

The Regional Municipality of York

Committee of the Whole
Community and Health Services
April 4, 2019

Report of the Commissioner of Community and Health Services

Reinstatement of Specific Mandate Designation for Crescent Village Housing Corporation

1. Recommendations

1. Council reinstate a mandate to restrict occupancy of rent-geared-to-income units at Crescent Village Housing Corporation to applicant households who are members of the Ja'Fari Islamic Community.
2. The Commissioner of Community and Health Services be authorized to enter into an agreement with Crescent Village Housing Corporation that meets the following conditions for a specific mandate designation:
 - a. Inclusion of a written legal opinion addressing the issues raised in the Ontario *Human Rights Code* Section 14 or Section 18 and states that the housing provider falls within the exemptions contained within either of those sections, and complies with the policies of the Ontario Human Rights Commission.
 - b. Definition of the population to be served.
 - c. Indemnification of the Region with respect to any costs the Region may incur as a result of any litigation related to the specific mandate designation.
 - d. Acknowledgement that all rent-geared-to-income units will continue to be filled through the Region's subsidized housing wait list process in accordance with the *Housing Services Act, 2011* and its associated regulations as well as the Region's program instructions.
 - e. Inclusion of a provision that the Region reserves the right to unilaterally change or terminate the mandate should the results of an evaluation indicate that it is prudent to do so.

2. Summary

This report seeks Council approval to reinstate a specific mandate designation for Crescent Village Housing Corporation (Crescent Village) to restrict occupancy of rent-geared-to-income units to applicant households who are members of the Ja'Fari Islamic Community.

Key Points:

- The Province designated the Regional Municipality of York (the Region) as the Service Manager for housing through the *Housing Services Act, 2011*
- As Service Manager the Region is responsible for oversight of community social housing providers for certain matters
- Specific mandates allow community social housing providers to restrict occupancy for subsidized units to a targeted applicant group, as permitted under the *Housing Services Act, 2011* subject to conditions
- Council approved a framework to consider applications by housing providers for specific mandates in 2007
- In 2010, Council approved a specific mandate for Ja'Fari Islamic Housing Corporation (now Crescent Village Housing Corporation) to restrict occupancy for rent-geared-to-income units to members of the Ja'Fari Islamic Community
- In 2015, the mandate was terminated at the request of Crescent Village
- Crescent Village has now requested that its specific mandate be reinstated
- Crescent Village has met conditions set out in the framework for considering its request
- The Region as Service Manager can reinstate a specific mandate

3. Background

In its role as Service Manager for housing, York Region was responsible for permitting specific mandates for community social housing providers

As the Service Manager for housing under the *Housing Services Act, 2011*, York Region is responsible for funding and administering social and affordable housing programs. Primarily, the Region as Service Manager:

- Maintains a wait list for subsidized housing
- Ensures community social housing providers comply with provincial legislation
- Establishes local rules, policies, programs and services
- Develops and implements a 10-Year Housing and Homelessness Plan

The ability to implement specific mandates reflected the historical development of social housing. When social housing projects were originally built, ethnic and religious communities were encouraged by the Province to build housing for low income households in their own communities. Many of these non-profit social housing providers provided unique programs and services for their communities. The right to concentrate on housing members of their own communities was a strong motivation for these groups to sponsor housing projects. Prior

to the devolution of social housing to municipal governments, housing providers were permitted to select applicants from their cultural communities for subsidized rental units.

When the Province transferred responsibility for housing to Service Managers in 2001, the transfer included a requirement that subsidized units be offered to household on a centralized wait list. Some housing providers with a mandate of supporting members of their ethnic or religious communities felt they were being forced to move away from their purpose of serving members of their communities.

Recognizing this, the provincial legislation in place at the time, the *Social Housing Reform Act, 2000*, permitted Service Managers to change, cancel or assign new mandates through written agreement with housing providers. However, requests for specific mandates needed to be weighed carefully, as restricting occupancy of subsidized units potentially risks lengthening wait times for households on the chronological wait list.

Specific mandates may be permitted through exceptions to the Ontario *Human Rights Code*

The Ontario *Human Rights Code* aims to ensure every person has the equal opportunity to access housing without discrimination on any of the Code-protected grounds. Section 18 of the Code allows a religious, philanthropic, educational, fraternal or social institution or organization, which primarily serves the interests of a particular group, to restrict membership or participation to members of that group. A housing provider may house tenants under a specific mandate if it is able to prove it meets the requirements of Section 18 of the Code.

Council approved a framework in 2007 to consider applications from housing providers seeking specific mandates

Recognizing the need to carefully consider approval of specific mandate requests, Council established a process to approve specific mandates in [June 2007](#) under the authority of the *Social Housing Reform Act, 2000*. Under the Region's framework, housing providers seeking a specific mandate must:

- Demonstrate their proposed mandate complies with requirements of the Ontario *Human Rights Code*
- Enter into an agreement indemnifying the Region against any future liability claims
- Have requests for specific mandate designations approved by Council

Council approved specific mandates for four housing providers between 2009 and 2010

Using the June 2007 framework, Council approved specific mandates for two housing providers in [September 2009](#) and two additional providers in [January 2010](#). Crescent Village is the only housing provider that terminated its mandate. Attachment 1 lists housing providers granted a specific mandate and continue to operate with that mandate.

The *Housing Services Act, 2011* removed the ability of Service Managers to approve new mandates

The *Housing Services Act, 2011*, proclaimed January 1, 2012, replaced the *Social Housing Reform Act, 2000* as the legislation governing administration of social housing. Under the new legislation, Service Managers no longer have authority to establish new mandates for housing providers. Mandates confirmed under the previous act are continued under the *Housing Services Act*.

Staff confirmed with the Province that the *Housing Services Act, 2011* does not prevent a housing provider and service manager from agreeing to reinstate a previous mandate.

Crescent Village had a mandate to restrict occupancy for its rent-geared-to-income units to members of the Ja'Fari Islamic Community, which was cancelled at its request in 2015

Crescent Village, located at 138 Yorkland Street in the Town of Richmond Hill, is a 170 unit complex for families comprised of 24 walk-up apartments and 146 townhouses. It legally changed its name from Ja'Fari Islamic Housing Corporation in April 2018. Crescent Village delivers 136 rent-geared-to-income units that receive Regional funding and are filled using the Region's subsidized housing wait list.

Council approved a specific mandate for Crescent Village in [January 2010](#), to restrict occupancy for rent-geared-to-income units to members of the Ja'Fari Islamic Community. In 2015, the Crescent Village Board of Directors requested termination of its specific mandate. The reason for its request was that the Board was concerned it was assuming too much risk under the indemnity agreement with the Region should litigation arise challenging the specific mandate. Under authority as Service Manager delegated by Council, the Commissioner of Community and Health Services approved termination of the specific mandate. Effective October 20, 2015, Crescent Village's rent-geared-to-income units became open to all eligible applicants on the Region's subsidized housing wait list.

4. Analysis

In 2018, Crescent Village requested reinstatement of its specific mandate

Since the mandate was terminated in 2015, Crescent Village continued to expand services offered to members of the Ja'Fari community focused on meeting the community's religious, cultural, social and educational needs. Services provided include prayer and religious programs, Arabic language classes, Quaran classes, and yoga for women. The housing provider also provides services for children including crafts, reading, cooking, homework, sports and March break and summer programs.

In November 2018, the Crescent Village Board of Directors submitted a formal request and all required documentation needed to seek reinstatement of the specific mandate. The

specific mandate allows Crescent Village to align the allocation of subsidized units with services it provides to its community members.

Crescent Village has met the Council-approved conditions required to enter into an agreement and indemnity with the Region to reinstate its specific mandate

The Crescent Village Board of Directors has agreed to enter into a new agreement with the conditions established in the framework approved by Council in 2007. Table 1 outlines the Council-approved conditions and how Crescent Village has complied with them.

Table 1
Conditions for Considering Specific Mandate Request

Condition	Verification Condition Has Been Met
Legal opinion addressing issues raised in Ontario <i>Human Rights Code</i> Section 14 or Section 18	Legal opinion from Torys LLP dated November 14, 2018 stating specific mandate requested is consistent with the Ontario <i>Human Rights Code</i> and meets the requirements of Section 18
Clearly define the population to be served	Confirmed via written statement by the Crescent Village Board of Directors that the target population to be served are members of the Ja'Fari Islamic Community
Indemnify the Region with respect to any costs the Region may incur as a result of litigation related to the specific mandate	Confirmed via written statement by the Crescent Village Board of Directors that the housing provider will indemnify the Region with respect to costs the Region may incur as a result of litigation
Acknowledge that all units in projects with mandates continue to be filled through the Region's subsidized housing wait list process in accordance with the <i>Housing Services Act, 2011</i>	Confirmed via written statement by the Crescent Village Board of Directors
Agree that the Region reserves the right to unilaterally change or terminate the mandate should the results of an evaluation indicate that it is prudent to do so	Confirmed via written statement by the Crescent Village Board of Directors

Reinstating Crescent Village's specific mandate would better meet the needs of the Ja'Fari Islamic Community

Specific mandates reduce the number of subsidized units available to the general public, potentially lengthening wait times. Currently, 245 of approximately 5,000 subsidized units are targeted to specific communities. Reinstating Crescent Village's mandate would increase the total number of targeted units to 381, which is about seven per cent of subsidized units. However, the average number of households housed each year at Crescent Village did not change substantially as a result of termination of the specific mandate in 2015 (on average, five households per year between 2010 and 2018 were housed) so reinstatement of the mandate is not anticipated to have a significant effect on the wait list. Since Council originally approved its mandate in 2010, Crescent Village housed 41 households, 29 of which were under the provincially-mandate special priority category, which provides priority access to subsidized housing for survivors of domestic violence and human trafficking. The 10 chronological applicants housed since 2010 waited on average seven years for housing, indicating that chronological applicant households who met the Crescent Village mandate are subject to similar wait times to those on the general chronological wait list.

Sustaining the social housing supply is a goal in the Region's 10-Year Housing and Homelessness Plan

The Region's 10-Year Housing and Homelessness Plan, [*Housing Solutions: A place for everyone*](#) includes an action to sustain the social housing supply. As housing providers reach the expiry of their operating agreements and the end of mortgages, housing providers are no longer required to participate in social housing programs or house applicants off the Region's subsidized housing wait list. To mitigate the potential loss of subsidized units, staff are focused on building partnerships, maintaining relationships with providers and encouraging their ongoing participation in housing programs. Reinstating the mandate would allow the housing provider to address the needs of applicants and tenants from their particular community and the Region's goal of sustaining existing social housing partnerships.

5. Financial

There are no immediate financial implications arising from this report. Specific mandates may pose financial implications for the Region should there be any litigation as a result of approving specific mandate designations. To date, there have been no complaints as a result of Regional Council's decision to approve specific mandates.

6. Local Impact

Crescent Village delivers 170 rental units in the Town of Richmond Hill, in addition to providing services to tenants and the local community. Allowing specific mandates respects the historic relationship of housing providers with their founding communities.

7. Conclusion

Reinstating Crescent Village Housing Corporation's specific mandate to restrict occupancy of rent-geared-to-income units to members of the Ja'Fari Islamic Community would allow the housing provider to address the distinctive needs of applicants and tenants from their particular community. Staff do not anticipate that reinstating the specific mandate will substantially impact wait times for subsidized housing.

For more information on this report, please contact Rick Farrell, General Manager, Housing Services at 1-877-464-9675 ext. 72091. Accessible formats or communication supports are available upon request.

Recommended by: **Katherine Chislett**
Commissioner of Community and Health Services

Approved for Submission: **Bruce Macgregor**
Chief Administrative Officer

March 21, 2019
Attachment (1)
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