

# A State of Disrepair: Hamilton ACORN Tenant Survey



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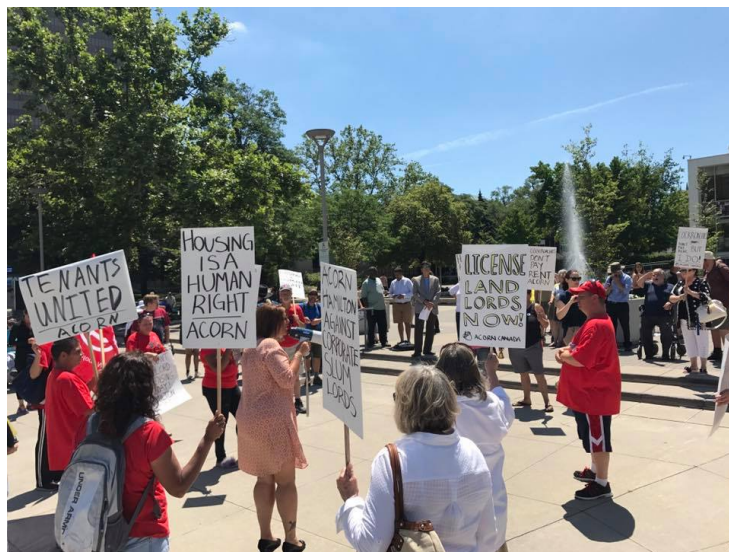
# Introduction

Hamilton ACORN (Association of Community Organizations for Reform Now) is an independent national organization of low-to-moderate income families with over 1000 members across Hamilton. ACORN believes that social and economic justice can best be achieved with an active membership who are invested in their organization and focused on building community power for change.

In the early days of Hamilton ACORN, our low-to-moderate income membership identified substandard living conditions as the number one issue they want addressed. Conditions in buildings were unhealthy and deteriorating, while at the same time their rents would rise.

Over the course of the following year Hamilton ACORN started a petition drive to highlight the issue, held a successful Hamilton Tenant Rally in the summer of 2017, and has since held multiple actions against landlords.

Our leaders have pushed and secured meetings with the heads of Hamilton's largest landlords. While we were able to walk away from these meetings with some tenant victories, it became clear to our members that a larger authority must be helping tenants to hold landlords accountable.



# Executive Summary

Hamilton ACORN's tenant survey was distributed to low-to-moderate income renters across Hamilton. The purpose of the survey was to measure the living conditions in Hamilton's market rental apartments.

The survey results reveal that the majority of Hamilton tenants are struggling to pay their rising rents, and at the same time have major deficiencies in their homes.

- 59% of tenants have problems getting repairs done by their landlord
- 26% of tenants see cockroaches in their unit every day

The survey shows that the vast majority of tenants have never called Hamilton Bylaw to report a Property Standards violation in their unit. All the while the same people were very open to report issues to ACORN representatives. This shows the abject failure of Hamilton's current Property Standards enforcement system, and helps prove our point that a proactive system of Property Standards enforcement needs to be systematized in the City of Hamilton.

ACORN is calling on the City of Hamilton to rewrite and expand its Property Standards Laws, create a Landlord Registration Program, and for the City to partner with community organizations to perform expert outreach to Hamilton tenants.

## **What would a proper enforcement system look like?**

Currently inspections of buildings are mainly complaint based. Complaint based inspections don't work for many reasons: tenants don't know to call the city to make a complaint, tenants lack knowledge of their rights, tenants fear reprisal from landlords if they do make a complaint, and the extensive language barriers that exist in many tenant communities in the City. Couple those barriers with the stark reality that even when tenants do properly make complaints to the City, they fail to get results.

Hamilton's Property Standards bylaws need to be extended to cover all the basic needs for tenants. Did you know that appliances are not covered under Hamilton's Property Standard bylaws? The same goes for properly fixing holes in walls: under current rules as long as a wall is plastered or patched the landlord does not need to sand or repaint the wall. The bylaw also does not cover any electrical issues, or mold issues in the buildings. Tenants are expected to know the numbers for the Electrical Safety Authority and Hamilton Public Health to deal with those issues. Clearly Hamilton's Property Standards laws are outdated and in need of expansion.

# Executive Summary

Once the City updates its archaic Property Standard laws ACORN is calling for a Landlord Registration Program that would enable the City to proactively inspect all apartment buildings. Similar jurisdictions in Ontario have recently brought in similar programs. The City of Toronto charges landlords a reasonable per unit fee of \$10.80 per year, which then funds a dedicated department to deal with proactive inspection and enforcement of property standard laws.

Under a registration system, buildings will have an annual inspection of common areas, boilers, elevators, and electrical systems. The City would also perform extensive outreach in the buildings to ensure that in suite issues are addressed, while ensuring that no tenant feels obligated or forced into allowing Bylaw Officers into their homes. Funding a partnership with non-profit organizations that have expertise in tenant outreach would be the best way to reach the tenants. Bylaw officers themselves would need extensive training to learn how to properly interact with the wide ranging tenant community in Hamilton. The inspections will also check if landlords are keeping up with cleaning, maintenance and pest control requirements.

Lastly, a registration program systematizes the enforcement of Property Standards. In most cases a system of enforcement with real consequences, gets a landlord to do the repairs necessary to meet municipal standards. In the cases of scofflaw landlords, financial penalties and or having the City come in and do the repairs themselves while recouping the costs from the landlord through property taxes would ensure tenants are protected.





# Methodology

Hamilton ACORN's Tenant Survey was conducted between June 5th to August 22nd 2018. 130 surveys were completed. The majority of respondents were ACORN members, and 87% were tenants living in buildings that are 3 or more stories tall. The four principal areas asked about in the survey were: 1. What is the state of repair in the apartment building you live in? 2. What has been your experience getting repairs done from your landlord? 3. What has been your experience getting help from the City to get repairs? 4. What has been your experience with the City's bylaw department? The targeted demographic for respondents were low- and moderate-income members of Hamilton ACORN. The survey was sent out electronically through our membership lists and administered in person by ACORN staff members at community meetings.



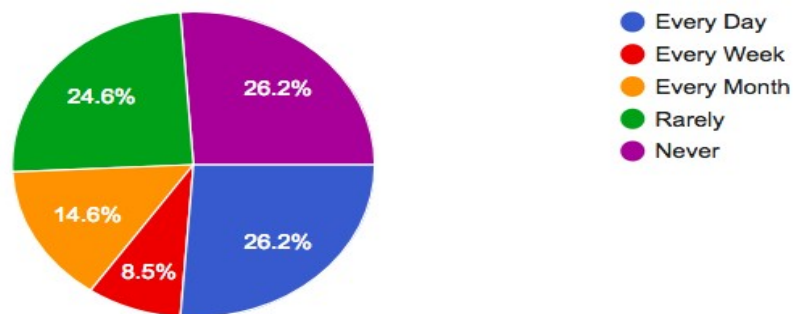
# Results

## Substandard Building Conditions

Conditions for low-to-moderate income tenants in Hamilton is substandard. Disrepair and bug infestations are commonplace in Hamilton's rental market.

### How often do you see cockroaches?

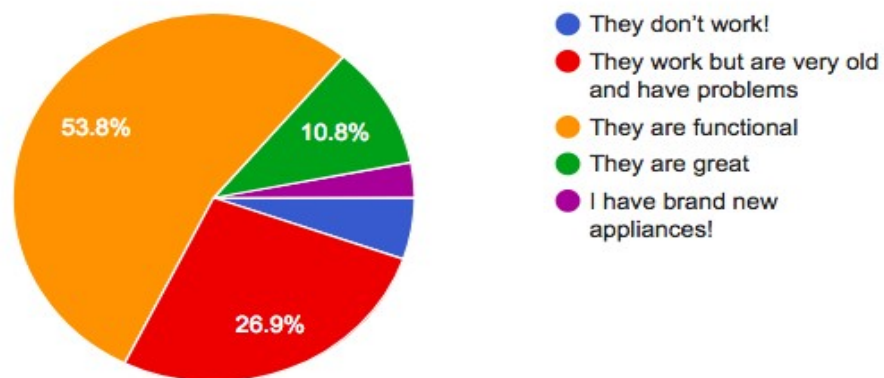
130 responses



73.5% of tenants surveyed have seen a cockroach in their apartment. 26% see cockroaches on a daily basis.

### Rate your appliances

130 responses

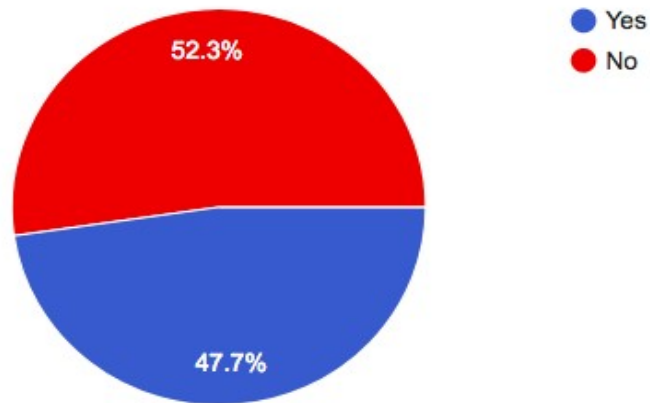


A third of Hamilton Tenants have appliances that are substandard. There are currently no Property Standard laws mandating landlords provide functional appliances to tenants.

# Results

## Have you had bedbugs in the past 2 years?

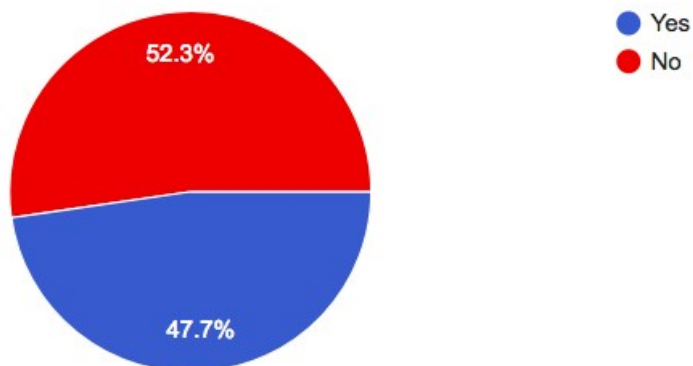
130 responses



A staggering 47.7% of tenants reported having bedbugs in the last two years.

## Does your flooring need replacing due to regular wear and tear?

130 responses



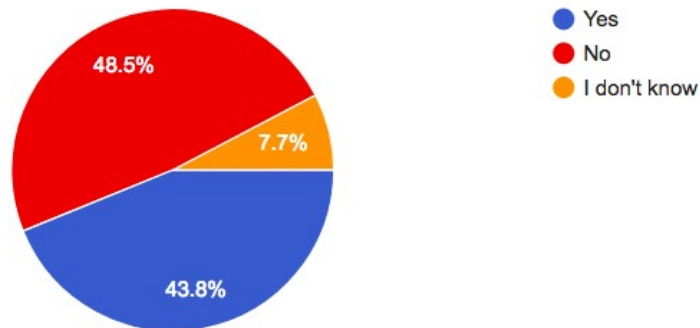
47.7% of tenants reported having flooring that requires replacing. This rarely, if ever, happens until a tenant moves out.



# Results

Have you ever experienced a lack of heat in the winter in your building?

130 responses



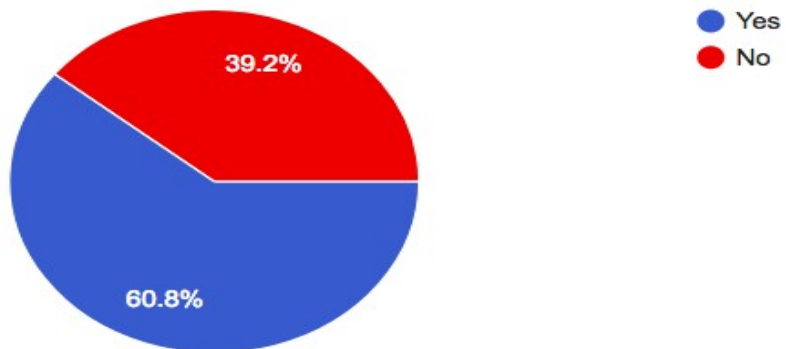
43.8% of tenants surveyed reported a lack of heating in the winter.

## Getting Repairs Done

Tenants reported significant trouble getting basic repairs done in their units by their landlord. When repairs are done they are often done by building staff who are not properly trained, and who are not properly compensated for their work.

When you moved into your unit were repairs needed?

130 responses

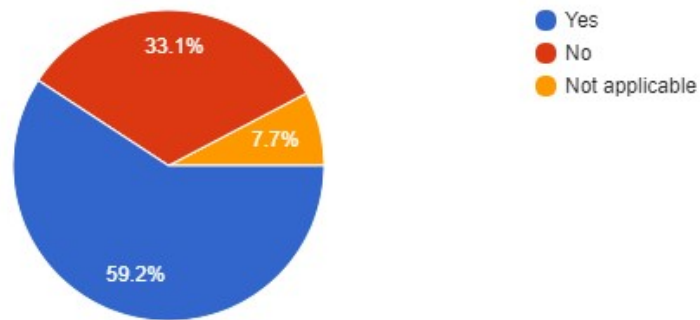


Over 60% of tenants move into units that need repairs.

# Results

Have you ever had problems getting repairs done in your building?

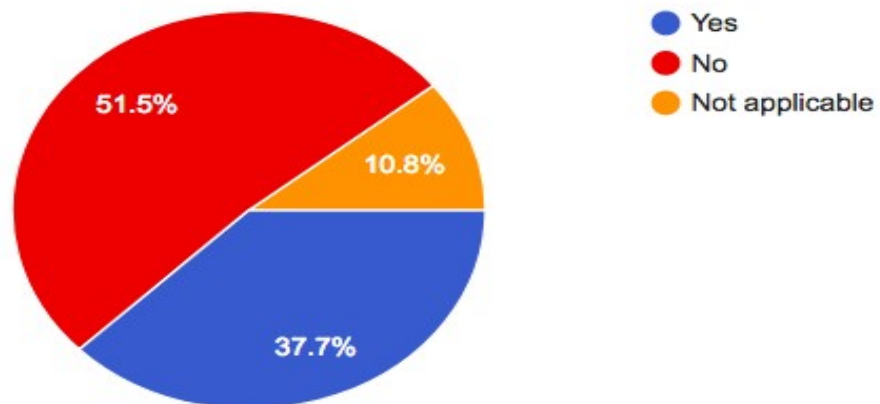
130 responses



59.2% of tenants had trouble getting their landlord to do repairs.

Do you feel threatened when making complaints about the building?

130 responses



37.7% of tenants feel too threatened by their landlord to make complaints about their building. This shows the need for the City to implement a robust licensing system that includes tenant outreach.

# Hamilton Bylaw

Although there is a complaint system for tenants in Hamilton, respondents to the survey overwhelmingly replied that they do not make use of this system when their landlords fail to do repairs. There are several key reasons for the lack of tenant complaints to the City's Property Standards Department.

First, the current Property Standard laws are too thin, and fail to cover basic necessities like appliances, or even mandating that holes in walls need to be patched and painted. Often tenants have bylaw officials tell them that there is nothing they can do about major issues in their unit.

Example of conditions that, according to Hamilton Bylaw officers, is allowed under Hamilton's Property Standard Bylaw.



Second, when bylaw officers do 'blitz' inspections of apartment buildings, it is done at the behest of the City Councilor, not the tenants making complaints. This is problematic due to landlords and developers being financial supporters of Councilors and even some Councilors being landlords themselves.

Third, often the bylaw officers dress like police, in full blue uniform and with bullet-proof vests. It is not a surprise that when an bylaw officer knocks at a door that some of Hamilton's tenant population are intimidated and unwilling to communicate.

Fourth, complaining to bylaw doesn't really work. Only 13.6% of respondents surveyed said that they got their issue resolved. If this were any other City department, a 13.6% success rate would be grounds for a complete overhaul.

Only a quarter of tenants surveyed have ever reported a problem to bylaw while 95% reporting property standard issues to ACORN.

# Conclusion

The results of Hamilton ACORN's Tenant Survey show an urgent need for the City to review its Property Standard laws and enforcement protocol. The current Property Standard system does not work, and does little to stop the health and safety issues that a large portion of Hamilton tenants face. Nearly every single respondent to the survey described having maintenance issues in their apartments and being unable to get repairs done by their landlords. Landlords fail to do repairs with little to no repercussion.

Recently a Hamilton City Councilor told a group of his local constituents – who are ACORN members - that it was up to the Province to deal with Property Standard issues. This is false. The Provincial Residential Tenancy Act governs the lease agreement, and while it can award tenants rent abatements due to landlord negligence it cannot effectively order repairs done. Municipalities are solely responsible for building standards. Hamilton not protecting the housing standards of low-to-moderate income is a choice this East End councilor, and the rest of his colleagues on Council is consciously making. The question of why this councilor chooses to better represent an out of town slumlord over his own constituents is something that ACORN is not able to answer.

Hamilton has had a long, often misguided, and definitely confusing debate on whether or not the City should license landlords. In the end, ACORN decided that we are unsure whether they should or not.

What we are certain of is this:

1. The Property Standard laws need to be rewritten so that they can include all health and safety issues tenants face.
2. The City needs to create a Registration System for landlords so that negligent landlords can be forced by the City to live up to basic health and safety standards. The system should include a per unit fee of \$10.00—12.00 per year that will fund a department within Hamilton bylaw that will proactively inspect and enforce all Hamilton apartment buildings.
3. The City should partner with non-profits, cultural associations, tenant organizations, and outreach specialists in order to ensure that tenants understand the new apartment standard system. Bylaw officers have a difficult enough job, and cannot be expected to perform all outreach.

# Hamilton ACORN

4. The housing stock of relatively affordable market housing that exists in Hamilton is what we are trying to protect. The City allowing it to deteriorate, and in the meantime forcing tenants to suffer, needs to end.



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