted passage here. So just have a look at it.
A. Mm-hmm.

180. Q. So I'm going to read it into the record. It says:

"We know that the shelter

A3911

system is consistently 99 to 100 percent occupancy with many individuals and families being turned away each night."

Do you agree with that statement?

A. This is, again, not data that I provided. So I can't speak to it.

181. Q. Okay. I'll read the next sentence:

"While we continue to provide 52 hotel rooms (or 208 beds) as overflow, this paired with the current capacity of 345 permanent and 20 temporary shelter beds does not come close to meeting the needs of the roughly 1,592 people experiencing homelessness in the City."

Do you agree with that statement?

A. Again, I did not provide this data. I can't speak to it.

182. Q. Ms. Blake, are you familiar with the City's housing and homelessness dashboard?

A. I know of it. I know roughly the information that's contained on it.

A8196

188. Q. And so I'm going to take you to the dashboard so let me just stop sharing this for a minute.

Ms. Blake, I'm sorry to ask you to go over something you discussed before. You mentioned that there was another individual who is also acting director of housing for other areas of the portfolio?

A. Yes.

189. Q. Could you just spell their name for me, please?

A. It's Al, A-L, last name Fletcher, F-L-E-T-C-H-E-R.

190. Q. Okay. Thank you. So I'm going to put on the screen a website. So this is a City of Hamilton website. It's entitled "Housing and Homelessness Dashboard". Do you see that?

A. I do.

191. Q. Do you use this dashboard in your work?

A. No.

192. Q. You don't. Is this dashboard meant for members of the public or for City staff, or for both?

A. Both.

183. Q. Is your department not responsible for the dashboard?

A. The department is, yes.

184. Q. And so it's within your scope of responsibility as an acting director of the department, then, to oversee the dashboard?

A. As I clarified in the beginning, I am not acting director of the department. I am acting in the director capacity for speaking to encampment-related issues, but not acting director in -- for the entire department.

185. Q. So Ms. Blake, did these figures come from the dashboard?

A. I don't know.

186. Q. You don't know. And who would know that?

A. Very likely Rob Mastroianni.

187. Q. So we should ask him those questions?

MS. SHORES: Well, counsel, she's not going to tell you who to ask those questions.

MR. CHOUDHRY: Okay. Fair enough. I'm just trying to get to the bottom of where these figures came from.

BY MR. CHOUDHRY:

193. Q. For both. And so you see here it says -- and I'm just going to scroll down this dashboard. And so you'll see that the dashboard states, "The average monthly rent in Hamilton is $1,242." Is that correct?

A. I believe it says that that's the 2022 number.

194. Q. The 2022 number. I see. Does the City have numbers for 2023 and 2024, to the best of your knowledge?

A. I don't know.

MR. CHOUDHRY: Counsel, can we have an undertaking to provide those figures if you have them?

U/A MS. SHORES: I'll take that under advisement for two reasons. One, Ms. Blake has already indicated that she's not responsible for this and it's not within her scope.

The other one is that due to the well known cyber attack that the City sustained in February of 2024, there are unfortunately pieces of data that have been lost and not able to be recovered. So I'm not honestly sure what's available.

MR. CHOUDHRY: Okay. But if it's -- go

A3912

ahead.

MS. SHORES: -- my notes -- what is -- please just restate your request so I can --

MR. CHOUDHRY: I will. So I'll state it a bit more precisely, if I could, in just a minute.

BY MR. CHOUDHRY:

195. Q. Ms. Blake, you're the witness who's been -- who is unfortunately -- it's on your watch that I'm having to cover some of this material, and so I understand that you're answering to the best of your ability.

And so Ms. Blake, are you familiar with the open data that is used to generate this dashboard? Do you use it in your work?

A. No.

196. Q. You don't. Okay.

MR. CHOUDHRY: So counsel, I'm going to take you to this link here that's on the City's website, and the figures regarding market rent are from this spreadsheet that the City maintains and the 1,242 dollar figure is here.

And what I'm specifically interested in, if you're able to provide me -- if you can't, just tell us and why, and if it's because of the

cyber attack we understand.

We're interested in the figures for bachelor apartment rents. We have here in the record and I'll just state them in the record. For 2017, it was $632; for 2018, it was 746; for 2019, it's 814; for 2020, it's 867; for 2021, it's 915; for 2022, it's 920, but the data runs out. And so if the City has the new data, we'd like to have it.

We'd also like, again, the updated recent information for one bedrooms, if you may, please, and I'll just -- again, for the record, for 2017, it's 845; for 2018, it's 916; for 2019, it's 963; for 2020, it's 1,033; for 2021, it's 1,095, and for 2022, it's 1,142.

So if you can provide those, we'd be grateful. If you can't, just let us know.

U/A MS. SHORES: So I've taken that under advisement, and also added another basis, that I'm not certain that I'm satisfied of the relevance, particularly of the average market rents given the matters in issue in this proceeding, but you have my position and I've noted down the request.

MR. CHOUDHRY: Okay. Thank you.

BY MR. CHOUDHRY:

197. Q. Okay. So I'll take you back to

A8197

the dashboard. And so Ms. Blake, I asked you where the 1,592 figure came from, and I think -- and you can see 1,592 is here --

A. I can.

198. Q. -- and I see it's dated January 2024. Is the reason that there isn't more recent data because of the cyber attack, to the best of your knowledge?

A. That is the reason.

199. Q. Okay. And so I'd like --

MR. CHOUDHRY: Yes, go ahead.

MS. SHORES: No, sorry, go on.

MR. CHOUDHRY: Yeah, okay.

BY MR. CHOUDHRY:

200. Q. And so I'd like to take you to this -- to the open data link here, if I may.

A. Okay.

201. Q. And this turns up a series of spreadsheets, and I'm going to click -- I've scrolled down to the third spreadsheet, "Scale of Homelessness". So I'm clicking on that, and I just want to scroll -- I'm sorry, the screen is getting cut off here. There's a -- the bottom is the line entry here. Can you see it?

A. Yes.

202. Q. And so it's dated January 31st, 2024?

A. Yes.

203. Q. And the figure's -- the total figure's 1,592?

A. Yes.

204. Q. And the top of that column says "Total Homeless"?

MS. SHORES: Well, counsel, that's what it says. She's already indicated that she doesn't provide this data. She doesn't work with it. So I'm assuming that you're laying your foundation for another question, but if --

MR. CHOUDHRY: I am. I am, Ms. Shores.

BY MR. CHOUDHRY:

205. Q. So my -- and if you can't answer the question, please just tell me, Ms. Blake, because we know you're acting director of a segment of the housing portfolio so we're asking what we can.

Are you able to -- does this figure represent -- of 1,592 represent Hamilton's count of the homeless population?

A. Yes.

206. Q. Okay. Thank you. And so I'd like

A3913

to take you back to the figures for July and August 2021. So is it true that the total homeless population in Hamilton on this table in July -- on July 31st, 2021 was 1,083?

MS. SHORES: Well, counsel, again, you're asking her to interpret data that she's already indicated that she doesn't work with and doesn't provide.

MR. CHOUDHRY: But Ms. Shores, she did answer the question about the previous statistic. So I'm sure she can answer questions about these two figures as well.

MS. SHORES: Well --

MR. CHOUDHRY: If she can't, she can certainly say herself. She's perfectly free to say herself, and I'd appreciate if you'd just let her try to answer her questions herself. You're speculating what she can or cannot say. Let's have her answer the question herself.

MS. SHORES: Well, I'm not speculating. I'm recalling the evidence that this witness previously gave about her familiarity with this data or lack thereof and, to be clear, you haven't put to her what homeless means for the purposes of this dashboard. There are, as I'm sure you've

seen, certain definitions that are on the website.

MR. CHOUDHRY: You're welcome to do that in redirect.

BY MR. CHOUDHRY:

207. Q. So Ms. Blake, I'll pose my question again. On July 31st, 2021, according to this table, were 1,083 people homeless as defined by the City of Hamilton?

A. I really -- I mean, I'm not an expert in this data. I can see what it says in front of me, but I don't know, again, how it's defined, how it's interpreted. Not an expert.

208. Q. So you don't know?

A. I don't know.

209. Q. Okay. And I'll pose the same question again about the August 31st, 2021 data. According to this table, on the City of Hamilton's definition of homelessness, were 1,182 homeless on August 31st, 2021?

A. I can't really say. The -- I'm not comfortable without an actual definition.

210. Q. Okay. And so I'd like to take you back -- I'm going to go back to the previous screen, and now I'd like to take you to the third dataset, "Shelter Beds Available". I'm clicking on

A8198

that.

Okay. So I'm taking that you can't really answer questions about how these figures are put together?

A. No, I cannot.

211. Q. And do you think Rob Mastroianni can?

A. I'm not sure.

212. Q. You're not sure. So you're not sure if -- so do you know who could answer questions about how these figures are put together at the City of Hamilton?

A. I could certainly -- I don't know off the top of my head who specifically is responsible for each of these datasets.

MR. CHOUDHRY: So Ms. Shores, these datasets and what they mean are at the core of the case. And so we would like the opportunity to cross-examine a witness who can answer questions about them. I believe that would have been Michelle Baird because this data certainly falls within the scope of her responsibility, but Ms. Baird hasn't been produced as a witness.

So will you produce a witness who can answer questions, or do we have to go through this

with each of the witnesses until I find one who can?

MS. SHORES: Well, counsel, that's not how applications work. It's not on the City to produce evidence that we anticipate you may want to rely on when this is public information that you haven't put in evidence yourself.

MR. CHOUDHRY: Well, we actually have put this in evidence ourself through RTAs. So this --

MS. SHORES: Requests to admit aren't evidence, counsel.

MR. CHOUDHRY: I'm sorry, Ms. Shores?

MS. SHORES: Requests to admit aren't evidence.

MR. CHOUDHRY: Requests to admit -- fair enough. So we will be relying on that information and it will be the Court to decide whether to admit those documents. Its authenticity you've conceded is evidence.

MS. SHORES: Any documents whose authenticity has been admitted, yes, may be tendered as authentic documents, but the threshold question of admissibility into evidence is separate, and that is actually stated explicitly in

A3914

the Rules of Civil Procedure.

MR. CHOUDHRY: Of course. And it's for us to -- and we will argue that point in court as to whether this evidence is admissible or not, but it's certainly in the record.

BY MR. CHOUDHRY:

213. Q. And so I'm taking, Ms. Blake --

MS. SHORES: Counsel, I just -- speaking on the record, I want to make sure it's clear. Requests to admit don't get filed. So it's not in the record.

MR. CHOUDHRY: The documents that are -- that you've admitted the authenticity to are part of the record whether --

MS. SHORES: They're not, counsel. They're simply not. Authenticity has been admitted. Whether or not they go into the record is a matter of evidence.

MR. CHOUDHRY: And that will be for the Court to determine.

MS. SHORES: Yes.

MR. CHOUDHRY: Thank you.

BY MR. CHOUDHRY:

214. Q. And so I'm going to assume you can't answer any questions about these figures?

A. Correct.

215. Q. Okay.

MR. CHOUDHRY: So I'm going to take a pause here and consider my questions. Can you just -- counsel, can you give us five minutes, please?

MS. SHORES: Of course.

MR. CHOUDHRY: Thank you.

--- Recess commenced at 11:42 a.m.

--- Upon resuming at 11:47 a.m.

BY MR. CHOUDHRY:

216. Q. Ms. Blake, before I put it up, I'd like -- my intention had been to ask you questions about the point in time connection results for 2021.

A. Okay.

217. Q. Are you able to answer questions about that?

A. I am not.

218. Q. You're not. So I'm just going to have it marked as an exhibit to the cross-examination, and then I'll just -- you can just tell me you can't answer questions about it. And so if you'll give me a minute.

Ms. Blake, do you see this document on the screen that's "Point in Time Connection Results

A8199

2021"?

A. I do.

219. Q. Have you read this document?

A. No.

220. Q. So you can't answer any questions about it?

A. No.

MR. CHOUDHRY: Okay. So let's mark this as an exhibit to the cross-examination. Ms. Court Reporter, what number are we at?

THE COURT REPORTER: I believe we're on 5.

EXHIBIT NO. 5: Document entitled "Point in Time Connection Results 2021" marked for identification.

MR. CHOUDHRY: Okay. Well, those conclude my questions for this witness.

BY MR. CHOUDHRY:

221. Q. Thank you for your time, Ms. Blake.

A. Thank you.

RE-EXAMINATION BY MS. SHORES:

222. Q. Just a brief re-examination, and if you'll bear with me one moment, I'm just going to share my screen.

Okay. On my screen, Ms. Blake, you should see a link from the City of Hamilton, "Scale of Homelessness Dataset", which Mr. Choudhry had previously asked you some questions about. Do you see that?

A. I do.

223. Q. Okay. Now, you were previously referred to on questioning the very bottom line of that data dated January 31st, 2024 at 12:00 a.m., and in the far right column under a heading that says "Total Homeless" there's the number 1,592. Do you see that?

A. I do.

224. Q. Okay. You were asked a question about -- and I'm going from my notes here. So I might not be rephrasing verbatim, but that number's connection to Hamilton's count of the homeless population. Do you recall answering a question to that effect?

A. I do.

225. Q. Do you have firsthand knowledge of how Hamilton's count of the homeless population was conducted?

A. I do not.

226. Q. Do you have any firsthand

A3915

A8200

knowledge of how the data that went into this scale of homelessness table was tabulated?

A. I do not.

227. Q. Do you have any knowledge of any conditions or stipulations, if any, on the data that is reflected in this table?

A. I do not.

MS. SHORES: Those are my questions. Thank you, Ms. Blake.

-- Whereupon the proceedings adjourned at 11:46 a.m.

REPORTER'S CERTIFICATE

I, LORRAINE FEDOSOFF, Chartered Shorthand Court Reporter, certify;

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

That the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct transcript of my shorthand notes so taken. Commissioner of Oath effective to May 1, 2025.

Dated this 26th day of August 2024

Lorraine Fedosoff

_____

PER: LORRAINE FEDOSOFF, CSR (Ontario)

A3916

Ex # 1 m/d/y 8/19/2024 Pg 1 of 15
Exam of Danielle Blake
Heggsma et al v City of Hamilton
Nimigan Mihailovich Reporting Inc.
A8201

CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Housing Services Division

TO:	Chair and Members General Issues Committee
COMMITTEE DATE:	August 14, 2023
SUBJECT/REPORT NO:	Addressing Needs of Unsheltered Individuals and those Relying on Hamilton's Emergency Shelter System (HSC23041) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Vanessa Parlette (905) 546-2424 Ext. 3863 Rob Mastroianni (905) 546-2424 Ext. 8035 Greg Witt (905) 546-2424 Ext. 4818
SUBMITTED BY: **SIGNATURE:**	Michelle Baird Director, Housing Services Division Healthy and Safe Communities Department Michelle Baird

RECOMMENDATION(S)

(a) That Council approve up to $5.6M in 2023 for the following in-year emergency response expenditures to address the immediate pressures experienced by unsheltered individuals and individuals requiring assistance from Hamilton's emergency shelter system funded through a combination of sources, deemed appropriate by the General Manager of Corporate Services, and to be confirmed through the 2023 year-end budget variance report beginning with additional Provincial or Federal Funding, City of Hamilton COVID-19 Reserve, or 2023 Corporate Surplus;

(i) $4.1M to continue providing shelter overflow in hotels in 2023 for families experiencing homelessness as reported in the April 2023 Budget Variance Report, FCS23063;

(ii) $600K to Indwell to provide high level supports from October 1, 2023 – March 31, 2024 for 24 units at City Housing Hamilton's - King William location in order to house individuals from encampments or the by name list as of Q4, 2023;

(iii) That up to $876K in expenditures to provide support for overnight drop in centres, beginning in December 2023 through March 2024 be referred to the discussion of the City's Winter Response in the report coming forward with the same name to the September 7, 2023 Emergency and Community Services Committee;

(b) That Council approve an in-year immediate commitment of a $2.3M conditional grant to Indwell Community Homes as the City's municipal contribution to enable construction at Acorn Flats to commence within 30 days of approval in order to build 20-25 units of permanent housing for families experiencing homelessness with occupancy by the end of 2024, funded from the Tax Stabilization Reserve (#110046);

(c) That the General Manager of the Healthy and Safe Communities Department or their designate be directed and authorized, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to implement the purchases and grants outlined above on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department or their designate and in a form satisfactory to the City Solicitor;

(d) That up to $5.925M for 2024 emergency response expenditures be referred to the 2024 tax operating budget for Council consideration:to address the needs experienced by unsheltered individuals and individuals requiring assistance from Hamilton's emergency shelter system items;

(i) The continuation of shelter hotel overflow for families experiencing homelessness at an anticipated cost of $4.64M annually

(1) $4.45M for emergency hotel shelter overflow beds for families experiencing homeless.
(2) $190K to fund temporary mobile case management team supporting families experiencing homelessness who are housed in hotel overflow beds.

(ii) The continuation of 20 additional beds in the women's emergency shelter system, through 46 West South as a temporary emergency shelter (run by Good Shepherd Centre Hamilton), from April 1, 2024 to December 31, 2024 at a cost of $952K (annualized cost of $1.267M)

(iii) $333K to enhance diversion programs within shelters to prevent homelessness for an estimated 600 individuals

(e) That up to $2.3M be referred to the 2024 Tax Operating budget for Council consideration to support individuals experiencing homelessness in securing successful tenancies and prevent homelessness as referenced in the plan to end chronic homelessness and the Housing Sustainability and Investment Roadmap;

(i) $2M increase to the Municipal Housing Benefit equivalent to Rent-Geared-to-Income to end homelessness for an estimated 332 households, in order to reflect the commitment to support 500 households in this way through the HSIR.

(ii) Up to $1.2M to Indwell to provide continued high level supports for 24 units at City Housing Hamilton King William that will take individuals from encampments or the by name list until provincial commitment for these costs can be obtained.

(f) That expansion of the Housing Services Division's 2024 budgeted complement by 5.0 permanent FTEs to be referred to the 2024 Tax Operating Budget to support execution of recommendations (d) through (e), with annual cost in 2024 of approximately $502K;

(i) 2.0 FTEs, Emergency Shelter Case Managers, to support expanded shelter capacity at an annual cost in 2024 of approximately $199K for salaries, benefits and ancillary costs.

(ii) 3.0 FTEs, a Senior Project Manager, a Housing Support Worker, and a Housing Services Clerk, to design and administer programs offering permanent housing solutions at an annual cost in 2024 of approximately $303K

(g) That Council approve in principle the concept of an advance multi-year municipal commitment of $31M (e.g. $10.33M per year over 3 years) towards the creation of 200 units supportive housing in order to maximize opportunities for affordable housing providers to leverage provincial and federal funds for projects in development and that Housing Secretariat report back to Council in Q3 on financing options and recommended parameters by which Council would delegate decision making authority to staff to work with providers, identify highest impact projects and administer and allocate these funds to enable flexibility and nimble decision-making;

(h) That Council direct staff to explore an approach to subsidizing funding of up to 100 additional Residential Care Facility spaces to provide additional permanent

housing options for individuals requiring shelter and to report back to Council in Q4 2023 with opportunities and costs;

(i) That Council direct staff to assess Hamilton's current ratio of investment in emergency response compared with upstream housing interventions versus emergency response and propose a policy framework to guide City of Hamilton's future municipal investment in the housing sector to shift from emphasis on emergency response to homelessness prevention and permanent housing solutions that decrease reliance on emergency interventions; and,

(j) In recognition that funding of housing with supports is not within the municipal tax levy mandate or resources, that Council direct staff to work with the Mayor's office to pursue funding from upper levels of government for the $1.2M in operating costs for 2024 associated with Indwell King William, the $3.6M in annual operating costs for permanent housing at the Dorothy Day Centre and the $2.6M in annual operating costs for transitional housing at the YWCA currently subsidized by the municipality, which have no sustainable funding source, as well as other projects that require similar annual operating costs to provide the supportive housing capacity required to address local need;

EXECUTIVE SUMMARY

As the housing crisis continues, more individuals are living unsheltered and the number of individuals who are homeless continues to rise. Hamilton's shelter system has consistently been at or over-capacity since before the COVID-19 pandemic. The issue has worsened as a result of a severe lack of affordable housing, lingering bottlenecks from the COVID-19 pandemic, and long lengths of stay in the shelter system. While the problem at first glance may appear to be solved with building additional shelter capacity, it is important to recognize that emergency shelters currently absorb the greatest proportion of investment within Hamilton's homeless-serving sector and Hamilton invests more per capita in emergency shelters than many surrounding municipalities. The path forward for Hamilton is more permanent housing while continuing to provide emergency response to individuals who are homeless and/or living unsheltered.

In 2022, staff engaged the Social Planning and Research Council to conduct a review of post-pandemic emergency sheltering needs in Hamilton and provide recommendations. Many of these have already been initiated and/or recommended for consideration through the March 2023 Ending Chronic Homelessness Report and the April 2023 Housing Sustainability and Investment Roadmap Report. At the time of engaging the SPRC, consultant, the focus was determining how many additional beds in the emergency shelter system would be required post-pandemic. Context has since shifted to reflect a new reality growing encampments family homelessness, increased numbers

of refugee and asylum seekers arriving in Hamilton, and other critical social issues. Both emergency response and a focus on permanent housing solutions are required. There is significant risk to the health of our housing sector if we only respond to crises instead of also focusing efforts and investments upstream to create permanent housing solutions.

Staff from various teams and departments have worked together in this report to provide recommendations to address Hamilton's overburdened shelter system and growing homelessness issues and address basic needs of unsheltered individuals from a human-rights focus. The resulting focus in this report on permanent housing solutions reflects consensus from the June 2023 public engagement on Hamilton's approach to encampment response.

Some recommendations in this report require in-year decisions and it is recommended that where possible, investment decisions be referred to the 2024 budget process in order to provide Council the ability to consider all recommendations and prioritize accordingly. It it will not be feasible to invest in all recommendations due to availability of resources. Additionally, partnerships with and funding from upper levels of government are required to make progress on ending chronic homelessness.

Informed by The Social Planning and Research Council's 2022 review of post-pandemic emergency sheltering needs in Hamilton and recommendations, this report outlines a three-pronged approach.

- Prong one recommends continued investment in interim emergency response interventions, including hotel overflow spaces for families experiencing homelessness, temporary shelter beds for women, winter response, and diversion programs to meet immediate need of individuals experiencing homelessness and unsheltered individuals until new permanent solutions are established. In-year decisions are needed for continuing hotel shelter overflow spaces for families and winter response; the remaining recommended investments are referred to the 2024 budget.

- Prong two recommends investments in immediate housing solutions through various strategies, including portable housing benefits for individuals who are unsheltered and/or homeless be referred to the 2024 budget. One recommendation requires an in-year decision related to an immediate opportunity to provide 24 units of housing with supports at City Housing Hamilton's King William project to house individuals directly from encampments this fall; the remaining recommended investments are referred to the 2024 budget.

- Prong three recommends longer-term strategies and investment in creation of permanent supportive housing as described in the Housing Sustainability and Investment Roadmap, including:
    - One recommendation requires an in-year decision for the City to take advantage of an immediate opportunity to realize 20-25 units of permanent housing for families with occupancy by fall 2024 and provide a capital grant to Indwell for $2.3M to enable their Acorn Flats project to begin construction within 30 days of approval.
    - Creation of a new Housing reserve fund to facilitate an in-year multi-year municipal commitment towards the creation of 200 new supportive housing units. It is proposed allocate the $31M capital funding that would have otherwise been required to build new shelter beds instead to a three year, $10 M annual Housing Secretariat reserve fund as municipal contribution to enable leveraging of provincial and federal funding for capital construction of new permanent supportive housing and that the Secretariat and staff work to develop options and parameters for delegated authority for this fund, and report back to Council in Q3 2023 on options.
    - Exploring the opportunity to create supportive housing through existing but unfunded Residential Care Facility spaces. Currently operators have unfunded beds that could be used to create additional permanent or temporary capacity for housing. Staff will further investigate costs and opportunities and report back to council.

Need and demand will always be greater than available resources, prioritizing recommendations in alignment with available in-year and 2024 resources is exceedingly difficult. Looking ahead, we must establish a policy framework that includes a target ratio for investing in permanent housing solutions versus emergency response to reorient Hamilton's homeless-serving system around prevention and permanent housing options to move people out of homelessness.

Alternatives for Consideration – See Page 14

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial:

Staff are requesting that family shelter overflows and 24 units of high level support services continue in 2023 at a total projected cost of $4.4M to be funded in 2023, first from any new/additional Provincial or Federal Funding sources and if necessary, from available City of Hamilton COVID-19 Reserve and/or any 2023 Corporate Surplus'.

$876,000 will be recommended for the period of December 1, 2023 to March 31, 2024 to provide overnight drop in centres. This will be addressed in further detail in a forthcoming September 7, 2023 in the ECS Winter Response staff report. This results in a total potential additional cost of $5.3M in 2023 to be funded a combination of the following sources: new/additional Provincial or Federal Funding sources, City of Hamilton COVID-19 Reserve and/or 2023 Corporate Surplus'.

A one-time Grant is also being recommended to the Indwell Acorn Flats Project which will provide an additional 20-25 permanent units for families at a cost of $2.3M to be funded from the Unallocated Capital Levy Reserve in 2023/2024.

A report will also be forthcoming in Q3 from the Housing Secretariat addressing a multi-year municipal commitment of $31M ($10.33M over 3 years) towards the creation of 200 units of supportive housing by leveraging provincial and/or federal funding for projects in development as of this fall. The report will address financing options.

Staffing: Implementation of recommendations in this report will be referred to the 2024 tax operating budget process and require the addition of five permanent FTE within Housing Services Division's budgeted complement at a cost of approximately $502 K for salary and benefits in 2024: 2.0 Emergency Shelter Case Managers, 1.0 Housing Support Worker, 1.0 Housing Services Clerk, 1.0 Sr. Project Manager.

Legal: Legal Services support will be required in drafting any agreements and developing the terms of those agreements.

HISTORICAL BACKGROUND

On March 23, 2023, the Emergency and Community Services Committee approved Report HSC23021 Ending Chronic Homelessness, outlining a comprehensive approach and investments required to end chronic homelessness in Hamilton. In addition to identifying needs and related investments required for the homelessness serving system, this report included the need for additional capacity of 200 beds and 40 beds in the women's and family shelter system, at an estimated minimum of 5.7M annual operating costs and unknown capital costs, which were later costed by staff at a minimum of $31M capital costs for a new build.

On April 19, 2023, the General Issues Committee approved Report HSC23028/FCS23055/PED23099 Housing Sustainability Investment Roadmap to guide cross-departmental work related to affordable housing issues. This included eleven first year priorities, including the creation of 200 new supportive housing units and a

recommendation to provide a new municipal housing benefit to 500 households and approval of $1M to be invested through the provincial Homelessness Prevention Program to establish a new Housing Benefit for up to 166 households per year at $500/month/household.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

On June 21, 2019 the federal government passed the National Housing Strategy Act, Bill C-97, which legislated the right to housing in Canada.

Purchasing Policy 4.11, Section 2 (b) Policy for Negotiations, requires Council Approval when a single source for the supply of a particular Good and/or Service is being recommended because it is more cost effective or beneficial for when the request has a cumulative value of $250,000.00 or greater.

RELEVANT CONSULTATION

In July 2022, the Housing Services Division contracted the Social Planning and Research Council of Hamilton (SPRC) to support a review of post-pandemic emergency sheltering needs and recommendations (Appendix "A" to Report HSC23041). These recommendations are outlined in the analysis section.

From October 2022 through January 2023, more than 180 individuals with experience using emergency shelters and drop-in programs were engaged to inform review and revision of Hamilton's Emergency Shelter Standards. A staff report will come forward in Q3 2023.

Further consultation with external stakeholders regarding Hamilton's overall strategy to prevent and end experiences of homelessness has included engagement with: Hamilton is Home, Coordinated Access Steering Committee (a group made up of senior leaders within the homeless-serving sector), Coalition of Hamilton's Indigenous Leadership, Community Safety and Wellbeing Plan stakeholders, Hamilton's Community Advisory Board, and stakeholders of the Housing Sustainability Investment Roadmap. Community partners continuously advocate for greater investment in permanent housing. Without more permanent housing options people in shelters and encampments have nowhere to go.

This report and recommendations were also informed by Encampment public Engagement sessions where permanent housing solutions emerged as a consensus theme.

Internal consultation was conducted with Finance and Procurement. Procurement supports the recommendations in this report

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Emergency shelters are necessary to ensure people experiencing homelessness are safe and their basic needs are met while they pursue stable housing. However, an over-investment in emergency response services runs the risk of regressing to a place of managing homelessness rather than ending it. To accelerate progress toward ending homelessness, Hamilton must move boldly to invest in long-term permanent solutions to homelessness. This is the only way to avoid cycles of short-term measures that help people cope with homelessness, rather than address the root causes.

Emergency Shelters

Emergency shelters are designed to provide short-term shelter and housing supports, ideally for a duration less than 30 days. The City of Hamilton funds 9 shelters that currently offer 365 beds. The City also provides funding for hotel overflow for approximately 30 families because there is great need and no other options for families who find themselves without shelter (see Appendix "B" to Report HSC23041). Provincial Social Services Relief funding enabled the City to increase shelter capacity for all populations through hotel overflow during the pandemic, which brought shelter capacity to more than 600 beds at the peak of Covid-19 response (HSC20020(f). Although the number of beds within the system was significantly higher from March 2020 through December 2022, demand for emergency shelter increased proportionately and shelter occupancy remained at capacity or over-capacity during the same period.

In 2022, a total of 58% for all populations and 85% of families spent more than 30 nights in shelter. This means that almost 60% of all shelter stayers were in need of shelter and supports beyond the intended design of the emergency shelter system.

Persistent over-capacity and long stays in the emergency shelter system are a direct result of a lack of permanent housing options. Beds are occupied for longer periods, leading to bottlenecks and forcing others to be turned away due to lack of space.

The report completed by Social Planning and Research Council, commissioned by City of Hamilton in July 2022, emphasized the need to prioritize investments in Indigenous community supports, permanent housing, and prevention. Many existing actions towards those priorities are addressed in HSC23021 and HSC23028 and continue to be prioritized by ongoing collaboration through the homeless-serving system. The report also stated a need for an additional 40 beds in the women's shelter system and 50 units (200 beds) in the family shelter system due to ongoing overcapacity and high demand.

Preliminary estimates of capital costs for shelter expansion of this scale are approximately $31 M. This is based on the average cost of $500,000 per unit for new construction with an occupancy of four people per room, but actual costs could be higher. Ongoing operating costs are estimated at a minimum of $5.7 M annually. Actual operating costs could vary depending on site proposed, development plan, and program model. Given continued pressures in the emergency system and the critical need to focus on permanent housing solutions, the recommendation in this report is to instead invest this amount over the next three years in a new housing reserve fund administered by the Housing Secretariat that acts as municipal contribution to leverage provincial and federal funding for supportive housing projects that can be ready for occupancy in the next 18-26 months. With Council direction, staff will further investigate this opportunity and report back to Council on financial options and an implementation strategy consistent with the Housing Sustainability and Investment Roadmap.

Family homelessness has become a new and significant crisis within our City. Between January 1 and April 30, 2023 there have been 249 'turn-aways' from the Family Centre due to the program having no space available. Currently, we are provided hotel room for families and capped at supporting approximately 30 families. Due to overflow spaces being used consistently, providing these 30 beds translates to a budget pressure of $4.1 M in 2023 and $4.45 M anticipated in 2024. Council approval and levy funding is required to continue providing these hotel spaces. Contracts will otherwise be brough to an end.

Likewise, the women's shelter system has continually had to add capacity to meet demand before and throughout the pandemic. Bed capacity in January 2020 was 46 beds and at its peak in early 2023, bed capacity was 109 beds. With Cathedral closed as of May 19, 2023, overflow was established at West Avenue to offer 20 beds for women for a total of 66 in the women's system. Avenue is funded temporarily until March 2024.

These shelter capacity pressures may suggest a need for more shelter beds, however investments in shelter space alone are insufficient without significant investment in homelessness prevention and permanent housing solutions to prevent people from getting stuck in homelessness and in shelter. The City of Hamilton needs to develop an ideal ratio of investments in permanent housing solutions vs. immediate emergency supports.

Hamilton already has more shelter beds per 100,000 compared to peer communities. Hamilton's investment was substantially higher than peer communities in 2021, when Hamilton had 110.4 beds per 100,000 compared to a median of 39.2 due to expansion of use of hotel overflow (see Appendix "B" to Report HSC23041). This tells us that the solution is not to continue expansion of shelter beds. This was demonstrated during

COVID-19 response when shelter beds were increased to more than 600 spaces and were continually full. Any beds added to the system are likely to be filled while still seeing unmet demand.

Proposed Solution: A 3-Pronged Approach

The March 2023 Ending Chronic Homelessness and April 2023 Housing Sustainability and Investment Roadmap reports (HSC23021 and HSC23028) outlined actions that have already been initiated, including expanded prevention supports, Indigenous-led housing and homelessness solutions, enhanced case management programs, and new investments in affordable housing and housing subsidies. More investment is needed to respond to the levels of community need as evidenced by growing encampments and pressure on Hamilton's emergency shelter system.

Prong One – Continued Interim Investment in Emergency Response

To bridge the gap between now and when new permanent housing solutions are in place, continued funding for hotel overflow beds and the temporary women's emergency shelter located at 46 West Ave S (operated by Good Shepherd Centre Hamilton) are recommended through December 31, 2024.

If the funding for family hotel overflow is not approved in-year for 2023, capacity will need to be reduced immediately by 20 families (current capacity is 30 families) and capped at a maximum of 10 families, currently funded by provincial funding. As the program is partially funded by provincial programs, closing the remaining 10 beds and ending all hotel contracts would enable $1.8M of provincial funding to be reinvested in the system in other ways for families. As inflation and costs continue to rise, the expenses related to hotel overflow beds are expected to increase in 2024 but until permanent solutions like Acorn Flats and other similar initiatives are available, the City has limited opportunities for housing families experiencing homelessness. Staff will continue to review and report back on opportunities.

If the funding for overflow at West Avenue is not approved, 20 beds of expanded capacity in the women's system will need to be reduced as of April 1, 2024.

Research indicates that early prevention supports dramatically reduce public spending on homelessness. Diversion is a form of prevention that exists within shelters as an essential component to an effective emergency housing strategy. Enhanced investments in diversion programs will enable hiring fulltime staff roles and dedicated flex funds to engage in mediation, problem solving, and the identification of community and housing supports. It is estimated that approximately 25-30% of people who access the shelter system can be successfully diverted if provided the right supports. This

recommended enhancement is expected to prevent homelessness for up to 600 people per year.

Prong Two –Immediate Solutions to Preserve and Attain Affordable and Supportive Housing

Report HSC23021 in March 2023 outlined a need to establish a municipal housing benefit aligned with Rent-Geared-to-Income for an estimated 500 households to end their experience of homelessness. Portable housing benefits provide direct financial assistance to households rather than being tied to a housing unit. Allocating this benefit directly through homelessness support programs closes the affordability gap for people experiencing homelessness to find suitable stable housing on the private market.
In April 2023, Council approved report HSC23028 and the recommendation to allocate $1 M through the provincial Homelessness Prevention Program towards a municipal housing benefit for 166 households. Recommendation (e) in this report will support an additional 332 households to bring the total households served to the 500 range.

Through federal Rapid Housing Initiative funding, the City of Hamilton has invested in a new CityHousing Hamilton building that will offer 24 new units of housing at 257 King William. This building will be ready for occupancy in fall 2023. The recommendation for City investment of $600,000 in 2023 and the first quarter of 2024 ($1.2 M annually) in operational funding, while at the same time pursuing provincial commitment for these ongoing operating costs, will enable Indwell Community Homes and health partners to offer high intensity supports for individuals housed in these units, who may be coming from unsheltered homelessness or long-term periods of homelessness. This addresses a large need for housing with supports to help people exiting chronic homelessness to stabilize their housing and well-being.

Additionally, staff is proposing to explore how Residential Care Facilities can be used to expand the City's capacity to house individuals requiring minimal supports. By doing so, the City aims to increase its capacity to provide housing to more individuals on the By Name List, which is a list of individuals experiencing homelessness in the area. Here are some key points and potential benefits of this potential strategy:

- **Increased Capacity:** By subsidizing existing unsubsidized beds in Residential Care Facilities, the City can increase the overall housing capacity for individuals requiring minimal supports. This may lead to more vacant beds being utilized, thus reducing homelessness.
- **Support for Vulnerable Individuals:** Residential Care Facilities typically offer support services, which can be crucial for individuals with minimal support needs. This can improve the well-being and stability of those individuals and help them transition towards more independent living arrangements.

- **Reduced Homelessness:** By focusing on housing individuals only from the By Name List, the strategy targets those in most urgent need of housing and aims to reduce the number of people experiencing homelessness in the community.
- **Cost-Effectiveness:** Subsidizing existing beds might be more cost-effective than building new. It can also be a faster solution to provide housing for those in need.
- **Collaboration with Residential Care Facilities:** Involving Residential Care Facilities in the strategy can foster cooperation between public and private sectors, encouraging them to contribute to solving the homelessness issue in the community.

Exploring the use of unsubsidized Residential Care Facilities beds to house individuals from the By Name List, requiring minimal supports, is a promising strategy to address homelessness and reduce the number of people experiencing homelessness in the City. In addition to understanding resource requirements, proper planning, collaboration, and monitoring will be vital to the success of this initiative. Staff will report back to Council with an update on opportunities to implement this strategy.

Prong Three – Invest longer term in permanent supportive housing as described in the Housing Sustainability and Investment Roadmap

Lack of permanent supportive housing for individuals and families with the highest complexity of need remains one of the largest gaps within the homeless-serving system. Towards addressing this gap, the City of Hamilton has made a commitment through the Housing Sustainability Investment Roadmap to work with upper levels of government and community partners to establish 200 units of permanent supportive housing for people with the greatest complexity of need. Currently there are no known supportive housing resources in Hamilton that are dedicated to families and too few for all population groups.

City staff have engaged with non-profit housing providers through Hamilton is Home and the Housing Sustainability and Investment Roadmap to identify permanent supportive housing projects that could be constructed (or substantially constructed) within the next 36 months. Hamilton is Home has identified 418 possible units where the land is owned (or there is a path to ownership), and if project funding were identified, construction of the units could meet this 36-month timeline. The City has worked with planning division staff to determine that almost 200 of these units do not require re-zoning, and construction could begin with one year. Municipal funding is required to make these projects viable. To facilitate leveraging provincial and federal investments, this report recommends the Housing Secretariat report back on a financing strategy and parameters that would enable the allocation of $31 M municipal investment structured over three years, to ensure that viable projects can move forward quickly while optimizing cost-sharing between levels of government. Once constructed and operating,

these supportive housing units will reduce pressure on emergency shelters, hotel overflow, and emergency response to encampments.

This report also recommends the City take advantage of an immediate opportunity to realize 20-25 units of permanent housing for families with occupancy by fall 2024 and provide a capital grant for $2.3M to Indwell Community Homes for $2.3M. Though community consultation, Indwell's Acorn Flats project has been identified as both the most shovel-ready project that project that best leverages funding from other levels of government, $2.3M that Indwell has secured through the Federal Co-investment Fund Federal funding. Alternatives would require more time and be higher cost.

ALTERNATIVES FOR CONSIDERATION

Alternative A:

- Instead of allocating $31M to the Secretariat for a Housing Reserve Fund, Council could direct staff to initiate a Request for Proposals for expansion of shelter beds, 40 beds in the women's system and 200 beds (50 units) in the family system.

The benefit of this approach is that it would help meet expected continued high demand for emergency shelter beds. This would reduce the instances where someone may be turned away from shelter due to lack of space and minimize the need for continued investment in overflow.

Risks include failure to invest in permanent housing, leading to higher numbers of people in shelter with nowhere to go. Investments in prevention and housing subsidies will help offset this risk, though won't meet the depth or diversity of need. Additionally, even with expanded shelter beds in the system, there is always potential for demand to increase and lead to further need to contract new overflow shelters through hotels or alternate sites.

Alternative B:

- Allow contracts with hotel operators to expire and avoid $4M levy pressure associated with costs of hotel overflow program or direct staff to explore other options for this $6M investment(1.8M provincial funding). The total cost of hotels used to shelter families is $6M, however, a portion, $1.8M is derived from the provincial funding through the Homelessness Prevention Program.

Benefits include the opportunity to invest further upstream and prevent new homelessness. Risks include even less ability to meet the needs of families currently experiencing homelessness. We currently have nowhere for families to be housed.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report HSC23041: Hamilton Post-Pandemic Emergency Shelter Size Review: Key Findings. SPRC, July 2022

Appendix "B" to Report HSC23041: Hamilton Emergency Shelter Data Trends

Ex # 2 m/d/y 8/19/2024 Pg 1 of 15
Exam of Danielle Blake
Heeyna et al v City of Hamilton
Mimigan Mihailovich Reporting Inc.
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CITY OF HAMILTON

HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Housing Services Division
and
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division
and
PUBLIC WORKS DEPARTMENT
Environmental Services Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	May 15, 2024
SUBJECT/REPORT NO:	Encampment Observation Report (HSC24020/PED24080/PW24030) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Mike Jones (905) 546-2424 Ext.3824
SUBMITTED BY: **SIGNATURE:**	Michelle Baird Director, Housing Services Division Healthy and Safe Communities Department Michelle Baird
SUBMITTED BY: **SIGNATURE:**	Dan Smith Acting Director, Licensing and Bylaw Services Planning and Economic Development Department
SUBMITTED BY: **SIGNATURE:**	Cynthia Graham Director, Environmental Services Public Works Department C. Graham

RECOMMENDATIONS

(a) The Encampment Protocol (Appendix "A" in Report HSC20038(g)) be modified to remove the following provision from Section D, indicating the removal of encampments, temporary shelters, or tents "on or within 50 metres of the Hamilton Alliance for Tiny Shelters model site. For the purpose of this site the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North, will be considered the site."

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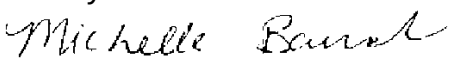
SUBMITTED BY: **SIGNATURE:**	Michelle Baird Director, Housing Services Division Healthy and Safe Communities Department 
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(b) That the Housing Services Division report back with recommendations on how to address the needs of individuals who are unhoused and any additional service gaps highlighted in this report.

EXECUTIVE SUMMARY

This report provides an overview of the findings associated with implementing the Encampment Response protocol. The Encampment Protocol represents a concerted effort to mitigate the challenges faced by individuals living unsheltered and address concerns raised by the broader community.

Since its ratification in August 2023, the Protocol has undergone several phases of response, from initial ground truthing efforts (i.e., using maps to determine a site's compliance before confirming in-person) aimed to delineate compliant and non-compliant areas, followed by ongoing outreach efforts by Housing Focused Street Outreach to make individuals aware of the protocol's requirements and available resources.

The City has effectively established a housing-led approach that prioritizes supportive outreach over punitive measures, yet several challenges persist, such as difficulties in enforcing compliance timelines, managing garbage and debris at encampment sites, and seasonal considerations regarding the implementation of the protocol.

Overall, the implementation of the protocol has provided greater transparency and clarity regarding the processes used by the City in responding to encampments in the community and has been an effective tool in balancing the needs of individuals living unsheltered with the broader community's needs. However, sustained efforts focused on permanent, humane, cost-effective solutions is needed to address the systemic multifaceted challenges faced by individuals living unsheltered. To this end, Housing Services Division will be proposing several recommendations in Report HSC23021(b) aimed at responding to some of the concerns outlined in this report with the ultimate goal of ending chronic homelessness in Hamilton.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

On March 23, 2023, staff presented information report HSC23021, Ending Chronic Homelessness, identifying interventions that were successful as well as needed investments to make progress on resolving chronic homelessness in Hamilton.

On May 17, 2023, staff recommended that Council adopt a Proposed Encampment Protocol (HSC20038(f)/PED21188(c)) in the interim, while a period of public comment occurred until June 30, 2023, to obtain public comment around the concept of sanctioned sites and to conduct a jurisdictional scan.

In addition, to respond to concerns related to basic needs supports and the need to integrate frontline stakeholders and people with lived experience into the encampment response, Council directed staff to provide access to washrooms, showers, clean drinking water, as well as integrate Indigenous and peer supports into its encampment response program. Further, staff were asked to develop a task force or committee comprised of City staff, community stakeholders, and people with lived experience to advise on the development of an encampment response policy and appeals process.

The period of public comment resulted in significant feedback on the draft Protocol, including 11,943 visitors to the Engage Hamilton website who contributed 15,965 individual comments, as well as approximately 2,000 attendees at three in-person community engagement sessions. Once the period of public comment closed, it was recommended that the City make the necessary changes and provide a final recommended Protocol to Council in August 2023.

On August 18, 2023, Council adopted and ratified an Encampment Protocol in Encampment Response Update – August 2023 (HSC23066), identifying approaches, processes, and service levels associated with responding to encampments in the City. In addition, Council provided necessary resources in staffing and equipment to support the implementation of the Protocol. While a broad approach involving sanctioned sites was not recommended by Staff due to its prohibitive costs better utilized in prevention efforts and/or housing, Council also approved a two-year Hamilton Alliance for Tiny Shelters pilot for up to 25 tiny homes on City lands at no cost to the City.

On September 6, 2023, staff followed up on the Ending Chronic Homelessness report with HSC23041 – Addressing the needs of Unsheltered Individuals and those Relying on Hamilton's Emergency Shelter System. This recommended several investments to address capacity challenges in the shelter system, including providing additional space for those living encamped. These items were referred to Budget 2024 and subsequently approved as part of the budget process.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Several consultations were conducted and were the basis for analysing the implementation of the Encampment Protocol.

Housing Focused Street Outreach consulted with internal divisions including Municipal Law Enforcement, Parks Section, Parking Enforcement, and Hamilton Fire Department, as well as Hamilton Police Services. In addition, an open-ended questionnaire was sent to several community partners who comprise the Encampment Liaison Committee, including Keeping Six, St. Matthew's House, HAMSMRT, and Hamilton Regional Indian Centre.

People living in encampments throughout the City were also consulted from March 7-12, 2024.

Housing Focused Street Outreach staff consulted with nearby municipalities that are considering adopting a Protocol to direct encampment-related work in Guelph and Toronto, to compare approaches and findings. The consultation helped to inform the analysis below.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

While this report focuses on the impacts of unsheltered homelessness in the City of Hamilton, it is important to note that increasing levels of unsheltered homelessness is being experienced in communities across Canada. With increased costs of housing and rental prices, inflation with stagnant wages, as well as insufficient income from supports such as Ontario Works and Ontario Disability Support Program, it is exceedingly difficult for low-income households, particularly singles, to access suitable and appropriate housing. Adding to the precarity being experienced, in Hamilton and across Canada, emergency shelter capacities are also being met and chronically exceeded across sectors, particularly for adult men, resulting in overflow into hotel spaces.

With both housing and emergency shelter largely inaccessible, and with more individuals entering into unsheltered homelessness, the constellation of existing supports is unable to meet the growing demand. More people are confronted with the reality of living in an encampment, a lifestyle that contributes to worsened physical and mental health outcomes and often associated with increased substance use.

Limited coordination and accountability to-date from Federal and Provincial levels of government has further complicated efforts to address the issue. Nonetheless, there is

still a need to address unsheltered homelessness at a community level to ensure individuals living outside do so with dignity, while also meeting the needs of the broader community. As such, the Encampment Protocol was adopted to provide transparency and expectations around the City's approach to encampment response, and to balance the needs of everyone in the community.

To evaluate how the Protocol is being implemented, several consultations were conducted, including with people with lived experience, community partners, and members of the Coordinated Response Team, who have provided ongoing oversight throughout implementation to various aspects of the program through ongoing collaboration and coordination, to calibrate how supports are best utilized to achieve the maximum impact. Given the volume of responses from the community (particularly from concerned citizens, Business Improvement Areas, and local businesses) to the unsheltered inbox, their voice is also represented in the following analysis. The recommendations being made reflect all the feedback received.

The following section of the report will provide context around the implementation of the Protocol, and review feedback received from the consultations conducted, including both what was achieved, as well as challenges.

Volume of Requests and Approach to Communication

Since the establishment of the Encampment Protocol in August 2023 until April 15, 2024, Housing Focused Street Outreach has been contacted 3825 times (including follow-ups and repeated contact) via its unsheltered email, as well as hundreds more times by voicemail. The majority of complaints or service requests received by Housing Focused Street Outreach are initiated by concerned citizens (70%) and include requests for additional supports onsite, reporting of encampments, and requests for removal as per the terms of the Protocol, yet several other internal and external sources have also contacted Housing Focused Street Outreach regarding encampment-related concerns or requests.

With a high volume of complaints and service requests received by Housing Focused Street Outreach via email and voicemail, the ability of Housing Focused Street Outreach to respond to each request without a dedicated staffing complement has not been possible. As a result, complainants have not received personalized responses, leading to a lack of clarity and significant frustration. As part of a concerted effort to respond to complaints and requests, and to improve transparency with the public, Housing Focused Street Outreach has established a Program Secretary tasked with responding to inquiries, and the team has developed several new approaches to managing the inflow of complaints and service requests to its unsheltered mailbox and voicemail.

Enforcement-related Complaints and Requests for Service

Since implementation of the Protocol, the overall number of complaints and service requests has gradually declined, peaking at 860 in September 2023 before gradually declining to 328 in March 2024. There has also been a gradual decrease in the reporting of and requests to enforce encampments, which totalled a high of 526 in September 2023 before dropping to 130 in February 2024. This suggests that the efforts of Housing Focused Street Outreach and its partners has been successful in working with individuals living unsheltered to access compliant spaces.

While the complaints and requests for service regarding encampments have decreased month-over-month since the Protocol was established, from 897 in September 2023 to 328 in March 2024, it increased substantially in April 2024 to 481 complaints and requests for service. With warmer weather anticipated in the upcoming months it is expected that the total number of complaints and service requests related to encampments will increase to, or higher than the levels experienced in September 2023.This will place an additional strain on resources as staff attempt to address the community's concerns and suggestions.

Coordination amongst Partners and Stakeholders

Implementation of the Encampment Protocol requires significant effort and expertise from several teams. The Coordinated Response Team - made up of staff from Housing Focused Street Outreach, Municipal Law Enforcement, Parks Section, Parking Enforcement, Corporate Security, Hamilton Fire Department, and Hamilton Police Services - meet three times weekly to strategize around approaches to sites with acute challenges, coordinate encampment response through the City, and address issues via new, innovative approaches that build upon previous experiences. On a daily basis, several divisions are involved in ongoing coordination of frontline efforts to ensure sites are effectively engaged and when necessary, escalated to the appropriate parties who work together to enforce. To ensure the frontline work is well-coordinated, significant administrative work is needed to ensure all incoming communications are logged, new sites are identified and prioritized effectively, with frontline information (i.e., site visits, interactions/engagement with individuals living in encampments, enforcement actions, site clean-ups) about new and existing sites updated across teams within shared repositories on a daily basis. These interactions are the backbone of implementation, and this collaboration has been noted by all partners as being necessary and successful.

In terms of external partnerships, Housing Focused Street Outreach held an initial meeting in February 2024 with community stakeholders and persons with lived experience of homelessness to develop a Terms of Reference that outlines the purpose, values, objectives, and scope of the work. Due to the cybersecurity incident, timelines have been impacted and a next meeting is being rescheduled for May 2024.

Housing Focused Street Outreach will conduct ongoing research with individuals living unsheltered to establish appropriate baselines and to ensure there is ongoing evaluation of the community's needs that also correspond with the program's objectives. This will also provide staff with an opportunity to develop and track more reliable equity-based indicators to assess the impacts on people disproportionally impacted by unsheltered homelessness, which can be used to inform new partnerships and approaches to service.

Service Levels

As per the guidelines established in the Encampment Protocol, Housing Focused Street Outreach (Housing Services Division), Municipal Law Enforcement (Licensing and Bylaw), and Parks Section (Public Works) have service levels associated with their response to encampments. While other divisions (i.e., Parking enforcement, Hamilton Fire Department), and partners (i.e., Hamilton Police Services) are involved via the Coordinated Response Team, they do not have service levels guiding their response.

As of April 15, 2024, Housing Focused Street Outreach has received and visited 472 sites within the scope of the Encampment Protocol. Of the sites with a defined outcome, Housing Focused Street Outreach met its service level of attending and escalating each identified site with 72 hours 89% of the time and escalates 96% of sites to Municipal Law Enforcement within a week of being identified.

Due to the cybersecurity incident, there has been a significant loss of historical data related to Municipal Law Enforcement's service levels. Broadly, given the staffing levels available (i.e., a Municipal Law Enforcement Supervisor and two Municipal Law Enforcement Officers), there have been significant challenges in meeting the defined service level, and Municipal Law Enforcement would require additional staffing, as well as the support of additional Hamilton Police Encampment Engagement team staff to avoid enforcement bottlenecks.

While there are service levels identified within the Encampment Protocol defining clean-ups and site maintenance, Parks Section simultaneously manages routine garbage pickup, ad hoc clean-ups resulting from enforcement actions, as well as complaints and/or service requests, making it challenging to track each specific type of request. Additional mechanisms to track and identify work requests are under development.

Housing-Led Approach

The goal of a housing-led approach is for Housing Focused Street Outreach to be the first point of contact for individuals living unsheltered on public property, to establish rapport and work towards connecting them with services and supports that maintain their well-being, and to only escalate sites with potential compliance concerns to Municipal Law Enforcement (i.e., sites with no clear compliance issues would not be

escalated to Municipal Law Enforcement for investigation). To date, this has been effective during the implementation of the Encampment Protocol, and individuals living unsheltered reported having less or little interaction with Municipal Law Enforcement and Hamilton Police since the Protocol had been established.

Under the existing approach of having compliant spaces available for access, 50% of individuals living unsheltered felt the current approach was working for them. When comparing to a similar survey done in 2022, at a time when there was a 12–72-hour bylaw required individuals living unsheltered to move frequently to new locations, only 10% believed that approach was working for them.

To aide in continuous improvement of service to individuals living unsheltered, Housing Focused Street Outreach has developed several new processes to assist in triaging of complaints and requests, data analysis, and reporting. The new approaches will be used to collect more reliable, accurate systems data from outreach staff to assist with site prioritization and better define the work being completed by outreach staff. Housing Focused Street Outreach is also in the process of adding three (3) peer support workers who will be funded to support rapport-building, harm reduction, and site remediation.

Distance Away from Schools and Childcare Facilities

During the consultation period in summer 2023, and prior to the ratification of the Encampment Protocol, there was significant feedback provided by the public related to the proximity of encampments to places frequented by toddlers and school-aged children. As a result, in the final version of the Protocol the distances were extended from 50-metres to 100-metres away from schools and childcare facilities. This has been successful, with sites being identified near a school of childcare facility dropping from 12% in September 2023, to none in March 2023.

Number of Encampments Per Cluster

The Protocol provides direction regarding number of tents permitted in a cluster and distances between clusters. From the experiences of staff, corroborated through the experiences of a majority of individuals living unsheltered, as well as the complaints data, this has been a successful provision within the Protocol. While enforcement is based upon a five-tent limit, it is common for sites to include tents that are not inhabited, and instead used for storage of food and personal items, which adds to the size of a site. Largely, when sites exceed a manageable number of tents, i.e., approximately five tents, there is a clear increase in the number of associated complaints and concerns with the site.

At a community level, an increase in tents at a site is generally associated with an increase in complaints related to garbage and debris in a concentrated area, more combustibles, violence and use of weapons, and reports of feeling intimidated by the

number of people. In addition, individuals living in encampments also reported concerns with larger sites, included theft, lack of privacy, and varying and at times conflicting lifestyles and goals amongst the people living there.

Additional Protocol Considerations

While the intent of the Protocol is to balance the needs of individuals living unsheltered and the broader community, there were additional considerations made by internal staff and people with lived experience regarding potential changes that would add to the Protocol, as well as modify, and remove existing clauses.

One change to the Encampment Protocol being recommended is the following from Section D, indicating the removal of encampments, temporary shelters, or tents “on or within 50 metres of the Hamilton Alliance for Tiny Shelters model site. For the purpose of this site the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North, will be considered the site.” It has since been confirmed that this area will not be used for the Hamilton Alliance for Tiny Homes pilot project, and to reflect this update, this provision should be removed from the Protocol.

For other potential changes, given that the Protocol has not been implemented for a full year yet and understanding that the warmer months have higher rates of people living unsheltered, more information is required to better understand the impacts of the Protocol prior to recommending any changes. In addition, before a recommendation(s) is made, each consideration would require a comprehensive policy and risk analysis of associated impacts. See Appendix “A” for a detailed list of considerations.

Compliant Spaces

With less required movement of people living unsheltered throughout the city as a result of compliant spaces being available, there are several compliant sites that have had a stable group of individuals living there. This has allowed Housing Focused Street Outreach and other frontline providers to build effective rapport with the same individuals over a longer period of time, leading to more successful outcomes. Both Outreach staff and individuals living unsheltered noted that having a place to stay for longer periods of time was very beneficial, especially when compared to approaches used in the past that required ongoing movement to new areas. However, this approach has been problematic for some neighbours and local businesses nearby who report concerns with an ongoing encampment presence nearby, particularly when there are presenting concerns around health and safety, namely garbage, debris, and waste.

In terms of frequented areas of the city, as expected given the proximity to services and supports, Ward 2 (34%), Ward 3 (29%), Ward 5 (9%), Ward 1 (9%), and Ward 4 (7%) have had the most newly identified encampments in non-compliant spaces, while all other Wards have had less than 5% of the total number of new encampments identified.

In general, the significant majority of encampments are in the lower City. Given the concentration of encampments in lower City wards, it is anticipated that this may lead to an increase in sites with numerical non-compliance (i.e., five or more tents, lack of distance between clusters), geographically non-compliant sites (i.e., proximity to), and more tents within escarpment areas during warmer weather months when historically more people live outside.

Safety Concerns

Concerned citizens and local businesses have detailed several health and safety issues in their complaints to Housing Focused Street Outreach, such as light posts being compromised for electricity, human waste exposure, and personal safety concerns. Businesses have detailed that the presence of encampments has negatively impacted their operations. This has led to significant frustration amongst all parties.

Several encampment residents who were interviewed also expressed concerns for their safety, sharing instances where their presence had resulted in confrontation from neighbours and youth.

Enforcement Challenges

The consistent enforcement of sites has been impacted by a lack of staffing available to manage the responsibilities of the portfolio. Currently, there are two Hamilton Police Services Encampment Engagement Team officers responsible for attending all site visits with Municipal Law Enforcement officers, coordinating and leading private property enforcement and the enforcement of sites on public property. With a high number of non-compliant sites resulting from the disbandment of larger sites like Woodlands Park and City Hall, and in using a hands-off approach to enforcement, the time required to enforce requires more resources than currently allocated.

Since Hamilton Police's Encampment Engagement Team was established in September 2023, the team has attended 441 encampment site visits. Some of these visits are supporting the issuing of 419 Trespass Notices by Municipal Law Enforcement Officers. In addition, Hamilton Police Service's Encampment Engagement team has spent a total of 248 hours enforcing previously issued notices. This does not include time spent assisting other agencies and enforcing encampments on private property.

Contributing to the time spent enforcing previously issued notices are several locations within the city that are often habitually occupied by encampments. Some examples include MacNab St S and Hunter St W, Jackson St W and MacNab St S, Vine between Park and York, and the Hamilton Convention Centre alcoves on King St W. Given the proximity of these sites/areas to community resources and services that meet the basic needs of individuals living unsheltered, these sites quickly re-establish after enforcement has occurred with new occupants, triggering a new round of engagement

and enforcement. In addition, other street-related concerns not related to encampments are often grouped under the heading of encampments, including loitering and illegal dumping or garbage. These issues, although not related to encampments and more frequently associated with mental health and substance abuse issues, are brought to the attention of the City via the unsheltered inbox These sites are also resource-intensive for Municipal Law Enforcement and Housing Focused Street Outreach to assess and address.

Recreational Vehicles and Trailers

Since the Encampment Protocol was adopted by Council, a growing number of locations throughout the city have been occupied by individuals inhabiting within Recreational Vehicles (RVs) and trailers. Many of the RVs and trailers being inhabited also have had additional semi-permanent structures built into them. With existing Parks Bylaws already governing the use of RVs and trailers, particularly for habitation, as well as several other Parking-related violations, the use of these vehicles in this manner is not compliant and there are no designated areas for free parking of Recreational Vehicles or trailers on public lands in the City of Hamilton.

To support this work, the City's Parking Enforcement team has joined the Coordinated Response Team to provide best practices related to managing these concerns, and in coordination with Housing Focused Street Outreach, has allowed for Outreach staff to visit individuals to ensure they are provided with additional options and resources prior to enforcement.

Fire and Combustibles

The use of fire pits and other combustibles by individuals who are unsheltered to maintain warmth during colder months has resulted in several complaints and concerns from neighbours of sites who feel at risk. The Hamilton Fire Department has been actively engaged with incidents related to encampments, categorized into those necessitating emergency response and those that do not. The main types of incidents responded to include burning complaints, rubbish fires, and calls for medical assistance. In January 2023, burning complaints were the predominant response call-type, numbering 31 responses. During such responses, fire-related situations are promptly extinguished, and encampment occupants are reminded of the open-air burning by-law.

The Hamilton Fire Department, in collaboration with the Housing Focused Outreach team, developed a printed resource to increase fire safety awareness and support educating people living unsheltered. Approximately 800 of these two-sided, non-destructible flyers were distributed to resource centres and the City's Encampment Response Team in early 2024. In addition, in January 2024 a representative from the Hamilton Fire Department joined the City's Coordinated Response Team to provide ongoing support and best practices related to coordination and risk mitigation at sites.

An important aspect to note is that application of the Ontario Fire Code principally pertains to buildings and structures but does not apply to tents smaller than 30m² used for camping, personal, or non-commercial purposes. Additionally, the Fire Department is not licensed to remove or transport hazardous materials (including propane cylinders). As such, there is currently no defined process for removal of flammable or combustible materials.

Washroom Access

The need for access to washrooms was echoed by several individuals living in encampments who want the option of using facilities nearby, as well as community partners who provide frontline service. Housing Focused Street Outreach has received several complaints from members of the community reporting human waste requiring clean up or wanting portable washrooms at compliant sites.

To address some of the concerns, two washroom programs were established at central locations within the city and are available on a 24/7 basis. Individuals encamped near washroom programs (i.e., JC Beemer, Corktown Park) report it as one of the reasons they stay nearby but given logistical concerns in counting users of the washrooms who are experiencing homelessness, staff were unable to identify the frequency individuals access the 24/7 washrooms.

In September 2023, shower programs were also established within two locations within the City, Norman Pinky Lewis Recreational Centre, and Bennetto Community Centre. Previously, the City operated a shower program at Eastwood Arena, but due to low uptake (33 visitors over 15 weeks), the program was moved to Bennetto in January 2024, which has seen a mild increase in uptake (6 per week, vs 2 per week). In contrast, Norman Pinky Lewis has seen an average of 14 individuals experiencing homelessness utilize the service each week. More work is required to better understand barriers to service use.

Garbage and Debris Pickup

Housing Focused Street Outreach received several complaints describing parks as being unusable due to the presence of garbage and debris. As individuals move to compliant sites and stay in a single place for longer periods of time, they often accumulate more items at the site, particularly during colder weather months. As a result, the number of complaints related to garbage and debris has maintained at the same level (67-80 requests per month), despite a significant decrease to the number of sites and overall complaints and requests for service.

To facilitate clean-ups at sites across the city, the Parks Section has created a schedule to assist in managing garbage and debris pickup at encampments. To ensure adequate coverage, larger sites that may contain more than one cluster or are currently non-

compliant with five or more tents are attended to every other day given the level of need, while smaller sites are visited at least once a week.

Managing clean-ups throughout the city can be challenging given that there are ongoing ad hoc requests made of Parks section staff, sometimes related to sites being vacated or recently vacated. As such, a consistent, planned schedules for all sites is not possible. In the meantime, all known encampment sites visited by Parks section are offered garbage bags to help mitigate the spread of garbage and debris, and staff coordinate with individual(s) at the site to detail the location to leave bagged garbage, and approximate time of next pickup.

Additionally, there have been concerns about garbage/debris on private property associated with encampments, which is presently not within the City's scope of work. To alleviate the burden on members of the public to clean up after garbage/debris has been left on their property, Public Works is bringing forward a recommendation report in May 2024 to suggest an approach to address and mitigate these concerns.

Special Events

Throughout the year, the City of Hamilton, and its partners host community events on public lands across the city. As part of holding events the Special Events Advisory Committee (SEAT) reviews the operational details to ensure the health and safety of participants and City assets (parks, roads). Occasionally, some of the 350+ events held each year are planned in spaces already occupied by encampments in a compliant location.

With no specific clause in the Encampment Protocol delineating a process for managing co-location and given the mental health impacts of moving individuals from their compliant space, individual(s) in residing in compliant locations will not be moved as a result of an upcoming or planned event. As encampments move throughout the City, particularly in the summer months, this can lead to tensions and challenges amongst event organizers and City staff that are managed on a case-by-case basis.

Barriers to Housing and Emergency Shelter

Without identified outflow from encampments into indoor spaces such as emergency shelter, temporary or transitional housing, or permanent housing, encampments are likely to maintain or increase in total.

Individual(s) living unsheltered reported several barriers to emergency shelter, including a lack of pet-friendly and couples' spaces, harm reduction friendly policies, privacy concerns, and requirements to leave and return to secure a bed every day, that precluded them from wanting to access the service. When asked if they would consider accessing spaces in the emergency shelter system more suitable to their needs (i.e.,

some of the barriers to access were potentially reduced), 71% were interested. To reflect this need, Housing Services division continues to explore various program models aimed at providing more inclusive service.

To address the impacts of colder weather and increasing need, in 2023-24 Housing Services Division introduced a number of services and supports aimed at providing greater access to warm, indoor spaces, particularly for individuals who are less likely to access traditional service models and may spend time in encampments. Services offered included the warming bus which operated in cold-weather months overnight and was staffed by two outreach employees, extended hours at resource centres and libraries for individuals looking for immediate respite from colder weather, 45 overnight spaces at Willow's Place, and 50 warming spaces at Good Shepherd Cathedral. Given the benefits associated with the City's Winter Response Strategy and the ongoing need for indoor space, particularly for hardest-to-reach populations, these services have been extended until November 30, 2024. An investment in resources within the Family Shelter system allowed for additional support services for clients in this sector.

Housing also continues to be difficult to acquire for individuals living in encampments, especially those who may require supports that assist in their transition. While many of the individuals living outside had connected with housing workers and were on the Access to Housing waitlist, many still felt unsupported, and shared little to no hope in acquiring housing. While the Encampment Protocol has been developed to provide clarity and balance the needs of individuals living unsheltered and the broader community, and with the knowledge that other approaches (i.e., sanctioned sites) have been considered that would provide temporary relief at high costs, the goal is to use resources towards permanent, humane, cost-effective solutions such as housing. To this end, Housing Service Division has identified resources and strategies that would effectively end chronic homelessness in Hamilton and will be bringing a report with actionable recommendations for Council to consider in June 2024.

To ensure individuals are able to stay in their housing, the City of Hamilton is currently implementing the expanded Tenant Support Program as approved by City Council to help stop vulnerable tenants being displaced and possibly entering into the homelessness serving system. This expanded program includes a partnership with the Hamilton Community Legal Clinic to provide legal support for tenants facing displacement through N-13 and N-12 notices. Additional supports as part of this program are outreach services to tenants through ACORN Hamilton and housing plans and support for tenants who do need to be displaced because of legitimate renovations through the Housing Help Centre Hamilton and Area.

The issue of homelessness and related issues of addiction and mental health continue to cause pressures across the housing and homelessness system and beyond. These are multi-faceted complex issues, and the continuously growing needs are pressuring the capacity of the existing systems. In addition, the issues are challenging and cross-

departmental in nature, often extending beyond city departments. This is demanding work and has an impact on the City staff working on these issues.

Despite the challenges there are opportunities for us, as a City, to have a positive impact with time. The encampment protocol is not a solution to homelessness, it continues to be a means to manage the crisis within our City providing some stability and options for people experiencing homelessness, however, continued commitment to more solution focused measures is needed in accompaniment with the protocol.

ALTERNATIVES FOR CONSIDERATION

N/A

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report HSC24020/PED24080/PW24030 – Additional Encampment Protocol Considerations

Ex # 3 m/d/y 8/19/2024 Pg 1 of 16
Exam of Danielle Blake
Hassna et al v City of Hamilton
Nimigan Mihailovich Reporting Inc.
A8932

Hamilton

CITY OF HAMILTON
Healthy and Safe Communities Department
Housing Services Division

TO:	Chair and Members General Issues Committee
COMMITTEE DATE:	June 19, 2023
SUBJECT/REPORT NO:	Reducing Homelessness and Managing Encampments (HSC24027) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shannon Honsberger Danielle Blake Rob Mastroianni
SUBMITTED BY: **SIGNATURE:**	Michelle Baird Director, Housing Services Division Healthy and Safe Communities Department

RECOMMENDATIONS

(a) That staff report back with the results of a call for information on the feasibility and costs associated with creating new shelter beds with 25% being pet friendly, in the following bed numbers: Men's singles: 110, Women's singles: 50, Couple's: 55.

(b) That Council approve enhancements to the homeless-serving system for an approximate cost of $1,556,000 between August 1 and December 31, 2024, to be funded first from any available government funding, then from any 2024 Housing Services Division surplus, then from any 2024, Healthy and Safe Communities Departmental Surplus, and lastly from any 2024, Corporate Surplus or any source deemed appropriate by the General Manager of Corporate Services; and that those enhancements are as follows:

(i) approximately $940,000 be added to enhance existing shelter operator contracts by 25% to rectify historic underfunding;

(ii) approximately $266,000 in additional funding to enhance the Hamilton Regional Indian Centre's indigenous drop-in program;

(iii) approximately $210,000 to enhance Rapid Rehousing and Intensive Case Management supports to improve outflow from shelters into permanent housing;

(iv) approximately $40,000 be approved for one full-time equivalent for Housing Service Division to provide tax filing support for those experiencing homelessness; and

(v) approximately $100,000 to be provided to housing landlords for exceptional unit damage as a result of housing an individual from City-funded case management programs.

(c) That staff be directed to prepare a motion to amend the Encampment Protocol to mitigate impacts on those living in and around encampments as outlined in Appendix "A", which was approved by Council on August 18, 2023, including:

(i) removing the following provision from Section D, indicating the removal of encampments, temporary shelters, or tents "on or within 50 metres of the Hamilton Alliance for Tiny Shelters model site. For the purpose of this site the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North, will be considered the site.";

(ii) adding an exclusion from allowing encampments, temporary shelters, or tents for the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North until further park development options can be explored;

(iii) Establishing a minimum distance of 100m for additional sensitive uses, specifically around funeral homes and long-term care residencies as well as spaces that are designed and programmed for children as an amendment to the encampment protocol;

(iv) Amending the requirement to keep 5 metres from sidewalks during the winter months to be a full year requirement, and to include walkways and pathways in this requirement; and

(v) Establishing a minimum 25m distance from active construction sites

(d) That Council approve additional investments into encampment management, for an approximate cost of $286,000 between August 1 and December 31, 2024, to be funded first from any available government funding, then from any 2024, Housing Services Division surplus, then from any 2024, Healthy and Safe Communities Departmental Surplus, and lastly from any 2024, Corporate Surplus or any source deemed appropriate by the General Manager of

Corporate Services; and that those enhancements are as follows:

(i) approximately $108,000 be approved to increase Housing-Focused Street Outreach support;

(ii) One permanent FTE to provide program coordination, at an approximate cost of $48,000;

(iii) Make permanent one Community Services Program Analyst FTE supporting the Housing Focused Outreach Team, at an approximate cost of $42,500;

(iv) approximately $130,000 to provide two Social Navigator Paramedic by Hamilton Paramedic Service; and

(e) That the following items be referred to the 2025 municipal tax operating budget for an annual cost of $4,186,000

(i) approximately $2,255,000 be added to enhance existing shelter operator contracts by 25% to rectify historic underfunding;

(ii) approximately $400,000 for ongoing operations of the Hamilton Regional Indian Centre's indigenous drop-in program;

(iii) approximately $500,000 for enhanced Rapid Rehousing and Intensive Case Management supports to improve outflow from shelters into permanent housing;

(iv) approximately $90,000 for one permanent full-time equivalent for Housing Service Division to provide tax filing support for those experiencing homelessness;

(v) approximately $250,000 for exceptional unit damage because of housing an individual from City-funded case management programs;

(vi) approximately $266,000 for increased Housing-Focused Outreach support;

(vii) One permanent FTE to provide program coordination, at an approximate cost of $115,000;

(viii) Make permanent one Community Services Program Analyst FTE supporting the Housing Focused Outreach Team, at an approximate cost of $100,000;

(ix) approximately $310,000 to provide enhancements for two Social Navigator Paramedics by Hamilton Paramedic Service; and

(f) That the appropriate General Managers of Public Works and the Healthy and Safe Communities Department or their designate be directed and authorized, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to implement recommendations (a) and (b), inclusive of all sub-sections, outlined above on terms and conditions satisfactory to the respective General Manager or their designate and in a form satisfactory to the City Solicitor.

(g) That two Outstanding Business items be removed from the list including:

(i) A 2023 OBL item respecting increasing beds in Residential Care Facilities

(ii) A 2023 OBL Item respecting reporting back on a proposed investment ratio for Housing Services Division

EXECUTIVE SUMMARY

This report follows Report HSC240020/PED24080/PW24030, Encampment Observation Report, to provide recommendations on how the City may reduce instances of acute and chronic homelessness in the community and reduce impacts of encampments on neighbourhoods. This work is rooted within the housing continuum, with recommendations to better connect those covered under the encampment protocol to emergency shelter and outflow supports, and subsequently into more permanent housing solutions as governed by the Housing and Homelessness Action Plan and Housing Sustainability Investment Roadmap.

The high rates of homelessness in Hamilton are a shared issue influenced and intensified by the failure to increase Ontario Works and Ontario Disability Support Program rates; rising inflation, interest rates, and the cost of living; an influx of refugee claimants and asylum seekers; and an extreme shortage of affordable and deeply affordable housing options exacerbated by bad faith renovictions. As the Service Manager for Hamilton, staff continue to assess whether enhancements are needed to manage demand, but also advocate with government partners and prioritize investment into homelessness prevention and outflow supports.

That said, Hamilton's response to the homelessness crisis is improving. The most recent data shows that vacancy in CityHousing Hamilton units decreased from 9% in March 2023 to 5.5% in April 2024, and is on track to a target of 2% vacancy by the end of the year. CityHousing Hamilton has also completed 66% of repairs that were funded by Council, and is on track to complete these repairs by November. There has also been successes in homelessness services, like the reduction of family hotel stays from 400 in 2023 to 87 days in 2024. This is largely due to the concerted efforts of community partners, City investments, and forward-thinking policy decisions. Work

continues to implement the interventions approved as part of Report HSC23041: Addressing the Needs of Unsheltered Individuals and those Relying on Hamilton's Emergency Shelter System (HSC23041), and those approved in Budget 2024. Despite some successes, the demand for services continues to be larger than the available or approved resources and the number of encampments in Hamilton continues to be high. We know that the shelter system is consistently at 99-100% occupancy with many individuals and families being turned away each night. While we continue to provide 52 hotels rooms (or 208 beds) as overflow, this paired with the current capacity of 345 permanent and 20 temporary shelter beds does not come close to meeting the needs of the roughly 1592 people experiencing homelessness in the City. The need for shelter spaces is not easily quantifiable, as there is no accepted model of need per capita, and Hamilton has several social and econonomic factors that increase our need compared to other similar sized cities. Also contributing to a lack of shelter outflow is a shortage in available Long Term Care beds, limiting options for seniors experiencing homelessness. To improve our sector's ability to respond to the continued homelessness crisis and reduce the resulting impacts on other areas of the City, staff are recommending a variety of investments into encampment management, the shelter system, and outflow supports. This is intended to improve the rate at which individuals and families can be served within the emergency system and enter permanent housing, thereby reducing the prevalence of encampments in Hamilton.

Recommendations to reduce instances of homelessness include:

- Conducting a Call for Information to assess the costs associated with expanding the shelter system.
    - This recommendation would seek information from shelter operators the costs associated with adding 110 single men, 50 single women, and 55 couple spaces with 25% being pet friendly, to right-size the shelter capacity and close known service gaps for pet owners and couples. Staff will return with this information, as well as any additional resources needed to support that expansion including staff resources as well as potential investments into outflow supports like rent supplements.

- Approving a one-time adjustment of shelter operating costs by 25%
    - This is in recognition of historic underfunding across the last two decades and is intended to bring operations to a more appropriate baseline. The 2023 approval for cost-of-living adjustments would continue and better support funding adjustments.

- Enhance funding for Indigenous drop-in spaces, an important support for connecting individuals with culturally appropriate programs
    - funding for a portion of this program expired in March 31, 2024 despite this program being a critical support and entry point for unhoused indigenous people in Hamilton.

- A 10% funding increase to case management programs to expand caseloads as well as improve the quality of supports provided.

- Improving access to and prioritization of unhoused individuals on the Access to Housing Waitlist
    - Staff are recommending one Housing Services Clerk to help clients file their taxes, an identified barrier to completing an Access to Housing application.
    - Within current complement, staff will be reviewing the prioritization of homeless individuals on the waitlist to increase the rate of offers being provided to individuals on the By-Name-List. Any changes to the process would be brought to Council for approval.

- Beginning a Landlord Engagement program whereby staff can support landlords that house individuals out of homelessness.
    - As part of this program, staff are recommending providing up to $250,000 in financial aid to landlords experiencing excessive unit damage.

Recommendations to mininimize unintentional consequences of encampments include:

- A variety of updates to the Encampment Protocol, as shown in Appendix “A” to Report HSC24027, including
    - Including a minimum distance of 100 metres around funeral homes, long-term care facilities and spaces that are designed and programmed for children as an amendment to the encampment protocol; in recognition of family members attending these locations, as well as a minimum distance around construction sites of 25m for the safety of those living encamped.
    - Extending the requirement of a minimum distance from sidewalks of 5m during winter to accommodate snow clearance to be a full year requirement to address concerns around walkways and sidewalks.

- Increased resourcing for the Housing-Focused Outreach Team to
    - better resource winter response programs and address rising encampment numbers in the warmer months.
    - Create a permanent program coordinator to coordinate inquiries from the public, internal stakeholders and members of Council.

- Increase services to those living in encampments and those around encampments through:
    - Enhancing the Social Navigation Program provided by Hamilton Paramedic Services and Hamilton Police Services. This program provides short-term intensive case management, including assessments, connection to experts,

point-of-care testing and wound care to improve the health outcomes of those living unsheltered.

Recommendations to remove items from the Outstanding Business List include:

- Expanding Residential Care Facilities
    - Residential Care Facility subsidies are funded through provincial funding which is currently fully expended with no anticipated increase. Further, there are consistently vacancies in the program based on low demand. Staff do not recommend spending further funding on a program that may not get utilized
- Housing Investment Ratio
    - Staff researched this area further and have not found reliable data to inform a recommendation to Council. Without reliable data, staff are not able to recommend an evidence-based approach and recommend continuing efforts to promote prevention of homelessness and outflow supports with the eventual goal of reducing funds directed towards emergency supports in accordance with decreasing demand in the community.

In addition, staff are recommending one confidential item to be considered in closed session. The closed session recommendation pertains to staff recommendation to make the Community Services Program Analyst a permanent position. This position supports data collection and analysis for the encamped population to inform management of encampments and improving services for those living unsheltered.

With these investments, as well as continued quality improvement work within the Division, we can create capacity within shelter and housing supports to accommodate more of those living in encampments, accelerate and improve housing outcomes for those already in receipt of emergency supports, and reduce the impacts of encampments on those living or working nearby.

Alternatives for Consideration – Page 14

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are financial implications to recommendations (c) and (e). Most are prorated in 2024 to begin funding in August 2024, however the Hamilton Regional Indian Centre is prorated to April, as there was previously available funding that concluded March 31, 2024.

Recommendation	2024 Cost (approximate)	Annualized Cost (approximate)
Closed session recommendation (a)	$42,000	$100,000

Recommendation	2024 Cost (approximate)	Annualized Cost (approximate)
(c)(ii) Shelter operating costs	$940,000	$2,255,000
(c)(iii) HRIC Drop-In	$266,000	$400,000
(c)(iv) Case management	$210,000	$500,000
(c)(v) Tax Filing Resourcing	$40,000	$90,000
(c)(vi) Unit Repairs	$100,000	$250,000
(e)(i) Housing Focused Outreach Resourcing	$108,000	$266,000
(e)(ii) Program Coordination	$48,000	$115,000
(e)(iv) Social Navigators	$130,000	$310,000
Total	$1,884,000	$4,286,000

Staffing: Staff recommend 3 additional permanent FTEs, one each for data collection, tax filing, and program coordination. The remaining work would be completed within existing complement or as an enhancement to an existing contract.

Legal: support is needed to develop and review contracts.

HISTORICAL BACKGROUND

On March 23, 2023, the Ending Chronic Homelessness Report (HSC23021) was received by Council. The report provides an outline of the comprehensive approach and investments required to end chronic homelessness in Hamilton. A performance update on Q1 and Q2 was provided to council on November 16, 2023 (HSC23076).

The Housing Sustainability and Investment Roadmap (HSIR) was published in April 2023 and updated in November 2023. This roadmap builds upon the Housing and Homelessness Action Plan. On April 19, 2023, the General Issues committee approved report HSC23028/FCS23055/PED23099 Housing Sustainability and Investment Roadmap to guide affordable housing issues cross-departmentally.

August 14, 2023, the report Addressing the Needs of Unsheltered Individuals and those Relying on Hamilton's Emergency Shelter System (HSC23041) was presented to Council. The report identified that the number of individuals living unsheltered and the number of individuals who are homeless continues to rise in Hamilton and the shelter system continues to be over capacity. This report included recommendations to continue funding shelter overflow beds for families and make investments into shelter bed expansion and homelessness prevention.

On August 18, 2023, Council adopted and ratified an Encampment Protocol in Encampment Response Update – August 2023 (HSC23066), identifying approaches, processes, and service levels associated with responding to encampments in the City. In addition, Council provided necessary resources in staffing and equipment to support the implementation of the Protocol. While a broad approach involving sanctioned sites was not recommended by Staff due to its prohibitive costs better utilized in prevention efforts and/or housing, Council also approved a two-year Hamilton Alliance for Tiny Shelters pilot for up to 25 tiny homes on City lands at no cost to the City. The City was asked to provide a location, and while the City continues to work with HATS to secure a location, none has yet been agreed upon.

The Annual Winter Response Strategy (HSC23012) was approved by Council in September 2023 and an amendment was made in March 2024 (HSC23012(a)) to extend the response from April 2024 until December 1, 2024, as it has been demonstrated that the need for services in the community continues beyond the winter season.

The Encampment Observation Report (HSC24020 / PED24080 / PW24030) was presented to General issues Committee on May 17, 2024 which detailed information around the first eight months of using the Encampment Protocol. It also recommended returning to Council with recommendations on how to reduce homelessness, and staff were directed to include recommendations on reducing the impact of encampments on neighbourhoods.

The Housing and Homelessness Action Plan (HHAP) was published in 2013 and updated in 2020 demonstrating Hamilton's commitment to ending homelessness. In 2019, the Coming Together to End Homelessness report was published, which provides an outline of Hamilton's strategy to end homelessness.

RELEVANT CONSULTATION

In July 2022, The Social Planning and Research Council of Hamilton released a key findings report, *Hamilton Post-Pandemic Emergency Shelter Size Review* for the City of Hamilton. This was included as Appendix "A" to Report HSC23041. The preparation of this report included interviews and focus groups with agencies providing shelter services, outreach, diversion, and prevention, and/or drop-in services. Qualitative data was also gathered in consultation with partners from Indigenous-led agencies, youth, women's, men's and family services as well as service providers that provide outreach services to shelter clients and unsheltered populations. This report includes recommendations for prioritization of additional supports in the shelter system including prioritizing the Indigenous community, safe and deeply affordable housing with supports, staff recruitment and retention, and an increase in emergency shelter responses particularly for the Indigenous, women's and family sectors.

The November 2023 Report HSC23076, Ending Chronic Homelessness Performance Update, included performance results that had been provided, reviewed, or confirmed by representatives from the individual reporting programs through multiple engagement sessions and data collection points. At that time a full list of the reporting and engagement opportunities was included as Appendix “B” to Report HSC23076.

In November 2023, the Homelessness Policy and Programs team from the City of Hamilton’s Housing Services Division hosted an event entitled *Coming Back Together to End Homelessness*, bringing together community partners from across the homeless-serving sector, healthcare, settlement services, social housing providers, and people with living experience to learn from each other, collaborate, and to discuss opportunities for greater impact in ending homelessness. Discussions highlighted strengths of the sector, areas for improvement and acknowledgement of the existing challenges and limitations experienced in the sector.

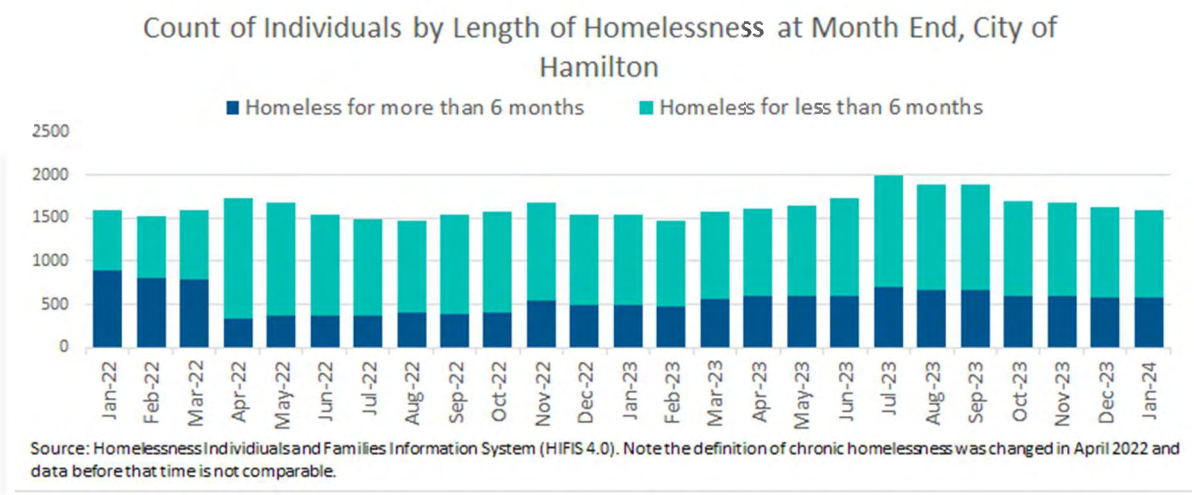
Since the establishment of the Encampment Protocol in August 2023, the operation of a centralized inbox allows staff to respond quickly to community correspondence and monitor community perspectives. Concerned citizens make up 31% of the correspondence with the Housing Focused Street Outreach team, the other categories include Municipal Law Enforcement (15%), Public Works (12%), Councillor’s Offices (11%), the City’s Contact Centre (10%), as well as other groups in less significant numbers such as Hamilton Police, Business Improvement Areas, schools and hospitals.

Staff also worked closely across Planning and Economic Development, Public Works, and Healthy and Safe Communities to determine areas for improvement.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

While the data availability has been hampered by the cyber-security incident, staff do have trend-level data up until January, as well as informal data collected through weekly visits to encampments that has informed the recommendations within this report. Figure 1 shows population count across the last two years, divided by length of homelessness.

Figure 1: Count of Individuals by Length of Homelessness at Months End[1]



Source: Homelessness Individuals and Families Information System (HIFIS 4.0). Note the definition of chronic homelessness was changed in April 2022 and data before that time is not comparable.

An important factor in this graph is the proportion of individuals experiencing homelessness for more than 6 months. These individuals are often of higher acuity, and in need of more services to become "rent-ready" and successful in maintaining their housing. As such, they are often clients within the Rapid Rehousing and Intensive Case Management programs. There has been between 500 and 700 individuals in that category across 2023. To ensure that more individuals gain access to these supports, staff recommend increasing funding to these programs to increase the caseload capacity and improve service.

Figure 2: Approximate Demographics of Those Living Unsheltered

Current Approximate Total Number of Individuals Living Unsheltered in Hamilton: **205**					
Demographic Breakdown:					
Couples		Singles (Males)		Singles (Females)	
41 (*82 individuals)*		84		39	
Couples with Pets	Couples without Pets	Single Males with Pets	Single Males w/o pets	Single Females with Pets	Single Females without Pets

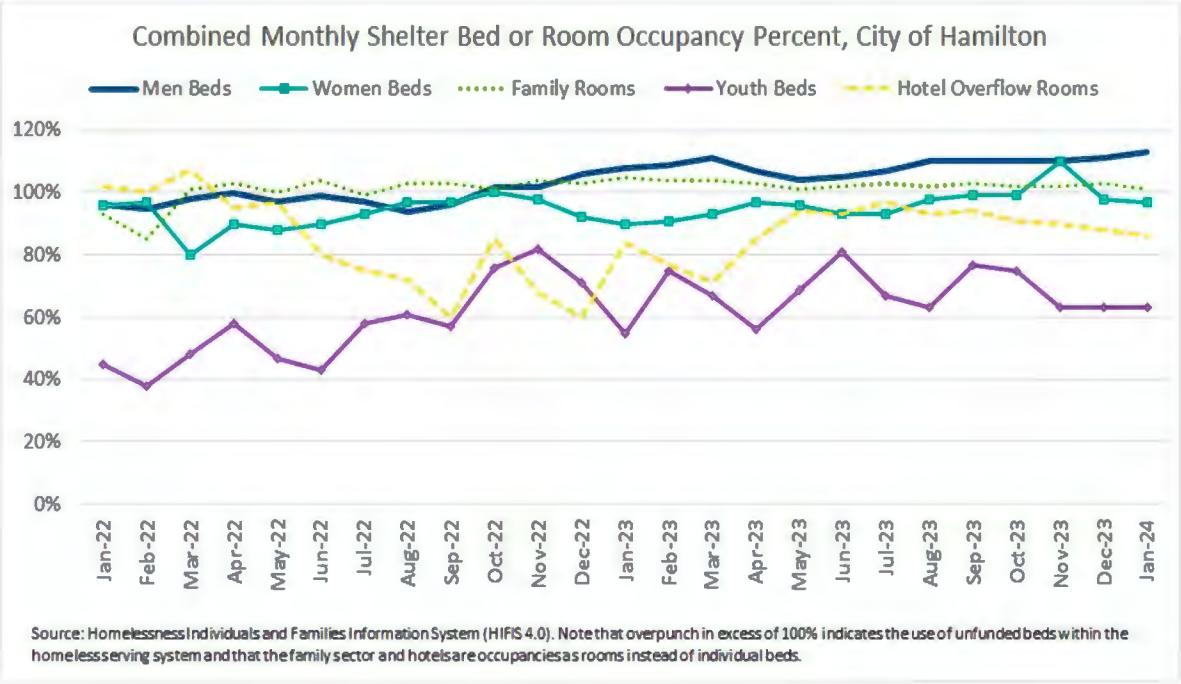
[1] Note: the increase in the total count of individuals increasing in the summer of 2023 was a result of changes in data reporting. The count of individuals is consistently approximately 1600.

11 *16 dogs total*	30	19 *20 dogs total*	65	9 *18 dogs total* *6 cats total*	30
Total People with Pets: 50 (18 individuals, 11 couples) **Total Pets:** 60 (54 dogs, 6 cats)					

Further, Housing-Focused Outreach staff maintain an informal count of individuals living in encampments. There are currently over 90 encampment sites with over 200 individuals. While there will always be individuals who prefer to live outside, there are individuals who would shelter within City-funded programs if there were appropriate spaces. However, city-funded shelters are consistently at, or over, capacity (Figure 3). In addition to these capacity pressures, there are gaps in service for individuals with pets and couples without children. Because there is no space for those who are unwilling to access shelter separately from their partners, these individuals often chose to live in encampments. Without additional resources in these targeted areas, encampments are likely to persist. As such, staff used peak encampment population numbers, plus 10%, from last summer to develop the number of new shelter beds to consider funding through the recommended Call for Information.

Drop-in programs are funded, in part, to capture individuals who are not otherwise sheltered. However, a critical drop-in program serving the indigenous population recently lost some of their funding and had to downsize their program. To rectify this, for an already over-represented group within the homeless population, staff recommend the City fund the gap.

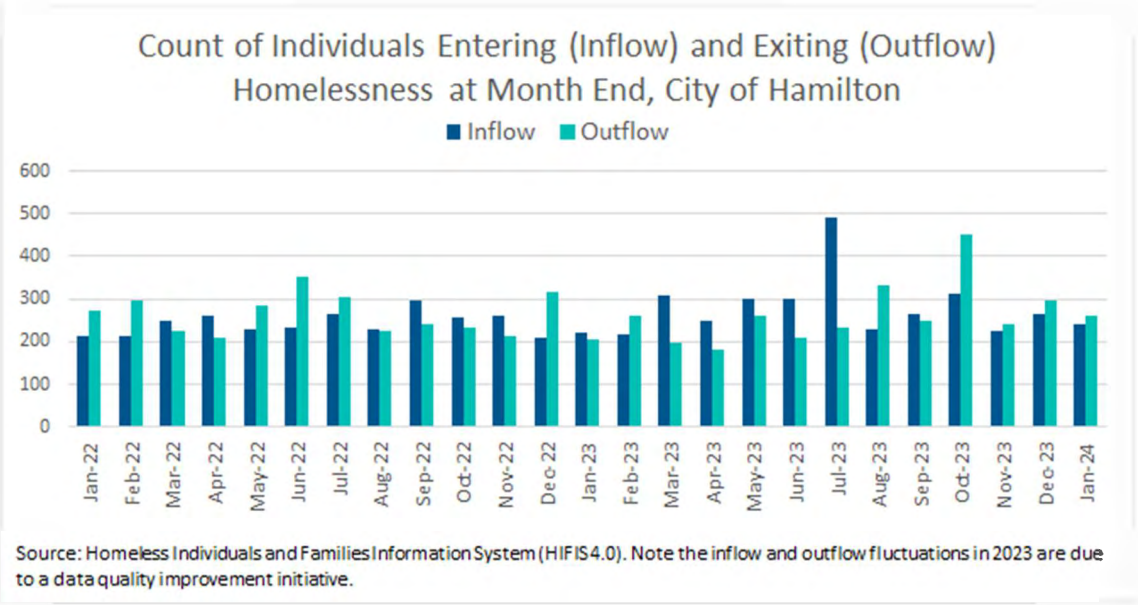
Figure 3: Combined Monthly Shelter Bed or Room Occupancy Percent



In tandem with the high demand for services, shelter operators are been chronically underfunded. As part of Budget 2023, Council approved an ongoing cost-of-living adjustment for all City-Funded shelters. While this assuages issues of continued underfunding, it does not resolve the cumulative effect over the past several years. Staff are recommending a percentage increase to all shelter contracts to reestablish more appropriate funding levels. This percentage rate is based on the percentage of total operating costs that operators augment through other funding sources such as donations. This other funding ranges between approximately 12 and 35% of their total operating costs.

Inflow and Outflow are the terms used to describe those entering and exiting the emergency support system. Figure 4 depicts the rate of inflow and outflow, including an increase to inflow between February and July 2023. This aligns with the observed increase in encampments over last summer. However, outflow numbers improve from August onward as population numbers decreased. Investments into prevention of inflow and accelerated outflow is how the City can reduce overall reliance on the emergency system. Some factors which influence inflow remain outside of the City's control, however, including the rate of asylum seekers and refugee claimants that choose to settle in Hamilton.

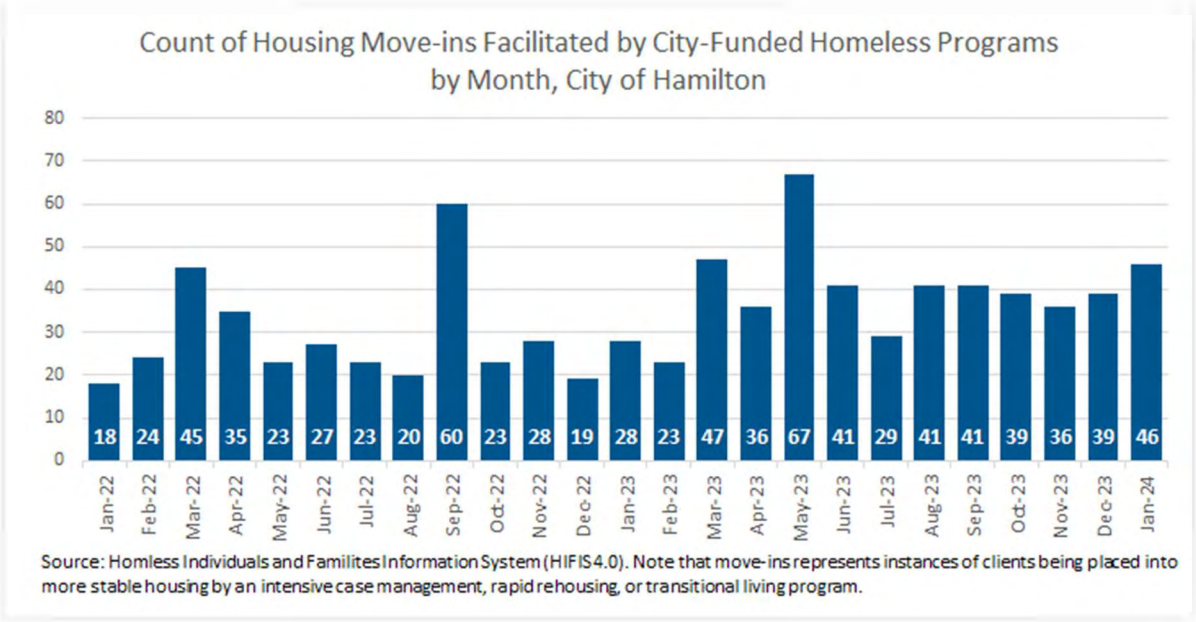
Figure 4: Count of Individuals Entering and Exiting Homelessness at Month End



Source: Homeless Individuals and Families Information System (HIFIS 4.0). Note the inflow and outflow fluctuations in 2023 are due to a data quality improvement initiative.

In addition, Hamilton is improving the rate at which individuals are housed through City-funded programs. Figure 5 shows the number of individuals moved into housing that was facilitated by City programs. In 2022, the City averaged 28.75 'move-in's' per month and increased that to an average of 38.9 in 2023. This may be attributed, in part, to the opening of Dorothy Day Place in May 2023. However, removing outlier months of 60 move-ins or more, the averages still show an increase to outflow in 2023 (25.9 and 36.4, respectively).

Figure 5: Count of Housing Move-Ins Facilitated by City-Funded Homeless Programs by Month



Despite these improvements at the population level, the effects of further investment will take time to realize. During that time, encampments will continue across the City. To better manage any impacts to those living in or around encampments and those working nearby, staff recommend several improvements in alignment with program design needs and community concerns.

Inquiry	Mitigation
Reporting an encampement (27% of inquiries)	Increase the Housing Focused Street Outreach complement to support anticipated increased encampment numbers during the summer, and support winter response programs during the winter months.
Feelings of intimidation and lack of safety (25%)	Implementing minimum distances from walkways and pathways, and maintaining a minimum distance from roads throughout the year (instead of only during snow plowing season). Establishing a minimum distance from funeral homes, long-term care homes and spaces that are designed and programmed for children.
Requesting Enforcement (19%)	Staff do not recommend changing the enforcement approach
Waste & Debris (15% of inquiries)	Collection of waste is already in place and occurring daily in some places. Staff do not recommend a change to this process.
Healthy and Safety of those living unsheltered	Increase the Social Navigator Program with two additional Paramedics to better connect those living

(11%)	unsheltered with healthcare, and provide onsite supports like wound care, point-in-care assessments, and harm reduction supplies. Establishing a minimum distance from construction sites to ensure individuals are a safe distance from active work

The Community Services Program Analyst supports analysis of encampment correspondence, as well as data collection from encampment residents. This enables Housing Services to continue to optimize the application of the Encampment Protocol and better connect individuals to emergency supports. Due to the prevalence of encampments, and the anticipated continuation of encampments, staff recommend making this position permanent. In addition, staff recommend an additional permanent FTE in Housing Services Division to coordinate responses to community inquiries.

ALTERNATIVES FOR CONSIDERATION

Additional amendments may be considered for the Encampment Protocol including:

1. A setback from private property line. While staff recognize the need to limit impacts to private property, increasing the setback beyond 5m would restrict smaller downtown compliant sites.
2. Limiting to five tents in parks, regardless of size. Staff do not recommend this approach as it would be very limiting and not an equitable approach across the city.
3. Exclude tents from all parks with construction. This is also not recommended as it would close all parks for any type of construction and reduce the number of compliant sites.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report HSC24027 – Proposed Updates to the Encampment Protocol

Hamilton

INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	August 12, 2024
SUBJECT/REPORT NO:	Encampment Protocol Distance Proposals (HSC24027(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Amanda Ciardullo (905) 546-2424 ext. 3824 Danielle Blake (905) 546-2424 ext. 3731
SUBMITTED BY: **SIGNATURE:**	Al Fletcher Acting Director, Housing Services Division Healthy and Safe Communities Department
SUBMITTED BY: **SIGNATURE:**	Cynthia Graham Director, Environmental Services Division Public Works Department C. Graham
SUBMITTED BY: **SIGNATURE:**	Monica Ciriello Director, Licensing and Bylaw Enforcement Planning and Economic Development Department Monica Ciriello

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Exam of Danielle Blake
Heegsma et al v City of Hamilton
Nimigan Mihailovich Reporting Inc.

INFORMATION

Hamilton continues to attempt to address a severe housing and homelessness challenge. Throughout Canada, there has been a noticeable rise in unsheltered homelessness and encampments since the onset of the COVID-19 pandemic. These encampments are indicative of broader issues, including a housing shortage, high demand for shelters surpassing availability, rising living expenses, insufficient income supports, and compounding social challenges such as drug toxicity and mental health issues. Staff believe that permanent, suitable, affordable, and supportive housing is the

solution to homelessness as encampments do not offer a sustainable, long-term resolution. While efforts towards securing permanent housing solutions are ongoing, it remains imperative to provide ongoing support to individuals residing in encampments, who are among the most vulnerable members of our community.

Currently, there are over 90 active encampment sites housing more than 200 individuals in Hamilton. Engagement with individuals with lived experience has revealed a common theme: while some individuals prefer to live outdoors, others would shelter within City of Hamilton funded programs if suitable spaces were available.

On August 18, 2023, Council approved an Encampment Protocol through Report HSC20036(g) identifying approaches, processes, and service levels associated with responding to encampments in the City of Hamilton. On July 12, 2024, Council approved amendments to the Encampment Protocol through Report HSC24027. Council approved Report HSC24027 including a motion for staff to review and report back on Encampment Protocol distance proposals with implications including any legal considerations on the following changes to distance requirements:

(i) Private Property Line minimum distance increase from 10 metres to 25 metres.
(ii) Construction Site minimum distance increase from 25 metres to 100 metres.
(iii) Funeral Home minimum distance change from classification of Funeral Home to Active Business.
(iv) Pathways minimum distance increase from 5 metres to 50 metres.
(v) Heritage Designation distance increase from 5 metres to 50 metres and add monuments & memorials to the classification.

In addition to the above Encampment Protocol distance proposals, staff were directed to report back to the General Issues Committee on City parks that have bona fide and active construction projects with a list of recommendations including but not limited to distancing, safety, and/or exemptions due to nature of the construction scope and tendered schedules to be considered for further amendments to the Encampment Protocol.

Additionally, these compliant spaces would be limited to the center of open areas within parks, increasing the visibility of encampments. Positioning encampments in the center of open spaces would further hinder event planning in parks, as events are typically held in these areas and would require relocating individuals to other compliant spaces for special events. Another significant finding is that some of the remaining compliant spaces under the proposed distance increases would place tents in unsafe locations, such as heavily wooded areas, posing safety risks for both individuals and staff.

Although encampments are not a sustainable, long-term solution for municipalities, it must be recognized that housing is a human right. Until permanent housing solutions are in place to support individuals living in encampments, municipalities need to act in the best interests of individuals experiencing homelessness and their communities to find other solutions.

The Encampment Protocol amendments that were approved by Council on July 12, 2024, through Report HSC24027, limited the number of compliant encampment spaces to 102 sites in the community. The Encampment Protocol distance proposals referred to staff for review found that through implementing all proposed distance increases would further limit the number of compliant encampment spaces to 29 sites in the community. Appendix "A" to Report HSC24027(a), Community Impact Analysis of Proposed Amendments to the Encampment Protocol, provides specific analysis on the number of compliant sites under each of the proposed increased distance requirements.

This analysis was completed through using an online mapping tool. Additional ground truthing will be necessary to confirm the viability of the sites.

The proposed increases in distance offsets for private property and pathways had the most significant impact on compliant sites. These changes would position compliant areas in the middle of open spaces affecting the usability of the park for the general public.

Figure 1 illustrates the impact of compliant sites in the community for encampments with all of the proposed distance increases.

Figure 1: Impact of Proposed Distance Increases

Impact of Proposed Distance Increases on Compliant Sites	
Proposed Distance Increase	**Number of Compliant Sites**
10 m to 25 m of a Private Property Line	52
5 m to 50 m from a Pathway	46
5 m to 50 m of a Military Monument	100

Proposed Distance Increase of 25 metres to 100 metres from a Construction Site

Specific data regarding active construction sites is not available or consistent over time. Construction projects are dynamic and subject to change, which can affect the locations and timelines associated with them. Therefore, any attempts to provide specific data on active constructions sites may not be feasible for this exercise due to the fluid nature of these projects. To further investigate this setback, a better understanding of the type of construction activity to be considered would be important, i.e., building construction, road construction, etc.

Proposed Distance Increase of 100 metres from any Active Business

Specific data regarding the impact of compliant sites within 100 metres of an active business was not able to be collected at this time. To further investigate this setback, a refinement of type of business would be important given active business could be those within Business Improvement Areas, home occupations, etc.

Proposed Distance Increase of 5 metres to 50 metres from a Property with a Heritage Designation and include Monuments and Memorials

Consultations with the Heritage Resource Management team have highlighted complexities in designating monuments or memorials within the City of Hamilton. These sites often hold diverse cultural and historical significance, which can lead to varying interpretations and disputes over their appropriate use and protection. While heritage designated businesses or cultural landscapes are more easily defined, memorials could include benches placed in memorial, trees planted for fallen soldiers, etc.

City Parks with Active Construction Projects

The current setback related to active park construction sites exists regulation which prohibits encampments from being located on or within 25 metres.

Staff propose that the Housing Focused Street Outreach team be involved in the early planning stages of construction projects on compliant sites to develop a coordinated response for assisting and potentially relocating affected individuals to safer, compliant sites that meet their needs. Appendix “B” to Report HSC24027(a) lists the parks in the City of Hamilton with scheduled construction projects.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report HSC24027(a): Proposed Amendments to the Encampment

Appendix “B” to Report HSC24027(a): Park Construction Projects

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Exam of Danielle Blake
Heegsma etal v City of Hamilton
Nimigan Mihailovich Reporting Inc.

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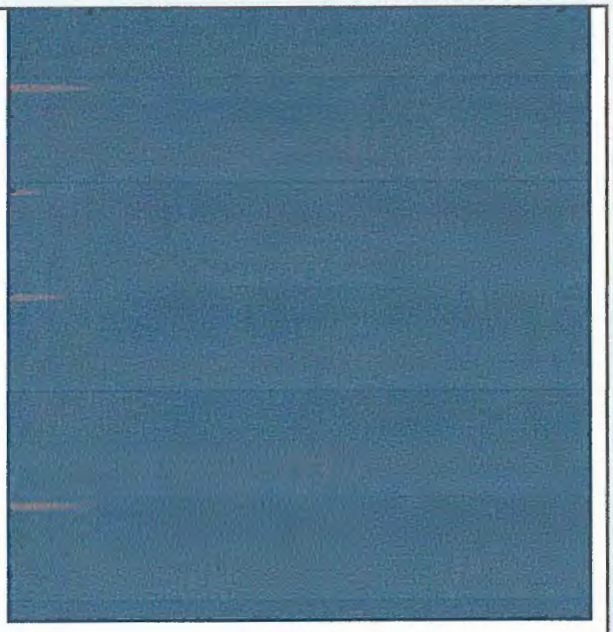

City of Hamilton

Point in Time Connection Results 2021

Housing Services Division – April 2022

A3968

The 2021 Point in Time Connection (PiTC), a joint planning effort with City of Hamilton's Housing Services Division and the Coalition of Hamilton Indigenous Leadership (CHIL), was made possible through the support of a wide range of community partners who assisted greatly in its planning and implementation. The Housing Services Division would like to specifically acknowledge and thank every single survey participant whose contributions allow us to more deeply examine the impact of our ongoing work to end homelessness.

The partnership with, and leadership of, CHIL remain central in efforts to prioritize Indigenous led solutions to homelessness. Recommendations from the Indigenous community guide efforts to ensure that the PiTC is conducted in a way that is safe and culturally appropriate, acknowledging autonomy and self-determination as key pillars of engagement.

For the first time, Hamilton's PiTC was led on the ground exclusively by community partners and City staff without the support of volunteers; these efforts were critical in prioritizing the health and safety of all involved throughout the survey week. Building on this initiative, we continue to strive to centre the voices of unhoused residents to work toward ensuring that their needs are directly prioritized in approaches taken and decisions made in the context of local planning, policy and investment.

Land Acknowledgment

The City of Hamilton is situated upon the traditional territories of the Erie, Neutral, Huron-Wendat, Haudenosaunee and Mississaugas. This land is covered by the Dish With One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. We further acknowledge that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation.

Today, the City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and we recognize that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

Coming Together to End Homelessness: Hamilton's Systems Planning Framework outlines our strategic local approach to preventing and ending homelessness, which must account for the systemic over-representation of Indigenous persons experiencing homelessness. The Housing Services Division is committed to ongoing coordination with urban Indigenous leadership to ensure that approaches to service coordination and provision are culturally appropriate, safe and built on principles of relationship, trust and informed consent.

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Summary and Key Findings

Hamilton's most recent PiTC survey of individuals experiencing homelessness in the city highlights a shift in the demographic profile of those experiencing homelessness, identifies key barriers to maintaining or obtaining housing, and shows specific groups are overrepresented in their experience of homelessness.

Held November 15 to 19, 2021, and jointly planned by the City's Housing Services Division and CHIL, it is the third nationally-coordinated Point-in-Time Count since 2016. The information collected complements existing local efforts to collect and report on key data on the state of homelessness and helps to ensure available resources are used as efficiently and effectively as possible to prevent and end homelessness.

Service staff from community-based social service organizations conducted 545 surveys over the five-day period at emergency shelters, drop-in programs, community agencies, and in unsheltered locations to better understand the needs of people experiencing homelessness in our community.

Results of the survey highlight:

- the overrepresentation of Indigenous peoples, as 23% of all respondents identified as Indigenous or as having Indigenous ancestry;
- a shift in the demographic profile of those experiencing homelessness throughout the COVID-19 pandemic, including an increase in the percentage of respondents who identify as a woman (53%), which was higher than in 2018 (32%) and 2016 (28%);
- key barriers to maintaining or obtaining housing, such as impacts from the COVID-19 pandemic, housing affordability, low income/low income assistance, landlord/tenant conflict, poor housing conditions and discrimination;
- a majority of respondents reported they had most recently stayed in an emergency shelter or a City funded hotel/motel; and,
- the 2021 PiTC engaged a larger number of people staying in outdoor unsheltered locations and encampments (95) compared to 2016 and 2018 (In 2016, 34 survey respondents were unsheltered and/or in encampments compared to 25 survey respondents in 2018).

In keeping with the principles of Indigenous data sovereignty, as directed by the Indigenous Community Advisory Board (ICAB), CHIL has led the analysis of Indigenous respondent data and the City of Hamilton has not and will not use this data without the approval of the ICAB. Housing Services Division continues to prioritize collaborative work with local Indigenous leadership to develop connections to housing and supports

that are culturally appropriate, rooted in the spirit and actions of reconciliation that recognize the values of autonomy and self-determination.

Snapshot of Homelessness in Hamilton on November 19, 2021

- Shelters were at 93% capacity during the period of November 15-19, 2021
- 748: the number of unique individuals that stayed in an emergency shelter during the period of November 15-19, 2021
- 1426: total number of people on the City of Hamilton's By-Name List on November 12, 2022

Introduction

From November 15 to 19, 2021 the City of Hamilton participated in Everyone Counts, the third nationally coordinated Point-in-Time Count in Canada. Completion of the PiTC fulfilled requirements of both the Federal government's Reaching Home: Canada's Homelessness Strategy and the Ontario Ministry of Municipal Affairs and Housing.

Point-in-Time Counts have historically been used to help communities better understand the nature and extent of homelessness and the circumstances of the people experiencing homelessness, while providing information to help shape ongoing system and service responses. Point-in-Time Counts can assist in identifying how many people in a community experience homelessness at any given time; however, it is not an exhaustive count. Through the accompanying survey, the initiative provides information on the demographics and service needs of the local population experiencing homelessness.

545 surveys were completed during the week at emergency shelters, provincially administered Violence Against Women shelters, drop-in programs, community agencies, and in unsheltered locations including encampments. An Indigenous led magnet event was also held in Beasley Park on November 17, 2021 to provide an opportunity for Indigenous community members to be surveyed by Indigenous surveyors.

COVID-19 Context

Investments specifically targeted towards housing-focused interventions in Hamilton to prevent and end people's experience of homelessness total approximately $25 M annually in regular funding. In addition, since the beginning of the COVID-19 pandemic, the City has sustained an emergency response across the homelessness-serving system directing more than $60 M in additional pandemic response funds. These funds ensured for a responsive and flexible response throughout the evolving demands of the pandemic.

Through the pandemic, additional investments have enabled the temporary expansion of shelter space across the system from 341 beds up to 548 beds at the highest point plus additional overflow space, as well as a new temporary women's shelter. In addition, these investments supported the expansion of the City's Housing Focused Street Outreach team and have also enabled community drop-in programs to expand and

maintain services for vulnerable residents, including: meals, showers, harm reduction supplies, and overnight access to drop-in services. These investments and the dedicated efforts of agency staff provided additional settings and opportunities for engagement through the PiTC.

Overview of Homelessness in Hamilton

Sheltered Homelessness

Emergency shelters are a critical first-line response to ensure people experiencing homelessness have a safe place to stay while they pursue stable housing. The City's outreach staff work on a daily basis to engage individuals experiencing unsheltered homelessness to offer shelter space and work with them to find safer, humane, and supportive housing options.

There has been growing pressure within the shelter system throughout the course of the pandemic. In 2020, emergency shelter average length of stay increased 18% and the women's system was particularly over-capacity. From 2020 to 2021 there has been an increasing trend in number of unique individuals accessing shelters by month.

Figure 1: Unique Individuals in Shelter by Month

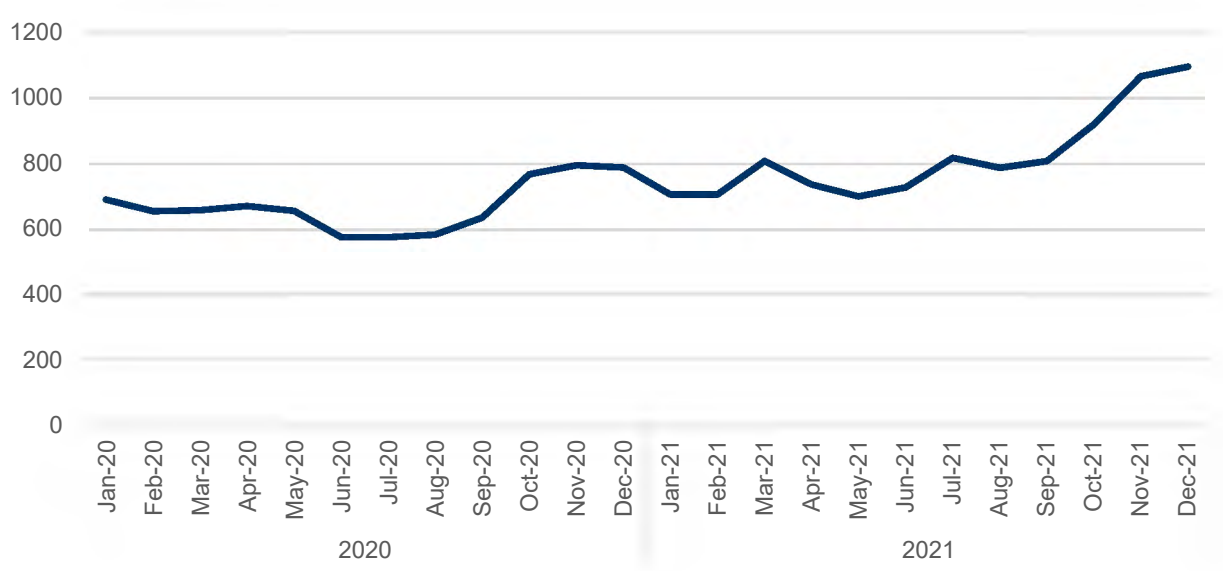


Figure 2: Monthly Shelter Bed Usage and Max Capacity by Month

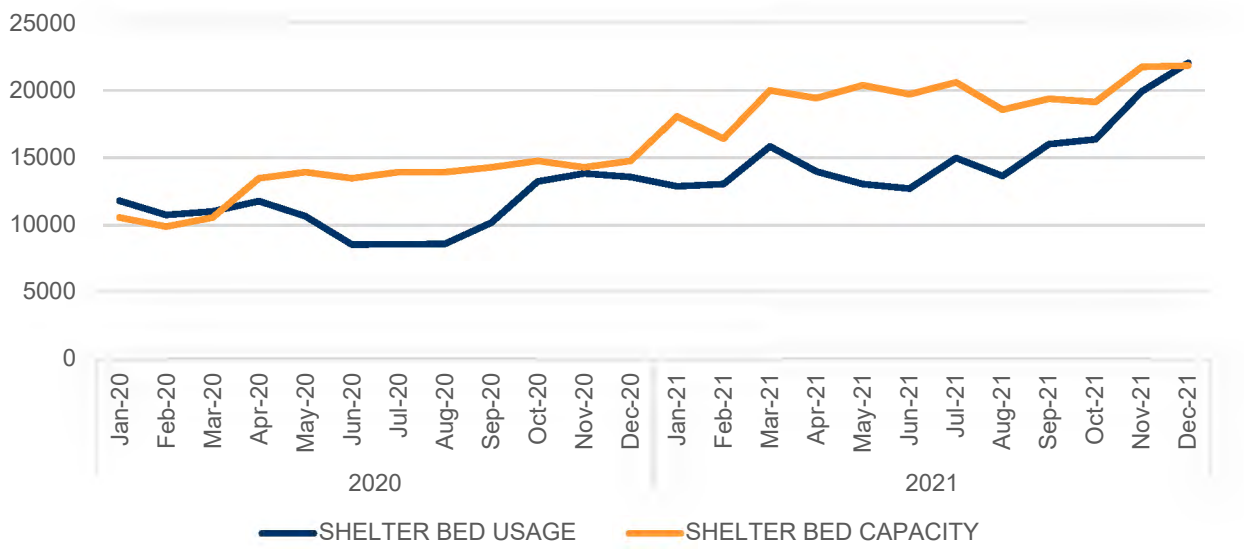
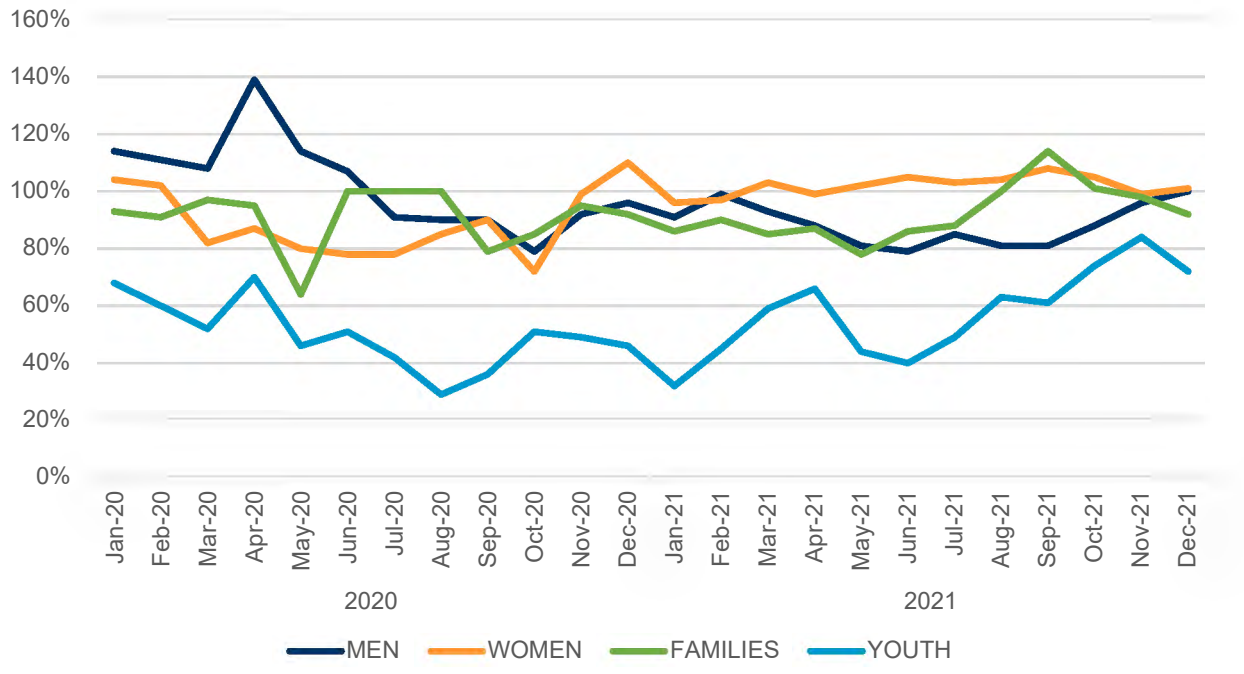


Figure 3: Shelter Occupancy by Sector and Month



Unsheltered Homelessness

During the week of the PiTC (Nov. 15-19, 2021), the City's Housing Focused Street Outreach team reported that there were approximately 90 unique individuals staying in unsheltered locations, including encampments. The rise in, and visibility of, unsheltered

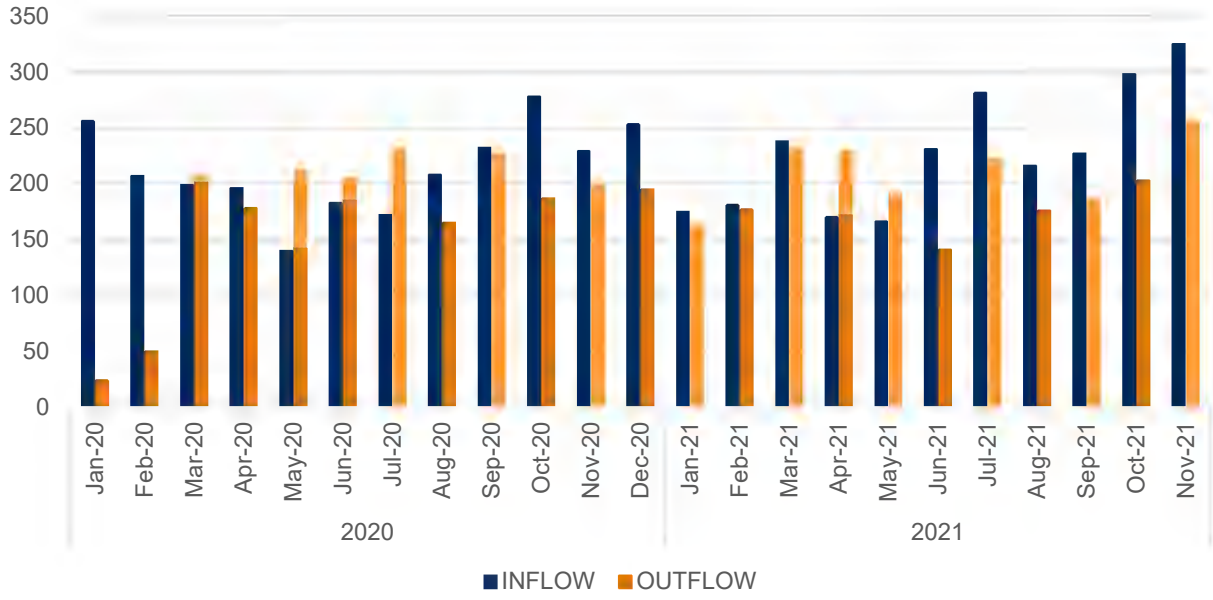
homelessness and encampments throughout many Canadian cities continues to demonstrate how the COVID-19 pandemic persists in exacerbating ongoing systemic challenges and inequities as it relates to housing and homelessness. While the City has worked to develop new strategies and approaches to address these issues locally, unsheltered homelessness remains a persistent reality in Hamilton along with structural barriers to accessing adequate housing and supports.

Shelter System Flow Data

Inflow and outflow are two of the most important measures for monitoring progress towards the goal of ending homelessness. The goal towards ending homelessness is to see outflow exceed inflow. When this happens, it means that more people are exiting from homelessness than are entering the homeless-serving system. As of the end of November 2021, there have been two months where outflow exceeds inflow. In 2020, there were four months where outflow exceeded inflow. Note that outflow data was limited for the first two months of 2020.

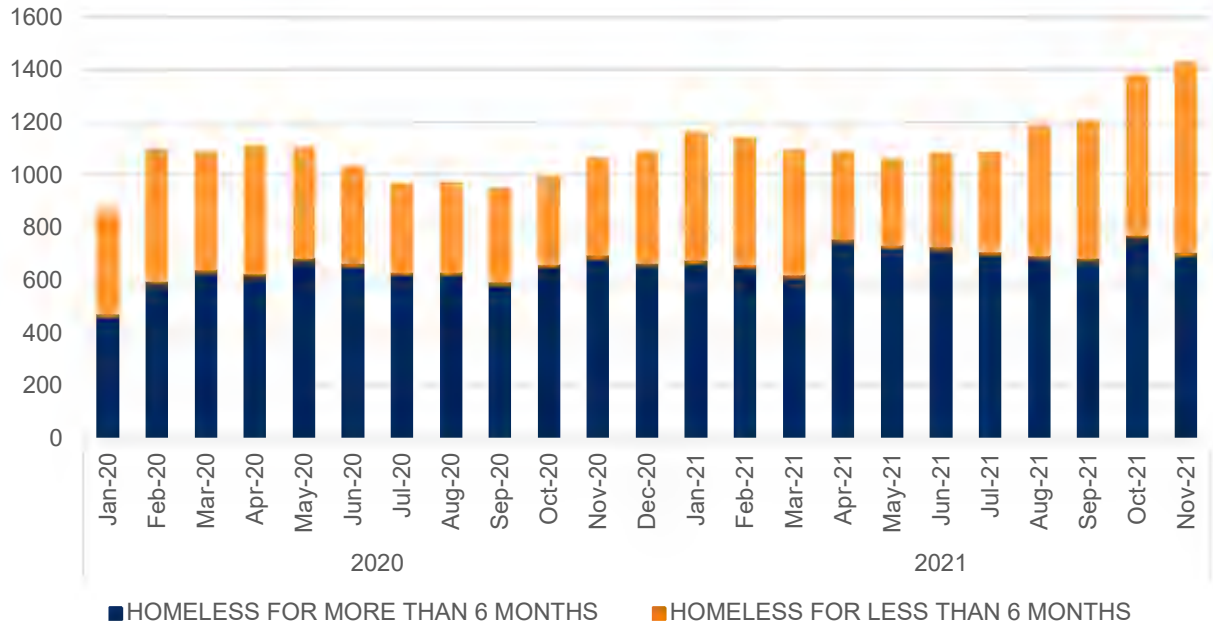
INFLOW	OUTFLOW
Represents the number of individuals: • newly identified as homeless, • returned to homelessness from housing, • returned to homelessness from inactive status.	Represents the number of individuals: • who have moved from housing to housed, • those who have moved to inactive status (meaning they have not interacted with the homeless-serving system for 90+ days).

Figure 4: Individuals (shelter stayers) entering (inflow) or exiting (outflow) homelessness by month



The number of people actively experiencing homelessness is based on data collected by homeless-serving shelters through the Homeless Individuals and Families Information System (HIFIS). Individuals on the By Name List (BNL) who have been engaged only through Outreach and Drop-in programs are not included in this depiction at this time as we look to improve our data reporting.

Figure 5: Individuals (shelter stayers) experiencing homelessness for less than six months and more than six months, by month



Methodology

The nationally coordinated Point-in-Time Count approach includes a set of core standards for the methodology that guide how the counts are conducted in participating communities across Canada. The core standards, identified by Federal and Provincial governments, identify common screening and survey questions that are asked in all participating communities. The approach does give some flexibility for communities to adapt methodology, and Hamilton's survey design and implementation was guided by local partners, including consultation with Indigenous partners through CHIL.

Given the COVID-19 pandemic, adaptations to methodology were made available to communities to support the implementation of Point-in-Time Counts to reduce risks and burden on participants and staff in the homeless serving sector. Adaptations to the 2021 PiTC included:

- expansion of surveying timeline to five days, creating additional flexibility to participate and complete surveys, while avoiding large gatherings to reduce the risk of infection and community spread of COVID-19;
- no additional assessment tool included for 2021, as the survey consisted of only the core anonymous questions;
- 24-hour online survey submission, completed through the Homeless Individuals and Families Information System (HIFIS);
- no additional community volunteers recruited - surveying was conducted exclusively by community social-service agency and City of Hamilton staff;
- full training module completed online; and,
- focus on sheltered sites (emergency shelter, drop in, etc.) and a targeted approach to connect with unsheltered individuals and families in the community in known locations through the City's Housing Focused Street Outreach team, alongside partners from local Indigenous housing organizations.

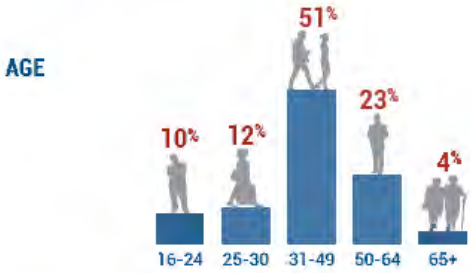
As in 2016 and 2018, an Indigenous led magnet event was held during the week to provide an opportunity for Indigenous community members to be surveyed by Indigenous surveyors. All survey participants of the PiTC were provided a $15 gift card honorarium upon completion of the survey.

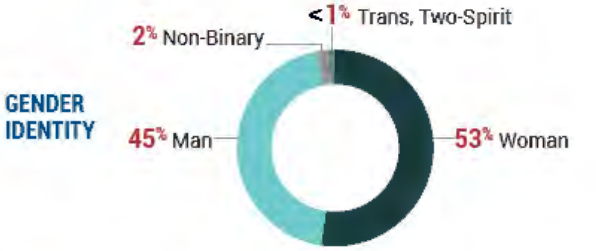
While a number of strategic decisions allowed for increased engagement through the PiTC, there remains limitations in the methodology. In the 2018 PiTC, Hamilton had expanded survey sites to include additional drop-in programs focused on youth, as well as including the Central Library location as a survey site. As a result of enhanced COVID-19 health and safety regulations and limitations on volunteer recruitment, staff were unable to include these additional spaces and build upon learnings and reflections from these survey sites in 2018.

Snapshot

Comparison and analysis of detailed results across multiple PiTC initiatives remains a challenge given the varying contextual factors from year to year. Between PiTC initiatives, the Housing Services Division has worked with community partners to strengthen local reporting on key data related to the state of homelessness and actions towards preventing and ending it. As a part of these broader efforts, the PiTC remains a valuable tool to further support evidence-informed action and improvement within Hamilton's Housing and Homelessness Serving System.

A total of 545 individuals completed voluntary surveys during the 2021 Hamilton Point in Time Connection. Here is a snapshot of the survey results:





INDIGENOUS ANCESTRY

23% identified as Indigenous or as having Indigenous ancestry

IMPACTS OF COVID

77 number of people who report that their most recent housing loss is related to the COVID-19 pandemic

HEALTH

40% of those surveyed reported having a chronic illness or health condition.

270 respondents had been to an emergency room (ER) in the last 12 months, with a cumulative total of 787 ER visits

TOP 3 REASONS FOR MOST RECENT HOUSING LOSS

- Not enough income
- Landlord/tenant conflict
- Unfit/unsafe housing conditions

TOP 5 BARRIERS TO FINDING HOUSING

- Rent too high
- Low income
- No income assistance
- Poor Housing Conditions
- Discrimination

HOMELESS FOR 6 MONTHS OR MORE IN THE PAST YEAR

304 People

Survey Participation

The following chart provides a summary of where the 545 survey respondents reported staying the night before completing the survey:

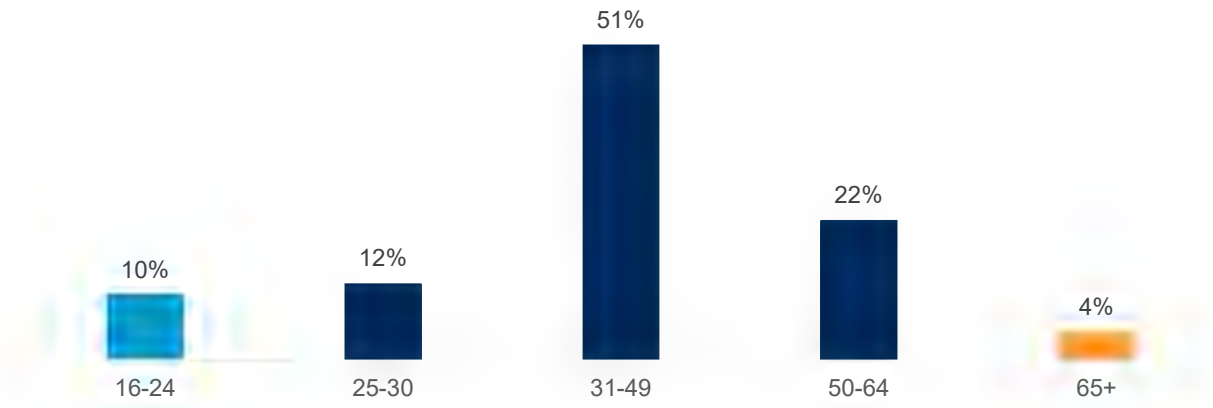
Location	Total	Description
Emergency Shelters	366 (67%)	An emergency shelter, hotel or motel, and domestic violence shelters for emergency accommodation.
Unsheltered	61 (11%)	An unsheltered location in a public space, such as a park, vehicle, or other place not intended for human habitation.
Encampment	35 (6%)	A group of tents, makeshift shelters, or other long-term outdoor settlements.
Couch Surfing	15 (3%)	Staying with a friend, family member, or stranger.
Transitional Housing	52 (10%)	Housing which is a temporary type of accommodation meant to bridge the gap from homelessness to permanent housing.
Motel / Hotel (Self-funded)	1 (0.2%)	Staying in a motel / hotel that was paid for by the individual or family.
Location undetermined	15 (3%)	Location was not reported.

Profile of Respondents Experiencing Homelessness

Age

The average age of respondents was 35 years. Respondents ranged in age from 16 being the youngest and 79 as the oldest. Most respondents (73%) were between the ages of 31 and 64.

Figure 6: Age of Respondents



Gender Identity

A key demographic shift in 2021 results was the percentage of respondents who identified as a woman (53%), which was higher than in 2018 (32%) and 2016 (28%). There are contributing factors to keep in mind when considering this shift in respondent profile, including intentional adaptations to methodology, and where surveys were administered in 2021 in comparison to previous years.

Although not required, Hamilton continues to include people who may be experiencing "hidden homelessness" into the PiTC survey. This has been a standing recommendation by our community to ensure that we better represent populations who may typically not be as highly represented in the mainstream emergency shelter system. Enhanced gender-specific responses during COVID-19, including an expanded emergency shelter system and enhanced drop in locations, along with the option to complete surveys 24 hours a day through the entire duration of the initiative may have also contributed to a shift in response rate.

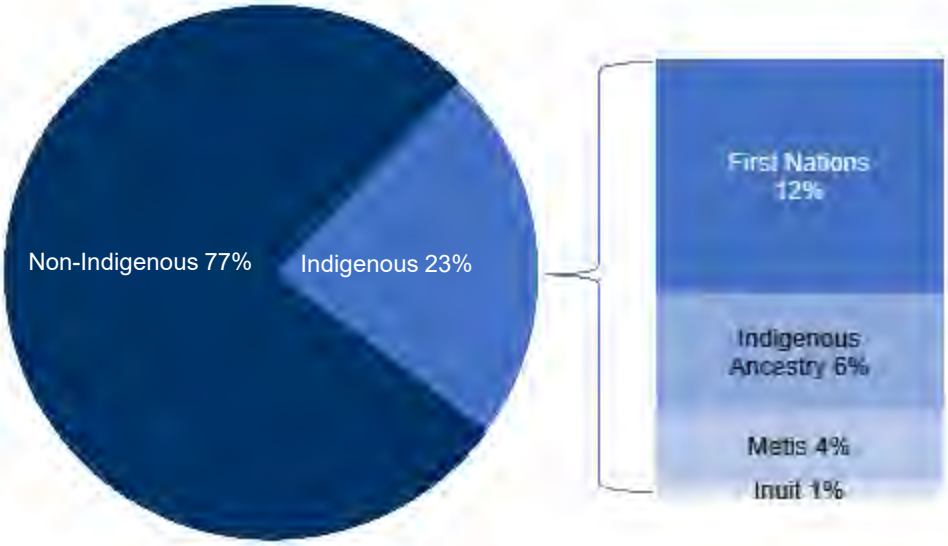
Table 1: Gender Identity of Respondents

Gender	Percentage
Woman	53%
Man	45%
Non-Binary	2%
Trans, Two-Spirit	<1%

Indigenous Identity

In 2021, the PiTC continues to highlight the overrepresentation of Indigenous persons experiencing homelessness in Hamilton (23% of all respondents). A full analysis of Indigenous respondent data can be found in Appendix "B" to Report HSC22021 - 2021 Point in Time Count (Hamilton, Ontario): Indigenous Responses, submitted by CHIL and approved by the ICAB.

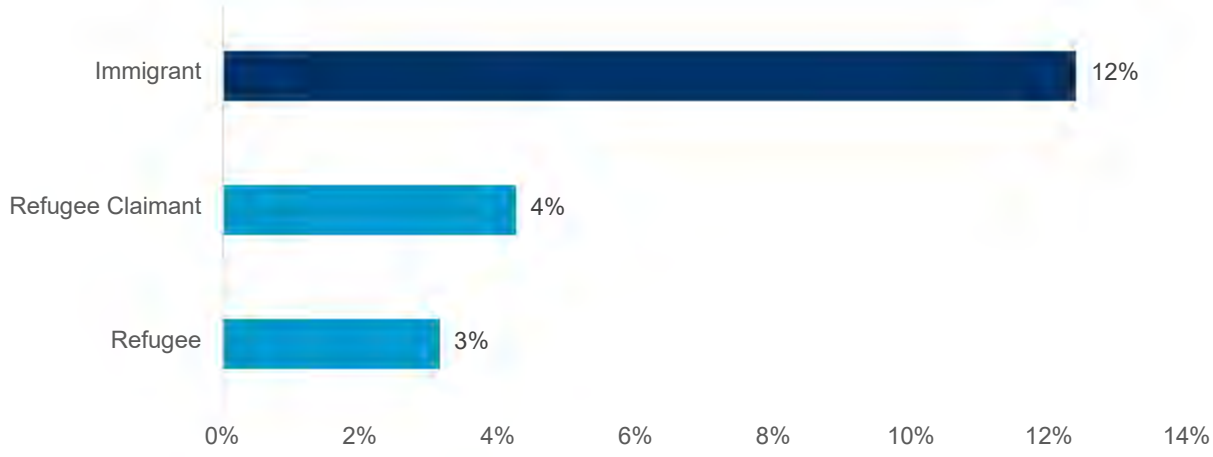
Figure 7: Indigenous Identity of Respondents



Migration to Canada

One-fifth of respondents identified as an immigrant or refugee. A total of 91% reported having been in Canada for one year or more, and 9% reported being in Canada for less than six months.

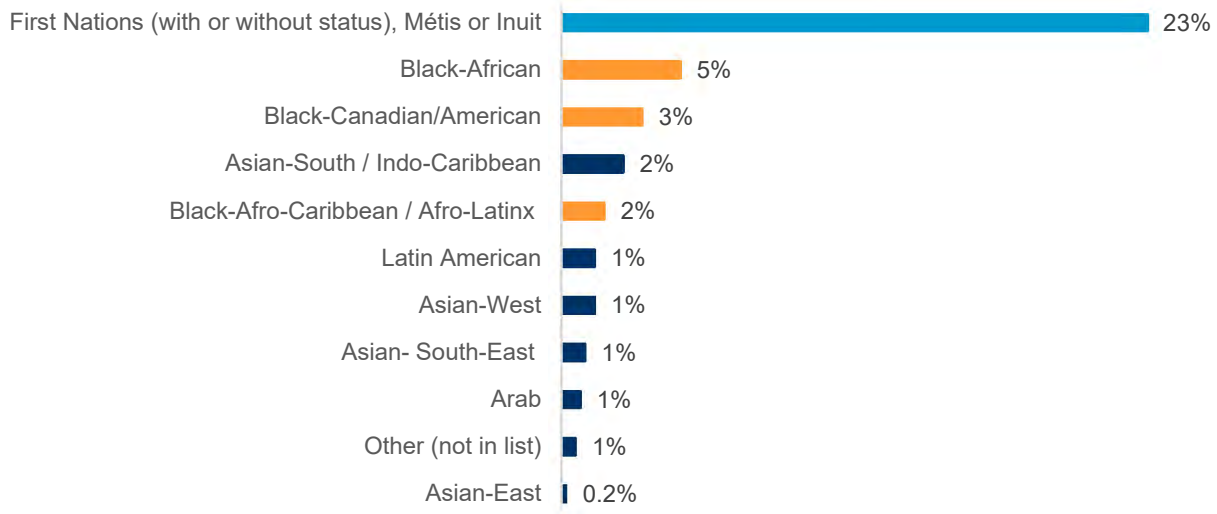
Figure 8: Respondents Migration to Canada



Racial Identity

In 2021, 39% of respondents identified as members of racialized groups, with the largest percentage identifying as First Nations (with or without status), Métis or Inuit (23%). Also, 10% of respondents identified as Black.

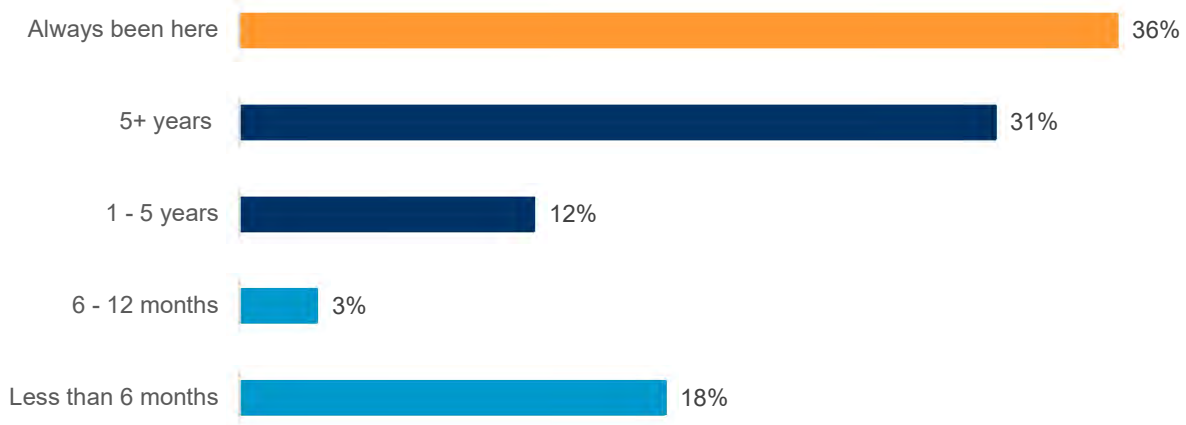
Figure 9: Racial Identity of Respondents



Length of Time in Hamilton

A total of 79% of respondents identified having been in Hamilton for one year or more, including those who reported as always been in Hamilton (36%). 21% of individuals reported being in Hamilton for less than one year.

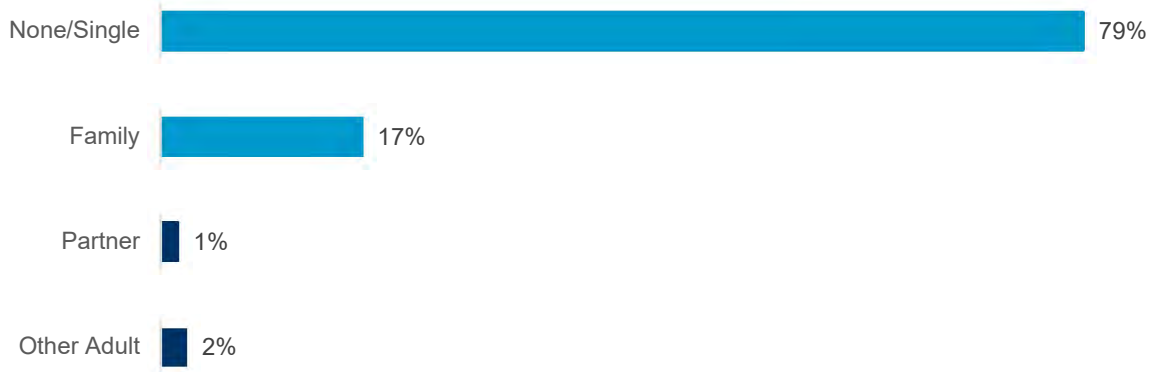
Figure 10: Respondents Length of Time in Hamilton



Family Homelessness

The majority of respondents identified that they were staying alone when surveyed (79%); 21% reported that they had either a partner, other adults or non-adult dependents staying with them that night.

Figure 11: Persons Staying with Respondent on Night of PiTC Survey



Sexual Identity

A total of 10% of respondents identified as 2SLGBTQ+ (Two-spirit, lesbian, gay, bisexual, transgender, queer, questioning, + refers to sexual and gender identities not represented in the acronym). Of those who identified as 2SLGBTQ+ (50), 16% (9) were youth between the ages of 16 and 24.

Figure 12: Sexual Identity of Respondents

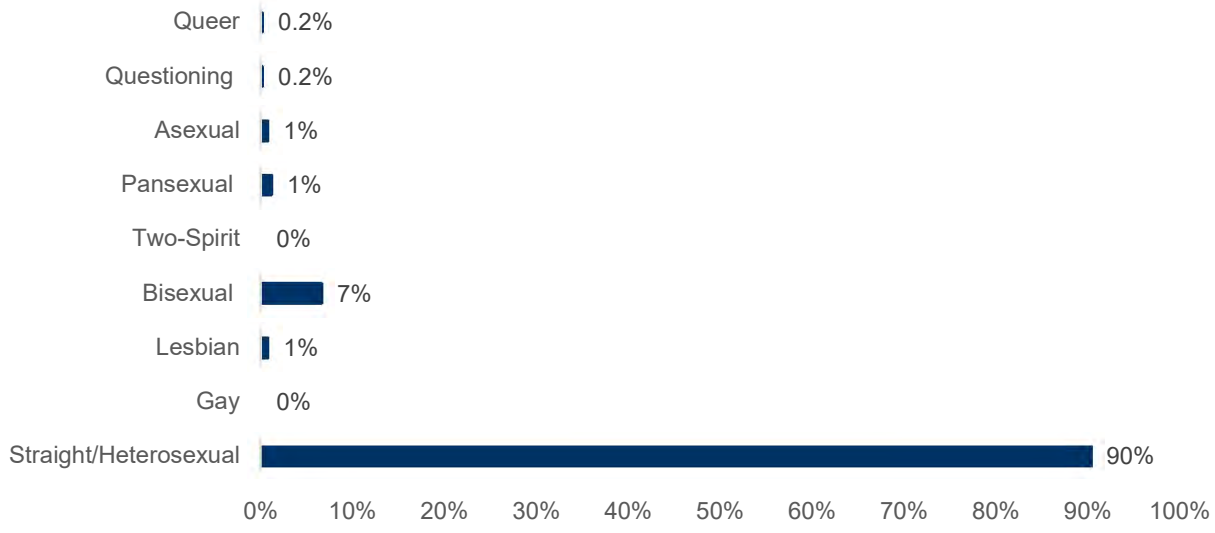
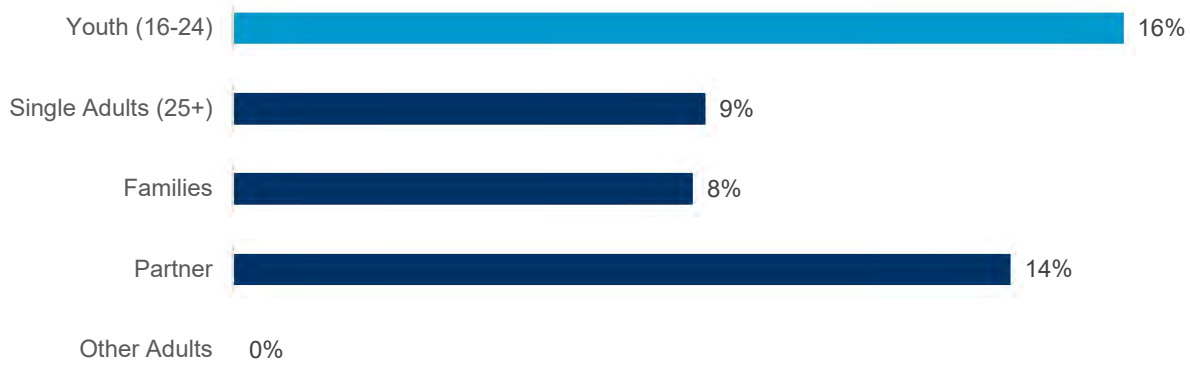


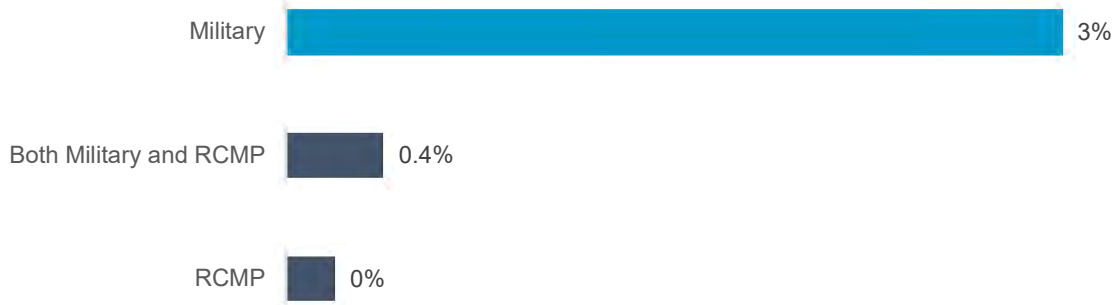
Figure 13: Respondents Identifying as 2SLGBTQ+ by Surveyed Group



Veteran Homelessness

In 2021, 3% of all respondents experiencing homelessness reported having served in the Canadian Military or RCMP.

Figure 14: Respondents Reporting Ever Serviced in the Military or RCMP



Health

Respondents were asked if they had any of the following types of health challenges:

- mental health issue [diagnosed or undiagnosed] (e.g. depression, PTSD, bipolar disorder),
- substance use issue (e.g. tobacco, alcohol, opiates),
- illness or medical condition (e.g. diabetes, arthritis, TB, HIV),
- physical limitation (e.g. challenges with mobility, physical abilities or dexterity),
- learning or cognitive limitations (e.g. dyslexia, autism spectrum disorder, or as a result of ADHD or an acquired brain injury).

A total of 457 respondents identified having at least one health challenge. More than half of respondents indicated having a health challenge relating to mental health (60%)

and substance use (59%). A total of 40% of those surveyed reported having a chronic illness or health condition.

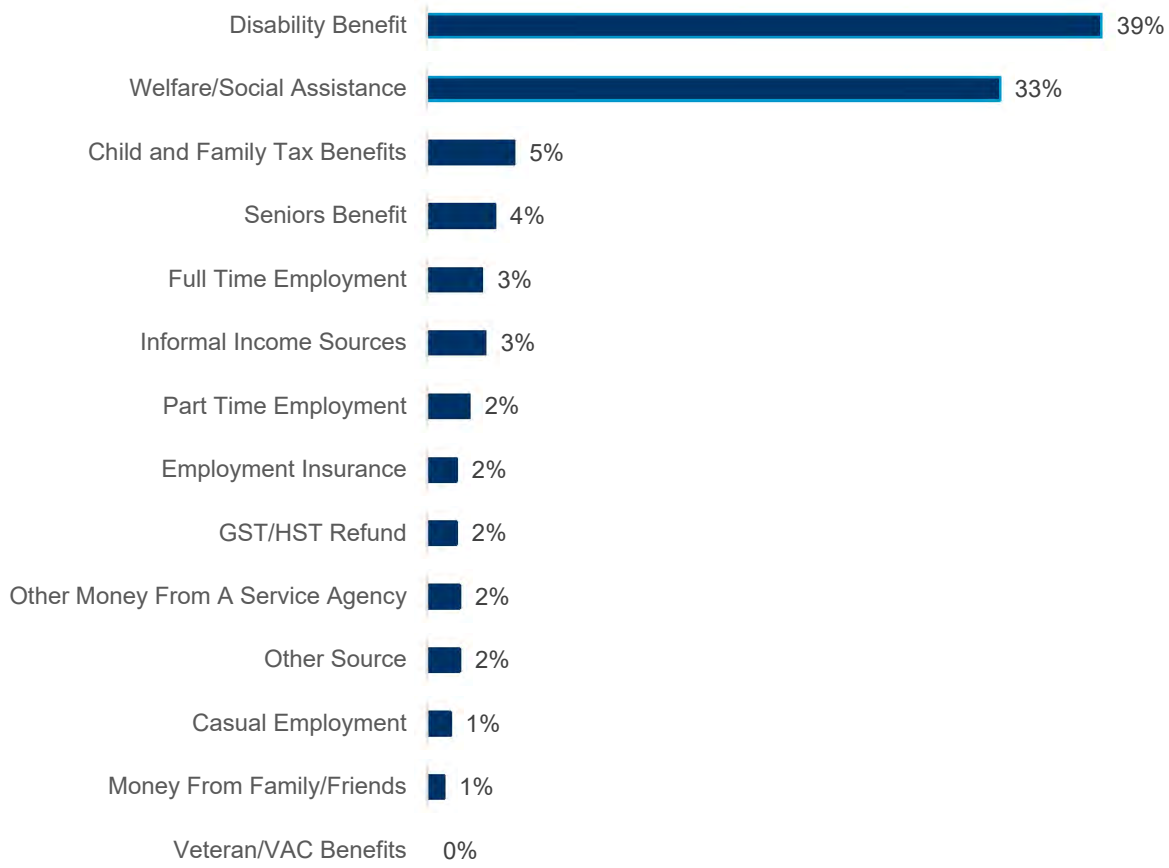
Figure 15: Health Challenges Identified by Respondents

Figure 16: Multiple Types of Health Challenges Identified by Respondents

Sources of Income

The majority of respondents (87%) reported having at least one source of income. The most common sources of income reported in 2021 were disability benefit (39%) and welfare/social assistance (33%). All other sources of income were reported by less than 5% of respondents.

Figure 17: Respondents Source of Income

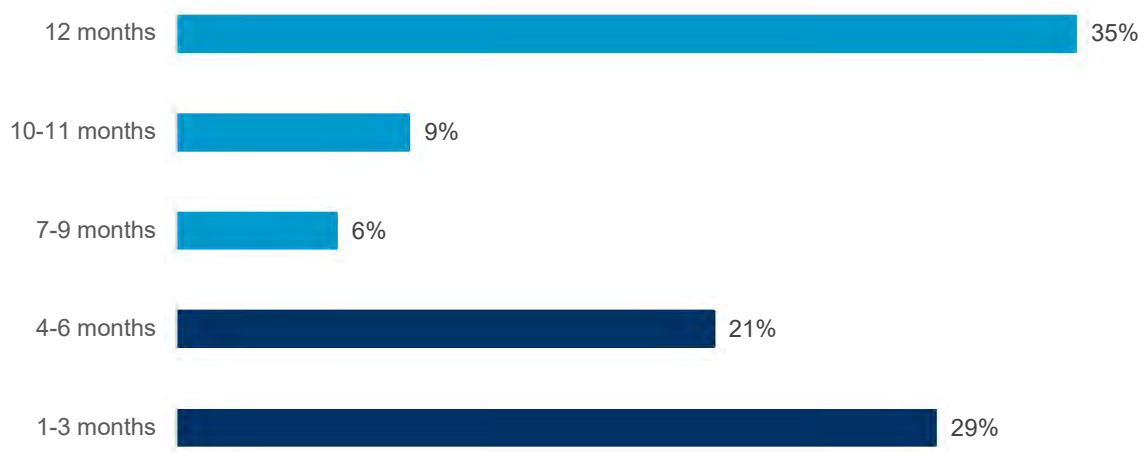


Homelessness History

Length of Homelessness in Past Year

The average reported length of homelessness in the past year was seven months. For the purposes of coordinated point-in-time counts, the federal definition of chronic homelessness is experiencing homelessness for six months or more in the past year. A total of 50% of respondents reported being homeless for more than six months over the past year. 65% of both youth and families identified as being homeless for less than six months in the past year. 57% of single adults identified as being homeless for more than six months in the last year.

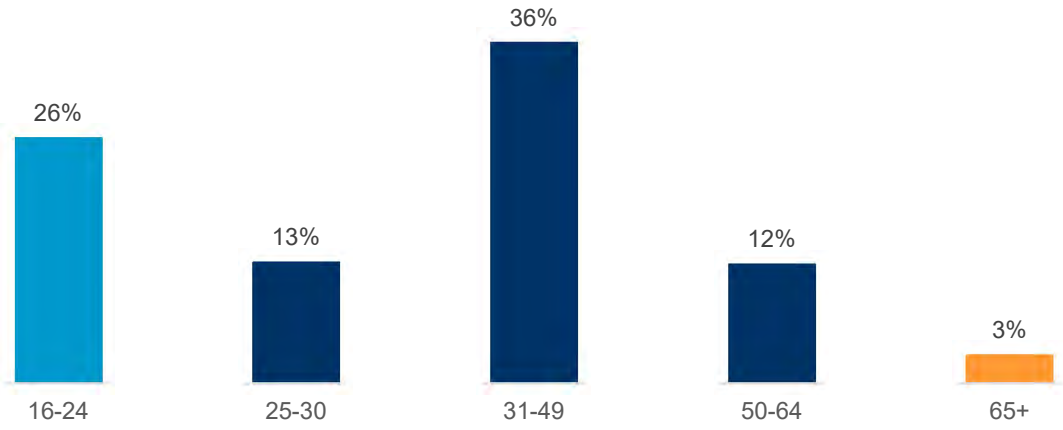
Figure 18: Length of Homelessness in the Past Year



Age of First Homeless Experience

Respondents were asked how old they were the first time they experienced homelessness. A total of 26% of respondents reported being between 16-24 years old the first time they experienced homelessness; 61% were between the ages of 25 and 64.

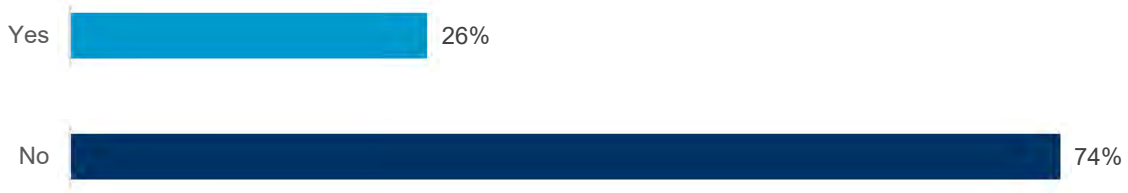
Figure 19: Respondents Age of First Homeless Experience



Experience with Foster Care

A total of 26% of respondents indicated that they had previous experience being in foster care or a youth group home.

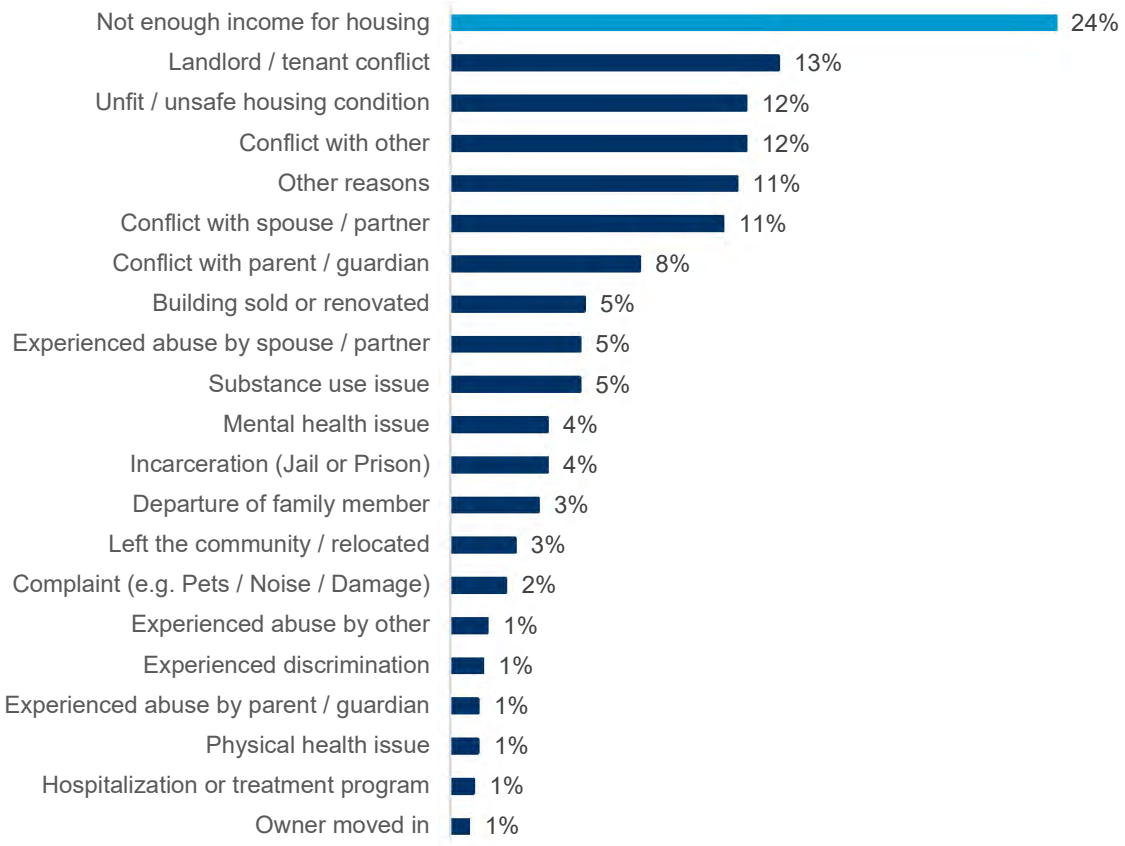
Figure 20: Respondents with Foster Care Experience



Reasons for Homelessness/Housing Loss

When asked what is necessary to maintain and/or find new housing, respondents consistently and clearly identified the need for enhanced income supports and spoke to ongoing challenges with housing affordability. The top reasons for most recent housing loss identified included: not enough income; landlord/tenant conflict; unfit/unsafe housing conditions and conflict with someone other than spouse/partner or parent/guardian.

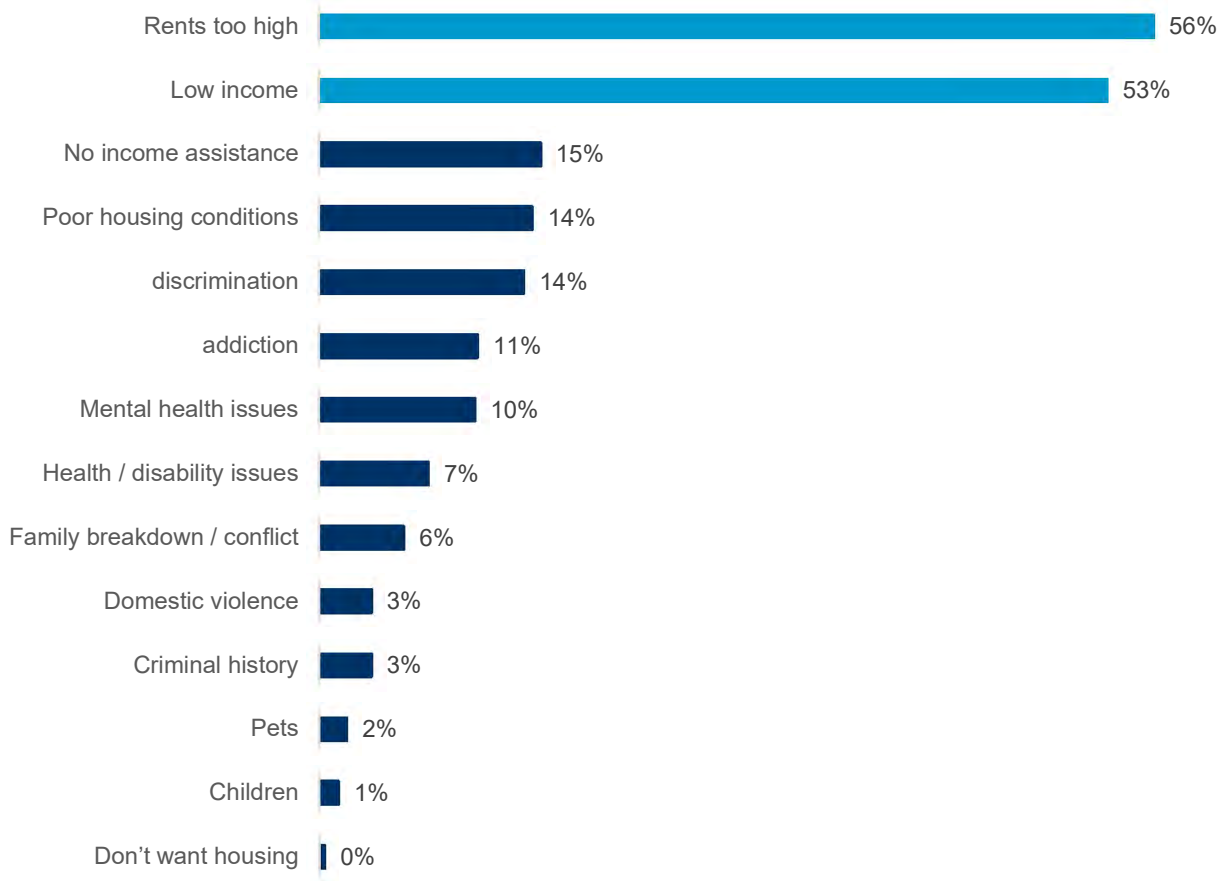
Figure 21: Respondents Reasons for Homelessness



Barriers to Finding Housing

The top barriers and challenges to finding new housing identified by respondents include: rents too high; low income; no income assistance; poor housing conditions; and, discrimination. Additionally, 67 respondents identified having a low credit score as a barrier as well.

Figure 22: Respondents Barriers to Finding Housing

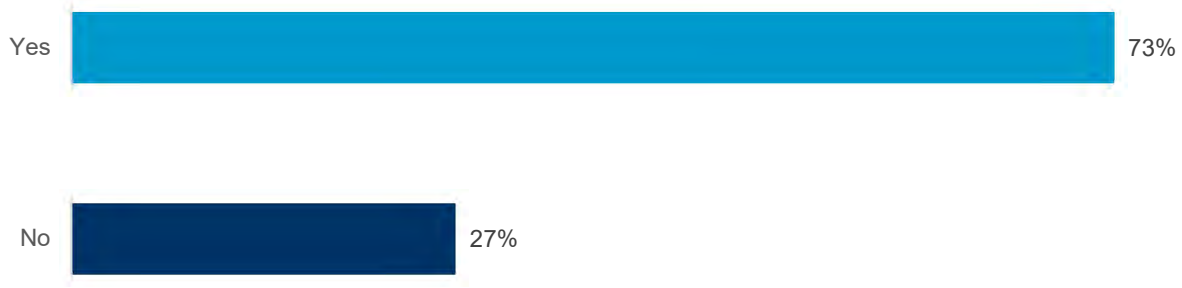


Service Use Patterns

Shelter Use in the Last Year

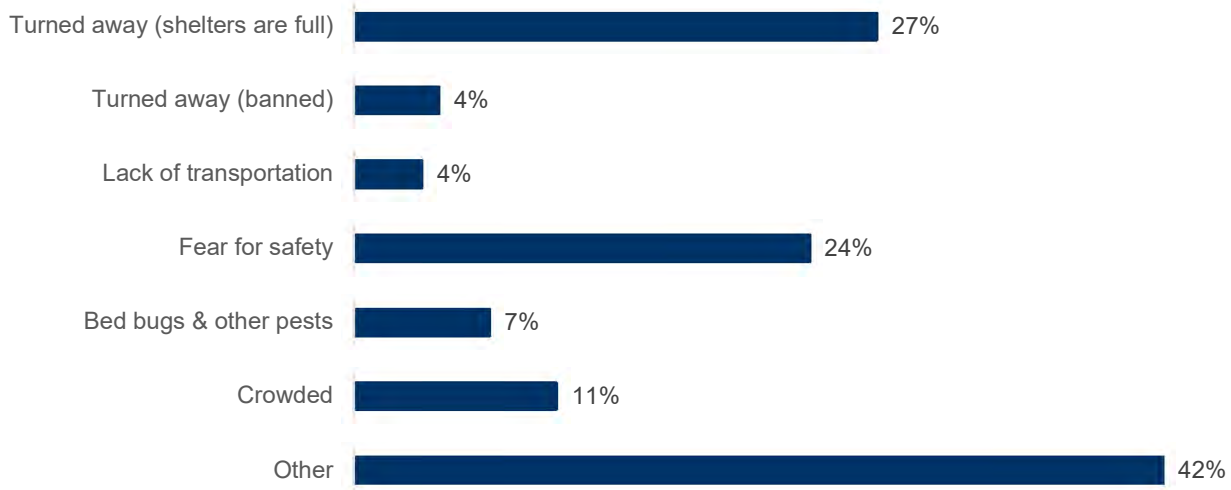
When asked if they have stayed in a shelter in the last year (including emergency and extreme weather shelters), 73% of respondents reported that they had.

Figure 23: Respondents Reporting Staying in Shelter in the Last Year



When individuals were asked about why they decided not to stay in a homeless shelter in the last year, 27% reported that they were turned away because the shelter was full, 24% feared for their safety in a shelter, and 11% expressed concerns about crowding.

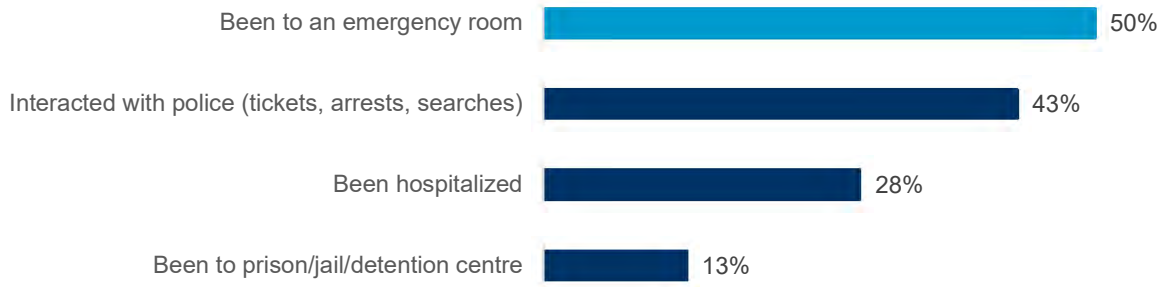
Figure 24: Respondents Reporting Staying in Shelter in the Last Year



Interaction with the Health Care & Criminal Justice System

A total of 270 respondents (50%) reported that they had been to an emergency room (ER) in the last 12 months, with a cumulative total of 787 ER visits. Approximately 61% of those who visited the ER in the last year had been there more than once.

Figure 25: Respondents Interaction with the Health Care and Criminal Justice System



Conclusion and Next Steps

The PiTC remains an important local initiative and a demonstration of Hamilton's commitment to work collaboratively to prevent and end homelessness. As Service System Manager and Designated Community Entity for the provincial and federal funding respectively, the Housing Services Division remains committed to working in partnership with urban Indigenous leadership to build a coordinated housing and homeless-serving system in deep collaboration with community partners to ensure everyone in Hamilton has a home.

In addition, enhanced gender-specific responses and housing options for women, trans-feminine, trans-masculine and non-binary adults remain an important local priority. The Housing Services Division continues to consult with the sector planning tables including the Women's Housing Planning Collaborative, the Street Youth Planning Collaborative and the membership of the Men's Emergency Services Coordination Committee. Through this ongoing engagement and collaboration, it is our goal to continue to share the results and further analysis of the PiTC, while discussing next steps to further centre the voices of unhoused residents in our collective responses.

In the ongoing development and adaptation of systems-level responses, it remains essential that people with living/lived experience are empowered to inform services and hold the homelessness-serving system accountable for delivering on its promise of housing and supports. A distinct focus on Indigenous rights should be prioritized in these efforts, guided by the obligation to respect, protect and fulfil the distinct rights of Indigenous peoples through engagement with unhoused residents. Underpinning further strategic coordination efforts remains the collective obligation to ensure that people experiencing homelessness have access to long-term, adequate housing that meets their needs.

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Appendix A: 2021 PiTC Survey

SCREENING TOOL

Hello, my name is _____ and I'm a volunteer for the **Hamilton** Point in Time Connection – a housing needs survey. We are conducting a survey to provide better programs and services to people experiencing homelessness. The survey takes about 10 minutes to complete.

- **Participation is voluntary** and **your name will not be recorded –** participation will not affect the services you receive.
- You can choose to **skip any question** or to **stop the interview at any time**.
- Results will contribute to the understanding of homelessness across Canada, and will help with research to improve services.

A. Have you answered this survey already this week?
[YES: Thank and tally] **[NO: Go to B]**

B. Are you willing to participate in the survey?
[YES: Go to C] **[NO: Thank and tally]**

C. Where did you stay last night? [DO NOT READ CATEGORIES – circle response]

a. DECLINE TO ANSWER b. OWN APARTMENT / HOUSE	**[THANK & END SURVEY]**
c. SOMEONE ELSE'S PLACE d. MOTEL/HOTEL (SELF-FUNDED) e. HOSPITAL f. TREATMENT CENTRE g. JAIL, PRISON, REMAND CENTRE	**C1. Do you have access to a permanent residence where you can safely stay as long as you want?** a. Yes **[THANK & END]** b. No (not permanent AND/OR not safe) **[BEGIN SURVEY]** c. Don't Know **[BEGIN SURVEY]** d. Decline to answer **[THANK & END]**
h. HOMELESS SHELTER (EMERGENCY, FAMILY OR DOMESTIC VIOLENCE SHELTER) i. HOTEL/MOTEL (FUNDED BY CITY OR HOMELESS PROGRAM) j. TRANSITIONAL SHELTER/HOUSING k. UNSHELTERED IN A PUBLIC SPACE (E.G. STREET, PARK, BUS SHELTER, FOREST OR ABANDONED BUILDING) l. ENCAMPMENT (E.G. GROUP OF TENTS, MAKESHIFT SHELTERS OR LONG-TERM OUTDOOR SETTLEMENT) m. VEHICLE (CAR, VAN, RV, TRUCK, BOAT) n. UNSURE: INDICATE PROBABLE LOCATION _____	**[BEGIN SURVEY]**

- You will receive a $15 gift card as a thank you for your participation.

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Survey Number: _____

Location: _____ **Time: _____AM/PM**

Interviewer: _____ **Contact #: _____**

BEGIN SURVEY

1. **Did you have any family members or anyone else who stayed with you last night?** [Indicate survey number for partners. Check all that apply]

☐ NONE
☐ PARTNER - Survey #: ___ ___ ___ ___
☐ OTHER (Can include other family or friends)
☐ DECLINE TO ANSWER

☐ CHILD(REN)/DEPENDENT(S) [indicate gender and age for each]		1	2	3	4	5	6	7	8
	GENDER								
	AGE								

2. **How old are you? [OR] What year were you born?** [If unsure, ask for best estimate]

○ AGE _____**OR** YEAR BORN _____ ○ DON'T KNOW ○ DECLINE TO ANSWER

➔ **For this survey, "homelessness" means any time when you have been without a permanent and secure place to live, including sleeping in shelters, on the streets, or living temporarily with others without having your own permanent housing (e.g. couch surfing).**

3. **How old were you the first time you experienced homelessness?**

○ AGE_____ ○ DON'T KNOW ○ DECLINE TO ANSWER

4. **In total, for *how <u>much time</u>* have you experienced homelessness over the PAST YEAR (the last 12 months)?** [Does not need to be exact. Best estimate.]

○ LENGTH _____ DAYS | WEEKS | MONTHS ○ DON'T KNOW ○ DECLINE TO ANSWER

5. **Have you stayed in a homeless shelter in the past year? For example,** (*COMMUNITY NOTE: Include examples of emergency shelters and extreme weather shelters for interviewers to provide*).

○ YES ○ NO ○ DON'T KNOW ○ DECLINE TO ANSWER

5B➔ If not, what are the main reasons? [Do not read categories; select all that apply)

☐ TURNED AWAY (SHELTERS ARE FULL)	☐ FEAR FOR SAFETY	☐ OTHER: _____
☐ TURNED AWAY (BANNED)	☐ BED BUGS & OTHER PESTS	☐ DON'T KNOW
☐ LACK OF TRANSPORTATION	☐ CROWDED	☐ DECLINE TO ANSWER

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6. Did you come to Canada as an immigrant, refugee or a refugee claimant (i.e. applied for refugee status after coming to Canada)?

○ YES, IMMIGRANT ---------->	**If YES:** **How long have you been in Canada?**
○ YES, REFUGEE---------->	○ LENGTH: _____ DAYS | WEEKS | MONTHS | YEARS
○ YES, REFUGEE CLAIMANT--------->	OR DATE: _____/_____/_____ DAY / MONTH / YEAR
○ NO	○ DON'T KNOW
○ DON'T KNOW	○ DECLINE TO ANSWER
○ DECLINE TO ANSWER	

7. How long have you been in Hamilton?

○ LENGTH _____ DAYS / WEEKS / MONTHS / YEARS	○ ALWAYS BEEN HERE ○ DON'T KNOW ○ DECLINE TO ANSWER
↳ Where did you live before you came here?	○ CITY: _____ | PROVINCE/TERRITORY/COUNTRY: _____ ○ DECLINE TO ANSWER

8a. Do you identify as First Nations (with or without status), Métis, or Inuit, or do you have North American Indigenous ancestry? [If yes, please specify]

○ YES, FIRST NATIONS	○ YES, MÉTIS	○ NO	○ DECLINE TO ANSWER
○ YES, INUIT	○ YES, INDIGENOUS ANCESTRY	○ DON'T KNOW	

8b. In *addition* to your response in the question above, do you identify with any of the racialized identities listed below? [Show or Read list. Select all that apply]

☐ ARAB (e.g., Syrian, Egyptian, Yemeni)	☐ BLACK-AFRO-CARIBBEAN OR AFRO-LATINX (e.g., Jamaican, Haitian, Afro-Brazilian)
☐ ASIAN-EAST (e.g., Chinese, Korean, Japanese)	☐ LATIN AMERICAN (e.g., Brazilian, Mexican, Chilean, Cuban)
☐ ASIAN- SOUTH-EAST (e.g., Filipino, Vietnamese, Cambodian, Malaysian, Laotian)	☐ WHITE (e.g. European, French, Ukrainian, Euro-Latinx)
☐ ASIAN-SOUTH OR INDO-CARIBBEAN (e.g., Indian, Pakistani, Sri Lankan, Indo-Guyanese, Indo-Trinidadian)	☐ NOT LISTED (PLEASE SPECIFY): _____
☐ ASIAN-WEST (e.g., Iranian, Afghan)	☐ IDENTIFY AS INDIGENOUS ONLY
☐ BLACK-CANADIAN/AMERICAN	☐ DON'T KNOW
☐ BLACK-AFRICAN (e.g., Ghanaian, Ethiopian, Nigerian)	☐ DECLINE TO ANSWER

9. Have you ever served in the Canadian Military or RCMP?
[Military includes Canadian Navy, Army, or Air Force]

○ YES, MILITARY	○ BOTH MILITARY AND RCMP	○ DON'T KNOW
○ YES, RCMP	○ NO	○ DECLINE TO ANSWER

10. As a child or youth, were you ever in foster care or in a youth group home (*COMMUNITY NOTE: include any other Provincial child welfare programs*)? [Note: This question applies specifically to child welfare programs.]

○ YES	○ NO	○ DON'T KNOW	○ DECLINE TO ANSWER

11. Do you identify as having any of the following health challenges at this time:

ILLNESS OR MEDICAL CONDITION [e.g. diabetes, arthritis, TB, HIV]	○ YES	○ NO	○ DON'T KNOW	○ DECLINE TO ANSWER

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PHYSICAL LIMITATION [e.g. challenges with mobility, physical abilities or dexterity]	○ YES	○ NO	○ DON'T KNOW	○ DECLINE TO ANSWER
LEARNING OR COGNITIVE LIMITATIONS [e.g. dyslexia, autism spectrum disorder, or as a result of ADHD or an acquired brain injury]	○ YES	○ NO	○ DON'T KNOW	○ DECLINE TO ANSWER
MENTAL HEALTH ISSUE [diagnosed/undiagnosed] [e.g. depression, Post traumatic stress disorder (PTSD), bipolar disorder]]	○ YES	○ NO	○ DON'T KNOW	○ DECLINE TO ANSWER
SUBSTANCE USE ISSUE [e.g. tobacco, alcohol, opiates]	○ YES	○ NO	○ DON'T KNOW	○ DECLINE TO ANSWER

12. What gender do you identify with? [Show list.]

○ WOMAN	○ TRANS WOMAN	○ NOT LISTED: _____
○ MAN	○ TRANS MAN	
○ TWO-SPIRIT	○ NON-BINARY (GENDERQUEER)	○ DON'T KNOW
		○ DECLINE TO ANSWER

13. How do you describe your sexual orientation, for example straight, gay, lesbian? [Show list.]

○ GAY	○ BISEXUAL	○ ASEXUAL	○ NOT LISTED: _____
○ LESBIAN	○ TWO-SPIRIT	○ QUESTIONING	○ DON'T KNOW
○ STRAIGHT/HETEROSEXUAL	○ PANSEXUAL	○ QUEER	○ DECLINE TO ANSWER

14a. What happened that caused you to lose your housing most recently?

[Do not read the options. Check all that apply. "Housing" does not include temporary arrangements (e.g., couch surfing) or shelter stays. Follow up for the reason if the respondent says "eviction" or that they "chose to leave".]

A: HOUSING AND FINANCIAL ISSUES	B: INTERPERSONAL AND FAMILY ISSUES	C: HEALTH OR CORRECTIONS
☐ NOT ENOUGH INCOME FOR HOUSING (E.G. LOSS OF BENEFIT, INCOME, OR JOB)	☐ EXPERIENCED DISCRIMINATION	☐ PHYSICAL HEALTH ISSUE
☐ UNFIT/UNSAFE HOUSING CONDITION	☐ CONFLICT WITH: SPOUSE / PARTNER	☐ MENTAL HEALTH ISSUE
☐ BUILDING SOLD OR RENNOVATED (RENOVICTION)	☐ CONFLICT WITH: PARENT / GUARDIAN	☐ SUBSTANCE USE ISSUE
☐ OWNER MOVED IN	☐ CONFLICT WITH: OTHER (_____)	☐ HOSPITALIZATION OR TREATMENT PROGRAM
☐ LANDLORD/TENANT CONFLICT	☐ EXPERIENCED ABUSE BY: SPOUSE / PARTNER	☐ INCARCERATION (JAIL OR PRISON)
☐ COMPLAINT (E.G. PETS/NOISE/DAMAGE)	☐ EXPERIENCED ABUSE BY: PARENT / GUARDIAN	
☐ LEFT THE COMMUNITY/RELOCATED	☐ EXPERIENCED ABUSE BY: OTHER (_____)	
	☐ DEPARTURE OF FAMILY MEMBER	

☐ OTHER REASON: _____ ☐ DON'T KNOW ☐ DECLINE TO ANSWER

14b. Was your most recent housing loss related to the COVID-19 pandemic?

○ YES ○ NO ○ DON'T KNOW ○ DECLINE TO ANSWER

14c. How long ago did that happen (that you lost your housing most recently)? (Best estimate)

○ LENGTH _____ DAYS | WEEKS | MONTHS | YEARS ○ DON'T KNOW ○ DECLINE TO ANSWER

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15. What are your sources of income? [Reminder that this survey is anonymous. **Read list** and check all that apply.] A8280

☐ FULL TIME EMPLOYMENT	☐ EMPLOYMENT INSURANCE	☐ CHILD AND FAMILY TAX BENEFITS
☐ PART TIME EMPLOYMENT	☐ DISABILITY BENEFIT [Name of PROV. DISABILITY BENEFIT]	☐ GST/HST REFUND
☐ CASUAL EMPLOYMENT (E.G. CONTRACT WORK)	☐ SENIORS BENEFITS (E.G. CPP/OAS/GIS)	☐ OTHER MONEY FROM A SERVICE AGENCY
☐ INFORMAL INCOME SOURCES (E.G. BOTTLE RETURNS, PANHANDLING)	☐ WELFARE/SOCIAL ASSISTANCE [Prov. Benefit]	☐ OTHER SOURCE: _____
☐ MONEY FROM FAMILY/FRIENDS	☐ VETERAN/VAC BENEFITS	☐ NO INCOME
		☐ DON'T KNOW
		☐ DECLINE TO ANSWER

16. In the past year (12 months) have you: [Ask respondents to give their best estimate]

BEEN TO AN EMERGENCY ROOM ---------->	Y ____ N____	# _____ *Times*
BEEN HOSPITALIZED ---------->	Y ____ N____	# _____ *Times*
→DAYS YOU HAVE SPENT HOSPITALIZED		_____ *Days Total*
INTERACTED WITH POLICE (*Tickets, arrests, searches)* ---------->	Y ____ N____	# _____ *Times*
BEEN TO PRISON/JAIL ---------->	Y ____ N____	# _____ *Times*
→DAYS YOU HAVE SPENT IN PRISON/JAIL		_____ *Days Total*

17. What challenges or problems have you experienced when trying to find housing? [Select all that apply]

☐ LOW INCOME	☐ MENTAL HEALTH ISSUES	☐ DISCRIMINATION
☐ NO INCOME ASSISTANCE	☐ ADDICTION	☐ DON'T WANT HOUSING
☐ RENTS TOO HIGH	☐ FAMILY BREAKDOWN/CONFLICT	☐ OTHER: _____
☐ POOR HOUSING CONDITIONS	☐ CRIMINAL HISTORY	☐ NO BARRIERS TO HOUSING
☐ DOMESTIC VIOLENCE	☐ PETS	☐ DECLINE TO ANSWER
☐ HEALTH/DISABILITY ISSUES	☐ CHILDREN	

----------END OF SURVEY – PROVIDE GIFT CARD----------

A3996

Heegsma et al
Applicants

-and-

CITY of HAMILTON
Respondents

Court File No. CV-21-00077187-0000

Ontario
Superior Court of Justice

PROCEEDING COMMENCED AT HAMILTON

APPLICATION RECORD VOLUME 13
TABS 111-114

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