

Bill 140

An Act to enact the Housing Services Act, 2010, repeal the Social Housing Reform Act, 2000

that section 2 of Schedule 1 to the Bill be amended by adding the following definition:

“accessible housing” means housing that accommodates the needs of persons with disabilities, as required by the *Human Rights Code* and by the Convention on the Rights of Persons with Disabilities, based on the principles of identifying and eliminating obstacles and barriers to accessibility and of providing access to appropriate support services for community living;

that section 2 of Schedule 1 to the Bill be amended by adding the following definition:

“affordable housing” means housing that is available at a cost to a household, after taking into consideration any financial assistance available to the household, that does not compromise the household’s ability to meet other needs;

that section 2 of Schedule 1 to the Bill be amended by adding the following definition:

“right to adequate housing” means the right to adequate housing as guaranteed under international human rights law ratified by Canada, including the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities;

that subsection 4 (1) of Schedule 1 to the Bill be amended by adding the following clauses:

- (a.1) complies with Ontario’s obligations to respect, protect, promote and fulfil the right to adequate and affordable housing within available resources and by all appropriate means;
- (a.2) ensures that housing that is both accessible housing and affordable housing is available to persons with disabilities;

that subsection 4 (1) of Schedule 1 to the Bill be amended by adding the following clause:

- (b.1) provides a housing benefit for all low-income Ontarians who pay more than 40 per cent of their income for rent;

that Schedule 1 to the Bill be amended by adding the following section:

Ontario Housing and Homelessness Plan

6.1 (1) The Minister shall, within one year after the coming into force of section 6, convene a conference of representatives of the Government of Canada, the Government of Ontario, Ontario municipalities, Aboriginal communities, non-profit and private sector housing providers and civil society organizations, including those that represent groups in need of adequate housing, in order to develop the principles and requirements of an Ontario Housing and Homelessness Plan to reduce and eliminate homelessness and to respect, protect, promote and fulfil the right to adequate and affordable housing in Ontario.

Contents

- (2) The Ontario Housing and Homelessness Plan must,
- (a) include clear targets and timelines to reduce and eliminate homelessness and implement programs to ensure that these commitments are fulfilled;
 - (b) give priority to ensuring the availability of adequate housing to those without housing and to groups particularly vulnerable to homelessness, including groups facing discrimination;
 - (c) include a plan to ensure that accessible housing is available to all persons with disabilities;
 - (d) include processes for,
 - (i) the independent review of complaints about possible violations of the right to adequate housing,
 - (ii) addressing and reporting such complaints, and
 - (iii) reviewing and following up on concerns and recommendations from United Nations human rights bodies with respect to the right to adequate housing relevant to Ontario.

Compliance at local level

(3) Every service manager shall ensure that its plan to address housing and homelessness required under subsection 6 (1) reflects and is consistent with the Ontario Housing and Homelessness Plan.

Compliance with housing and homelessness plan

(4) All ministries shall abide by the provisions of a housing and homelessness plan approved by the Minister as far as the provisions affect local agencies that receive funding from the Government of Ontario.

move that subsection 8 (1) of Schedule 1 to the Bill be struck out and the following substituted:

Plan approval

- (1) Before approving its housing and homelessness plan, a service manager shall,
 - (a) consult with the Minister by providing the Minister with a copy of the proposed plan; and
 - (b) ensure that the proposed plan contains a specific strategy that supports Crown wards and former Crown wards.

that section 13 of Schedule 1 to the Bill be amended by adding the following subsection:

Service manager shall not reduce number of non-profit units

(1.1) A service manager shall not carry out its objectives in a manner that reduces the number of units of each size and type within the service manager's area that are owned by non-profit corporations or housing co-operatives.

that Schedule 1 to the Bill be amended by adding the following section:

Prohibition against encumbrance that reduces number of units

37.1 (1) A local housing corporation shall not transfer or encumber any of its assets if the result of the transfer or encumbrance would be a reduction in the number of units of each size and type owned by the corporation.

Invalidity of actions contrary to subs. (1)

(2) A transfer or encumbrance carried out in contravention of subsection (1) is invalid and of no force or effect.

that subsection 44 (2) of Schedule 1 to the Bill be struck out and the following substituted:

Priorities and limits

- (2) For the purposes of subsection (1),
 - (a) the prescribed provincial eligibility rules must recognize the need for and provide special priority for housing for Crown wards; and
 - (b) the local eligibility rules made by the service manager must,
 - (i) recognize the need for and provide special priority for housing for Crown wards, and
 - (ii) be limited to only prescribed matters.

Add the following subsection:

Inclusionary housing policies

(4) Without limiting what an official plan is required to or may contain under subsection (1) or (2), an official plan may contain policies that authorize a required percentage of residential housing units in all new housing developments in the municipality be affordable to low and moderate income households.

that section 3 of Schedule 2 to the Bill be amended by adding the following subsection:

(1.1) Section 17 of the Act is amended by adding the following subsection:

No appeal re inclusionary housing projects

(24.3) Despite subsection (24), there is no appeal in respect of the policies described in subsection 16 (4), including, for greater certainty, any requirements or standards that are part of such policies.

that section 3 of Schedule 2 to the Bill be amended by adding the following subsection:

(3) Section 17 of the Act is amended by adding the following subsection:

No appeal re inclusionary housing projects

(36.3) Despite subsection (36), there is no appeal in respect of the policies described in subsection 16 (4), including, for greater certainty, any requirements or standards that are part of such policies.

that section 4 of Schedule 2 to the Bill be amended by adding the following subsection:

(2) Subsection 22 (7.2) of the Act is amended by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding the following clause:

- (d) amend or revoke the policies described in subsection 16 (4), including, for greater certainty, any requirements or standards that are part of such policies.

that section 5 of Schedule 2 to the Bill be amended by adding the following subsection:

(2) Section 34 of the Act is amended by adding the following subsection:

No appeal re inclusionary housing projects

(19.2) Despite subsection (19), there is no appeal in respect of a by-law that gives effect to the policies described in subsection 16 (4), including, for greater certainty, no appeal in respect of any requirement or standard in such a by-law.

that subsections 35.1 (1) and (2) of the *Planning Act*, as set out in section 6 of Schedule 2 to the Bill, be struck out and the following substituted:

By-laws to give effect to second unit policies and inclusionary housing policies

35.1 (1) The council of each local municipality shall ensure that the by-laws passed under section 34 give effect to the policies described in subsections 16 (3) and (4).

Regulations

- (2) The Minister may make regulations,
- (a) authorizing the use of residential units referred to in subsection 16 (3);
 - (b) establishing requirements and standards with respect to residential units referred to in subsection 16 (3);
 - (c) authorizing the use of residential units referred to in subsection 16 (4);
 - (d) establishing requirements and standards with respect to residential units referred to in subsection 16 (4);

that section 3 of Schedule 3 to the Bill be amended by striking out subsection (2).

NDP