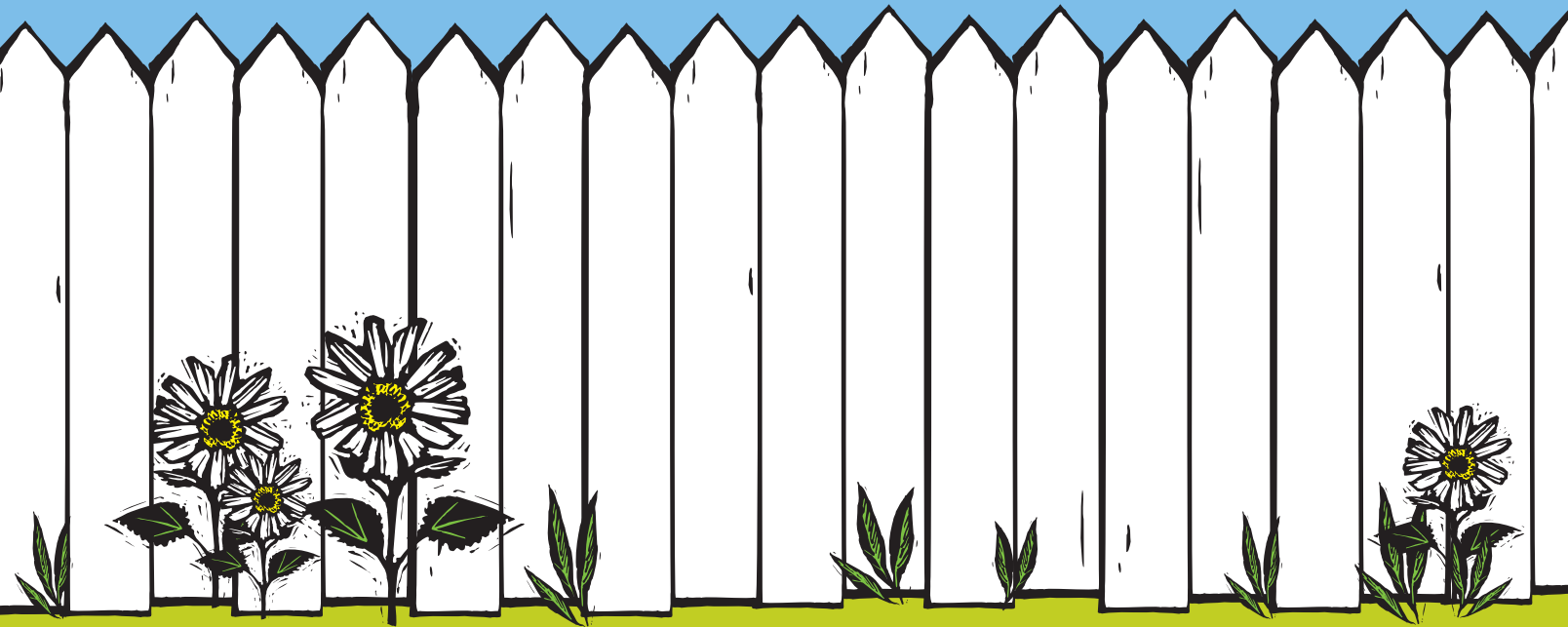


yes, in my back yard

REVISED
EDITION
2005



A guide for Ontario's supportive housing providers

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Introduction

Imagine your elected representative telling you, “there are too many of your kind in this neighbourhood.” Imagine residents’ associations who want to examine your personal history before allowing you to move into the neighbourhood. Imagine your new neighbours – neighbours who say they have nothing personal against you – slandering you through e-mail, flyers, posters, at public meetings and to your face.

If you live in Ontario, you would probably say that your rights had been violated. Yet in this province, people with mental illness encounter every one of these violations, and more.

These violations led to the founding of HomeComing Community Choice Coalition, a coalition of supportive housing providers, planners, human rights lawyers, advocates for people with mental illness, and citizens who share our values.

HomeComing promotes the rights of people with mental illness to live where they choose.

We work to publicize these rights, to ensure the planning process does not become a platform for prejudices and fears, and to help supportive housing organizations create new housing, without compromising the dignity of the people they house.

We also hope our work, including this tool kit, will benefit the many other Ontarians who face discrimination. Within the last five years, we have witnessed community opposition to housing for people with other disabilities, families on social assistance, newcomers to Canada, Native and Métis people, ex-offenders and youth.

This tool kit is designed to help those wanting to create new supportive housing.

The kit is not a complete guide to housing development. Instead, it focuses on the community consultation process, and how to deal with widespread fears and prejudices about the people who live in supportive housing.

THE KIT:

- ✓ Describes the rights protected by the *Ontario Human Rights Code*, and the *Canadian Charter of Rights and Freedoms*
- ✓ Outlines the planning approvals process
- ✓ Helps supportive housing developers to know what to expect
- ✓ Suggests ways to prepare for community consultation
- ✓ Describes strategies that have helped supportive housing developers navigate through community opposition
- ✓ Offers answers to the most predictable objections to housing for people with mental illness, and others who face discrimination.

1 The human rights lens

If neighbours hurl public insults at the people who hope to live on their street, are they simply exercising their right to free speech?

Do local residents' associations have the right to screen who moves into the neighbourhood?

Do municipalities have the right to prevent certain types of people from moving into a ward, on the grounds that the area already has "more than its fair share" of these types?

If you imagine the people in question are racial, ethnic or religious minorities, the answer is obviously no. We recognize that many Canadians have prejudices and fears about people who are different from themselves. But we do not allow these prejudices to compromise basic human rights.

In Ontario, anyone making a racial slur at a public meeting would be ruled out of order. A residents' association that organized to keep Jews out of the neighbourhood would be denounced. And no municipality would set up rules to prevent "an over-concentration of Italians," or ensure no Catholic family lived within 400 meters of other Catholics.

However, many Ontarians believe that it is acceptable to discriminate against people who are mentally ill, or disabled, or poor. They are mistaken.

People who have a mental illness, another disability or who are on social assistance have the same rights we all enjoy. For supportive housing providers, that means:

- ✓ **You are not asking a favour from the neighbours** to allow your tenants to live next door. Just as you would buy or rent a home without knocking on doors to ask whether it was alright to move in, so your tenants have a right to live where they want without apology.
- ✓ **You do not need the community's permission** for the *people* you house. You may need *planning* approvals (as described in Section 4 of this guide). Municipal planning by-laws regulate land use and building form, not the people who will live there.

- ✓ **The planning approval process is not the time to educate the public about mental illness, poverty or other issues.** Many supportive housing providers see public education as part of their mandate. And it is certainly true that many fears and prejudices need to be dispelled.

Although providing basic information to neighbours is often part of the planning approval process, you do not want to suggest that neighbours have the right to choose their neighbours. Nor do you want to violate your tenants' rights to privacy.

Perhaps it is helpful to imagine a parallel example in our school system. Many school boards have committed themselves to anti-racist education. But if a family of black children (or any racial minority) was preparing to enrol in a school, we would not expect the principal to write a letter to all parents, calling them to a public meeting to "learn more about the new family, and discuss any concerns you might have." We would not expect the family to be quizzed about their history or household affairs, or to make a presentation about the merits of their race. And we would certainly not expect the principal to respond to parents' concerns by telling the family to go to school somewhere else. We take for granted the rights of all children to an education. One day, we may take the right to housing for granted too.



- ✓ **You must refuse any request that compromises your tenants' rights or dignity.** Sometimes, housing providers are worn down by community opposition. They know how much their housing is needed. So in desperation, they make trade-offs that undermine their tenants' rights.

You should always refuse to reveal confidential information about your applicants or tenants, accept changes to your tenant selection or management practices to appease prejudices or fears, or otherwise undermine the dignity of the people you house.

- ✓ **You can take heart.** Sixty years ago in Canada, there were subdivisions that prevented Jews, Asians and Blacks from purchasing a home. The people who set up these restrictions believed they were protecting property values, public safety and good neighbourhoods.

Now, such practices would be unthinkable. Why? Because court challenges ruled such practices illegal. And because the overwhelming evidence showed that neighbourhoods had nothing to fear, and everything to gain, from residents of all religions and races.

Over the past 20 years, supportive housing has proven its contribution to healthy neighbourhoods. We look forward to the day when discriminatory practices against people with mental illness will be not just illegal, but unthinkable.



2 The right to live in the community of one's choice

When someone says, “I don’t want black people (or Jewish people, or gay people, or Chinese people, or seniors) to live near me,” we know we are hearing a discriminatory statement. We know, because these statements don’t feel right to us. We also know that the Ontario *Human Rights Code* protects people from discrimination on the basis of race, religion, sexual orientation, ethnic origin and age.

People with mental illness are also protected by law. So are people with other disabilities (including addictions), youth, newcomers, and people on public assistance.

This section looks at the laws that protect these rights, the practices that may violate them, and what you can do to uphold these rights.

The Ontario Human Rights Code

The Ontario *Human Rights Code* prohibits discrimination on the basis of disability, and fourteen other grounds. It says:

“Every person has a right to equal treatment with respect to the occupancy of accommodation, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, same-sex partnership status, family status, disability or the receipt of public assistance.”

(Ontario *Human Rights Code*, Section 2 (1), Accommodation)

Similarly, the *Code* says every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of disability. (Ontario *Human Rights Code*, Section 1, Services)

The *Code* notes that disability includes:

“any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness...”

It specifically includes “a condition of mental impairment or a developmental disability” or “a mental disorder.” (Ontario *Human Rights Code*, Section 10, Definitions)

Announcing an intention to discriminate is also prohibited. The *Code* says,

“A right under Part I is infringed by a person who publishes or displays before the public or causes the publication or display before the public of any notice, sign, symbol, emblem, or other similar representation that indicates the intention of the person to infringe a right under Part I or that is intended by the person to incite the infringement of a right under Part I.” (Section 13)

Not only do tenants and future tenants have the right to challenge discriminatory rules or treatment under the *Code*, but supportive housing providers can also file human rights complaints if they believe that their right to equal treatment has been infringed because of their relationship or association with persons who are discriminated against. (Section 12)

The *Code* also protects people with disabilities – or any of the fifteen grounds listed above – from indirect discrimination.

Discrimination can take the form of an intentional decision to exclude supportive housing from a community because of the people who will be housed. The *Code* also prohibits less direct and even unintentional discrimination, including conduct or policies that may appear unobjectionable but nonetheless have the effect of excluding people with disabilities from neighbourhoods. This is called “constructive discrimination”. The *Code* states:

“A right of a person under Part I is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member.” (Section 11 (1))

The Canadian Charter of Rights and Freedoms

In addition to the provincial human rights codes, Canadians' rights are protected by the **Canadian Charter of Rights and Freedoms**. The *Charter* focuses on discriminatory government rules and actions, and prevents governments from discriminating on the basis of mental illness.

Section 15 (1) of the *Charter* says,

"Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

The *Charter* applies to the Parliament and Government of Canada, and to the legislature and government of each province. That means, for example, that the Ontario *Planning Act* is covered by the *Charter*, as are the decisions of the Ontario Municipal Board. The *Charter* also applies to the policies and rules established by municipal governments, including Official Plans, zoning by-laws, committee of adjustment decisions and even political decisions, such as a council-approved moratorium on more supportive or emergency housing for a particular ward or neighbourhood.

Civil and criminal law

People with mental illness, like everyone else, are protected against slurs and threats.

Civil law covers slander, libel, and defamation. It's not easy to bring a case forward. You must not only prove the statements are untrue (which might be quite straightforward), but that future tenants – the ones slurred – have sustained damage to their reputations.

The **Criminal Code** makes circulating hate literature a criminal offence. Tenants or future tenants subjected to a hate campaign can ask the police to press charges. They don't need legal representation – they are the victims.

What does the law mean?

Does the Ontario *Human Rights Code* apply to opponents of housing for people with mental illness? Does the *Charter* prohibit municipalities from stopping people with mental illness from moving into a neighbourhood, on the grounds there are already "too many people like them in the area?"

If the new housing is opposed on the grounds that the future residents are mentally ill—or have another disability, or are on social assistance—we think the answer is yes. If the housing is blocked by restrictive zoning rules or land use policies, again the answer may be yes.

We believe that:

- ✓ People have the right to live where they choose
- ✓ They do not require the approval of neighbours to move in
- ✓ Individuals, organizations or by-laws that exclude or defame people because of their mental illness can be challenged.

Without a ruling from a Superior Court, however, this is an untested opinion. Ontario supportive housing providers have been understandably reluctant to launch human rights challenges. The costs of such a challenge are huge, and the delays involved will make even a favourable ruling irrelevant. Moreover, most supportive housing providers don't want to take neighbours, their local councillor, or their municipality to court. These are people they will need to work with again.

However, an important decision at the Manitoba Court of Appeal suggests the decisions we might expect. The Canadian Mental Health Association, John Howard Society, Elizabeth Fry Society, Manitoba League of the Physically Handicapped, Winserv, Age and Opportunity Centre and Alcoholism Foundation of Manitoba challenged the City of Winnipeg's group home by-law, saying it was vague, discriminatory, and in effect, zoned people, not land use.

The Court agreed. In his decision, the judge said,

“It is simply not acceptable since the advent of the Charter to prohibit a use of land with reference to the attributes of those who may use it, at least where the attributes are those which distinguish members of a disadvantaged group and where there is no evidence to show that such a prohibition is one which can be demonstrably justified as reasonable in a free and democratic society.” (*Alcoholism Foundation of Manitoba vs Winnipeg (City)* (1990), Manitoba Court of Appeal.)



What can you do?

Know the difference between discrimination and legitimate opposition. There could be many legitimate reasons for opposing a housing proposal: concerns about height, density, design, parking, access or other characteristics of the proposed building or site plan. You may not agree with these concerns, but they are not discriminatory. It is only discrimination if the opposition is based on the characteristics of the **people** who will be housed.

To identify discriminatory statements, start by using the “cringe” test. If you substituted the word “black” or “Greek” or “gay” for the word “mentally ill,” – or “people on welfare” or “people with addictions” – would the statement make any fair-minded person cringe?

Then check the excerpts from the Ontario *Human Rights Code* and *Charter*.

Point out the discrimination. People or organizations who would never think of opposing housing on racial or ethnic grounds will try to exclude housing for people with mental illness. Simply reminding them that the Ontario *Human Rights Code* prohibits discrimination on the basis of disability can make them stop. This is especially true of community leaders who would be shamed by charges of discrimination.

Does this mean your opponents will simply cover up their prejudices? Of course. Sophisticated people will say the project does not “fit” the neighbourhood, or that it is “not appropriate,” or even that the site is “not in the best interests of the future tenants.” *Section 8* of this guide offers some responses to these statements.

On the other hand, changing language can be the first step in changing hearts and minds – as many human rights activists know. And once you are talking about legitimate land use issues, then you can respond with facts and arguments.

For example, a neighbourhood group recently opposed a small supportive housing apartment building on the grounds that the project did not fit with the overall municipal planning goal of maintaining a “mixed-income, integrated residential neighbourhood”. The housing provider successfully argued that a mixed-income policy applies within neighbourhoods, not individual buildings. We don’t require each condominium to house the full range of incomes and family types. Requiring only supportive housing to do so is discriminatory.

Challenge discriminatory planning policies and by-laws. Policies that impose additional restrictions on supportive housing *because of the people they house* may be vulnerable to legal challenge, especially if the requirements cannot be justified on land use grounds. Even restrictions that have some basis in planning principles may be found to be discriminatory if, upon a legal analysis using human rights principles, the need for supportive housing outweighs the rationale for the restriction.

If you encounter a by-law, policy, or decision you believe is discriminatory, seek the advice of a planning lawyer. You may be able to develop a human rights submission to support an application to the municipality or the Ontario Municipal Board.

You should also contact HomeComing. HomeComing is working with key lawyers to identify and challenge discriminatory practices through litigation, as well as through public education and law reform advocacy.

What about making a human rights complaint against an individual or a neighbourhood group?

Intentionally hurtful discrimination, malicious statements, and threats to block a housing project deserve a tough response. In these cases, you may want to consider whether a human rights complaint should be lodged with the Ontario Human Rights Commission.

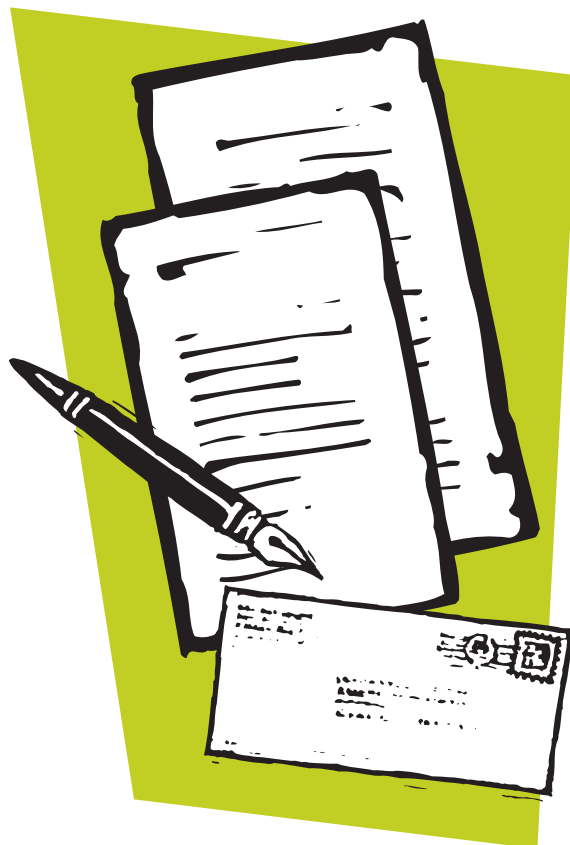
The human rights process is rarely used for these kinds of situations, and the Commission is unlikely to resolve the issue quickly enough to make a difference in your project. But simply receiving the Commission's letter can show your opponent that their words and actions have consequences. Filing a complaint also protects you from reprisals. All actions taken against you after filing a complaint may be characterized as acts of reprisal and are contrary to the *Human Rights Code*.

Filing a complaint is free. A complaint can be filed by a person who feels that he or she is directly the target of discriminatory conduct or rules or laws that are having a negative effect on their right to secure housing. A complaint can also be filed by a person who believes that they are the target of discriminatory conduct or rules because of their association with persons with disabilities.

The first step is to call the Commission's General Inquiry phone number (*see Section 9*). But because your complaint will likely be an unusual one, you may want some legal advice first. You may also write your opponent a warning letter, or ask your lawyer to write one. This letter would describe the offending behaviour, and warn that you will file a human rights complaint if the discriminating behaviour does not stop.

You will strengthen your case by keeping detailed notes of precisely "who said what, and when." Ask witnesses for detailed notes too. All complaints should be made within six months of the date the offending statements or actions were made.

Your opponents will receive a letter from the Commission, informing them a complaint has been made. They will then need to defend their statements in writing, and commit themselves to a legal position.



3 The planning approval process

Whenever you build new housing, or renovate an existing building, you must comply with a slate of laws, regulations, codes and by-laws.

In Ontario, the municipality is responsible for enforcing these rules. Some of these rules are technical in nature: the *Ontario Building Code* or *Fire Code*, for example, or electrical, plumbing and elevator regulations. Your group applies for a permit. You pay a fee. Municipal staff review your proposal and make a decision.

But when you change a site's use, or a building's envelope, you may be entering the realm of public consultation. The bigger the change, the more likely you are to need planning approvals, the longer it will take, the more it will cost, and the greater the risk that your proposal will not go forward. If you need an Official Plan amendment, a rezoning or a variance from the Committee of Adjustment, the public will be involved.

In Ontario, the *Planning Act* sets out the approvals process for these sorts of changes, and the rules for public consultation. This section summarizes the planning process: the types of planning decisions, who makes decisions, the planning process, and the requirements for public consultation.

How municipal approvals work*

The approval process for your building depends on how closely your proposal conforms to the Official Plan and the Zoning By-law.

The Official Plan is a "principles document." It describes the municipality's vision for the city, sets out its planning policies, and sketches its plans for each neighbourhood. The Official Plan may also contain "Secondary Plans," or "Part II Plans," which define the character of a part of the city in more detail. For example, the Secondary Plan might define a neighbourhood as "low density residential" or "commercial." It will set out the scale and density of buildings, and the types of uses allowed.

The zoning by-law puts the Official Plan into action. Each site is given a particular zoning designation, defining the use of the site, the density of development permitted, maximum building heights, set-backs, parking requirements, open space requirements, and so on. There may also be special zoning provisions or by-laws dealing with ravine lots, tree protection and other city-wide policies.

If your proposal meets the Official Plan and zoning by-law

THE PROCESS IN TORONTO

Proposals that match the Official Plan and zoning by-law can be developed "**as of right.**"

A new building may still need site plan approval, which can take up to six months in Toronto. Municipal planning staff would examine all the "external" features of your proposal: setback, cladding, streetscaping, parking, how garbage is collected, loading areas – anything that can be seen from the outside, or that might affect neighbours. But this is not a public process (although in Toronto some councillors have "bumped up" a site plan approval to City Council, allowing for public deputations at Community Council).

You will also need building permits – another six month process in Toronto – and other construction-related permits, such as demolition, street closing, electrical, plumbing, elevator permits, and so forth.

OUTSIDE TORONTO

Housing providers outside Toronto go through a similar process to obtain site plan approvals and building permits. But they usually find the process is much less complex, and approvals can be obtained more quickly.

* The planning approvals process is similar across Ontario. But Toronto's process is especially complex. Each section in this chapter therefore describes the Toronto process in some detail, followed by the most common variations found in other parts of Ontario.

If your proposal requires only minor changes to the zoning.

Because rezoning is a major undertaking, the *Planning Act* sets up a separate process to deal with **minor variances**. To be accepted as a minor variance, your proposal must maintain the general intent and purpose of both the Zoning By-law and the Official Plan, be desirable for the appropriate development or use of the land or building, and be minor in nature. If you are not certain whether your variance is minor or not, apply to the Committee of Adjustment. They are the ones who decide.

THE PROCESS IN TORONTO

Seeking a minor variance is a public process, but it is a relatively streamlined one. Your group will submit an application, including detailed drawings, to the Clerk of the Committee of Adjustment. This committee is appointed by City Council.

After reviewing your application, the Clerk will set a date for a hearing, and send a notice to neighbours. In Toronto the notice is circulated to all properties within 60 metres of the site. The notice will describe your proposal and invite recipients to the hearing. While this is the *only* community consultation required to obtain a minor variance, the Committee of Adjustment may require applicants to conduct further community meetings if they feel that the matter is contentious.

The hearing is typically conducted by three members of the Committee of Adjustment. Your case will be one of several heard on the same day. You and your supporters will have an opportunity to make your case. Members of the public will be able to ask questions of you or the Committee, and make comments on the proposal. The Committee will then immediately make a decision to accept or reject your application. The entire process, from the date of application to a decision, can take three to four months.

Committee of Adjustment decisions can be appealed by anyone – the group, a supporter, or an opponent – to the Ontario Municipal Board within 20 days of the notice of decision (see page 13).

OUTSIDE TORONTO

The Committee of Adjustment process is similar throughout Ontario. Your case, however, might be heard by more, or fewer, Committee members. The circle of neighbours sent notices about the Committee of Adjustment meeting may be larger or smaller than 60 metres. And the meeting procedures will vary among municipalities.

If your proposal does not match the Official Plan or the zoning by-law.

Perhaps you would like to build a 10 storey building in a “low density residential” neighbourhood, or put housing in an industrial area. In this case, you must apply for an **Official Plan Amendment**.

Or perhaps your proposal conforms with the Official Plan, but does not match the zoning for your particular site. For example, you might want to replace a house with a small three-storey apartment building. You would then need to apply for a **rezoning**.



Official Plan Amendments (OPAs) and rezonings are both major undertakings, taking at least six months, and more often a year or more, particularly if the decision is appealed to the Ontario Municipal Board. An OPA is seen as a more serious change than a rezoning. But both OPAs and rezonings follow a similar approvals process.

THE PROCESS IN TORONTO

Your first step in an OPA or rezoning application is to meet with the local municipal planner.

The planner will tell you what information must be submitted with your application. Depending on your proposal, this information could include traffic studies, shade studies, noise studies, an arborist’s report – whatever the planner deems necessary to demonstrate a zoning change is warranted. The planner can also offer a great deal of information about the site, the neighbourhood and the planning process.

When you return with your application, you will be asked to put up signs on your site, describing your proposal, and referring enquiries to the municipal planning department. There are strict rules for the wording and design of these signs.

The planner will then circulate your application to many municipal departments, agencies and corporations. Depending on your proposal, this could include the school board, parks department, neighbourhood services, public works, transit commission, and so forth. Each of these groups is invited to comment on the proposal or ask for more information. These comments are collected by the planner.

In Toronto, the planner will typically write a preliminary report to the Community Council. This can be a time of discussion between your group and the planner to try to informally resolve issues.

The planner may also want to organize one or more public information meetings before making the preliminary report. The *Planning Act* requires the municipality to hold at least one public meeting before approving a rezoning or OPA application. In Toronto, this statutory obligation is met through the Community Council meeting. Extra public information meetings are **not** required in the *Planning Act*. But if you refuse to participate, you risk a negative final report from the planner.

Some groups work with the planner on the timing and venue for the meeting, and the wording of the notice to neighbours. Groups may also do their own outreach before these meetings, circulating their own flyer, hosting open houses, and inviting supporters who may not have received the planning department's notice. (See *Section 7 for tips*.)

The planner will then write a formal planning report to the Community Council, describing the proposal, the findings of the consultation, and most important, the planner's opinion and recommendations. These recommendations will be very influential in the Community Council's decision.

The next step, in Toronto, is the Community Council Meeting. Your group, your supporters, and any member of the public may make a deputation. The council will decide to approve the rezoning and/or OPA, amend the proposal, approve the proposal conditionally, or decline it.

Unless the proposal is declined outright, the decision is then referred to City Council, or to a Standing Committee of City Council before proceeding to Council. You may make a

deputation at the Standing Committee, but not to City Council. Your job, once your application reaches City Council, is to have a lobbying strategy to gain support from a majority of councillors.

City Council can accept or reject the recommendations of the Community Council or a Standing Committee. Like Committee of Adjustment decisions, Council decisions can be appealed to the Ontario Municipal Board within 20 days. (See *below*).

OUTSIDE TORONTO

The *Planning Act* says the municipality must hold at least one public meeting before approving an Official Plan Amendment or rezoning. In some communities, this statutory obligation is met through a meeting of the Planning Committee, a Committee of Council, or Municipal Council itself. Your local planner can advise you on the process in your area.

Most housing providers find the approvals process less complex outside Toronto. Fewer layers of decision-makers, fewer special by-laws, and fewer municipal departments to comment on each application, can also mean the process moves much more quickly.

Appeals to the Ontario Municipal Board

Anyone has the right to appeal a City Council or Committee of Adjustment decision to the Ontario Municipal Board (the OMB). The OMB is appointed by the provincial government to hear appeals of municipal decisions, including decisions under the *Planning Act*. Its decisions are final.

Once the OMB receives an appeal, it assigns a staff member to the case. The OMB often organizes a pre-hearing conference, especially if the case is expected to be a long one, to evaluate the issues and determine whether the appeal is frivolous or vexatious. It then sets hearing dates, usually within 3 – 6 months. The length of the hearing can range from a day to several weeks, depending on the complexity of the issues.

For a group defending its proposal, an OMB hearing can be a costly and time-consuming process. All groups are advised to hire legal and planning experts to prepare their case and invite expert and other witnesses. Some groups have spent \$50,000 or more on defending their case.

On the other hand, almost all supportive housing proponents win their case. Because the OMB is supposed to base its decisions entirely on planning principles, arguments based on fears or biases about the people who will live there are not accepted.

4 What to expect

Every proposal, and every neighbourhood, is unique. And yet supportive housing developers have shared some common experiences through the development process. Here are some of their findings.

You will meet opposition

Changes of any kind – even positive changes – often receive a wary response from neighbours. The widespread prejudice and fear that surrounds mental illness almost guarantees that, no matter how good your proposal, or how carefully you plan, you will receive some community opposition.

The **articulated** opposition to any social housing development typically centres on two issues:

- ✓ Design issues – the issues recognized by Official Plans and zoning by-laws, such as building dimensions, density, and parking.
- ✓ Process issues – how and when the community is consulted, and whether the rights of the community (perceived or actual) are being upheld.

However, **actual** opposition is also likely to be based on:

- ✓ Context and history – issues that may have nothing to do with your proposal but affect how people feel about it. These could include the community's experience with a previous development, or a history of feeling ignored as a community.
- ✓ Prejudices about social housing – concerns about property values, traffic, noise and property management
- ✓ Prejudice and fears about people with mental illness, and particularly fears about safety and exposure to people who are "different."
- ✓ Concerns about the impact of "different" people in their neighbourhood.

Studies in the U.S., and the experience of some Toronto housing providers, suggest that these last four concerns are often spoken bluntly when the community first learns about

the proposal. However, as the process becomes more public, these concerns are often masked. They are frequently translated into design or process issues – both widely recognized as legitimate issues. Or they may be expressed in terms of the needs of the future tenants. For example, neighbours might say the site or the neighbourhood is not "suited" to people with mental illness because it lacks green space, the units are too small, or this type of housing is not "the best way to house people with mental illness."

Section 8 of this tool kit helps you anticipate both the real and the articulated objections to your proposal and to plan your response.



It will take longer than you think

Many newcomers to supportive housing development are surprised by how long it takes to move through the development process.

Many things can stall a project. After a site has been identified, it can take months, even years, to assemble financing and operating funding. Some groups have spent up to a year nudging City staff to issue a building permit. Developments that should be straightforward have taken two years or more simply to get a shovel in the ground.

You will need resources

You should expect to pay for professional advice, and for staff time to navigate through the development process. Here are some of the resources successful supportive housing developers have found helpful.

Development consultants. We recommend all supportive housing developers hire a development consultant. Development consultants play a co-ordinating role neither your real estate agent, architect, developer, nor your own staff can fill. Their speciality is managing the development process: obtaining government and non-government financing, putting together deals with developers, gaining planning approvals, and preparing you for housing management.

Development consultants are typically paid through the development's capital budget. They will often work "on spec," but of course will expect to be paid once funds become available. Fees are often based on a percentage of the total capital cost, but may be negotiated depending on the project's size and complexity, and on the amount of work you are able to do yourselves.

Most development consultants can help you with your community outreach strategy, but will expect you to do the groundwork of making phone calls, organizing meetings, or knocking on doors.

Your funder may have a list of development consultants working in your area.

Legal advice. Your non-profit's lawyer may not be an expert in property development or in human rights issues.

Many groups facing an Ontario Municipal Board hearing will hire a planning lawyer to prepare their case. These experts can cost \$20,000 or more to prepare such a case. Talk to other supportive housing providers for referrals.

Groups seeking legal advice on human rights should contact the Advocacy Centre for Tenants in Ontario or the Centre for Equality Rights in Accommodation. These organizations can refer you to a lawyer, and in precedent-setting cases, may work on your behalf.

Your own staff. Even if you hire a development consultant, you can expect a member of your own staff to spend from 1/4 to 1/2 of their time on housing development. The work is often difficult to plan: a series of quiet months can be followed by a flurry of full-time activity. The person assigned the development task therefore needs the flexibility to be able to act quickly when the file is most active.

You can have amazing results

The community opposition *can* be discouraging, the process long, and the costs high. But you should never doubt that your proposal will not only house your tenants, it will improve the neighbourhood.

Many supportive housing providers can tell heart-warming stories of former opponents who have befriended tenants, greet staff warmly on the street, and go out to public meetings to voice their support for more supportive housing.

Studies also show that the people who live close to supportive housing are the most likely to support it. For example, an American study compared the attitudes of people living near group homes for adults with mental illness to those living in neighbourhoods without a group home.

The study found that only 10% of group home neighbours were dissatisfied with its presence (although more were dissatisfied with the *process* of the group home being established.) Only 3% of group home neighbours were concerned about "distressing incidents," compared to 63% who did not live in a neighbourhood with a group home. In fact, neighbours in contact with group homes were less worried about property values, home sales, neighbourhood crime, resident safety and children's safety, than those who had no direct experience with group homes.



5 Laying the groundwork

You have a possible site, or perhaps more than one. You know what planning approvals you will need. And you have the expertise you need.

Now, before you do anything else, is the time to prepare for community consultation. Research and planning will be the keys to a successful process. Here are the steps to take.

First, test how closely the site matches your needs.

The best site is the one you can afford, and that matches the needs of your tenants. These requirements alone can severely limit your choices.

There is one more consideration before choosing a site: how much will you need to change the site's zoning to get the housing you want? The more planning approvals you need, the longer the site will take to develop, and the more costly the development process will be. The more dramatic the changes you propose to the site, the more community opposition you are likely to encounter.

So before you begin, ask: if we did not need a rezoning, what could we put on the site? If we did not need a Committee of Adjustment approval, what could we put on the site? Then list what you would like to do. It may be worth sacrificing items on your wish list simply to keep your development costs down, and to streamline the development process.

And if your wish list and the site's "as of right" potential are far apart? It may still be the best site to choose. But you should then budget both time and money to move the project through a potentially difficult approvals process.

Find potential supporters that work or live near the site.

As soon as you identify a workable site, begin to compile a list of friends, allies and supporters of your proposal. These supporters will be your first source of information. Talk to them *before* you plan your strategy or approach the broader community.

You will draw on these friends to:

- ✓ Learn more about the site, and how it is seen by neighbours
- ✓ Give you information about the community itself
- ✓ Be a supportive voice at resident association or business association meetings
- ✓ Speak on your project's behalf at public meetings
- ✓ Write letters of support.

The most valuable supporters are individuals who live or own businesses closest to the site, and organizations that are respected in the immediate neighbourhood. Consider:

- ✓ **Members of your own Board of Directors and staff who live near the site.** (One U.S. study found that housing was less likely to be opposed by the community when it was sponsored by Board members living in the same neighbourhood.) Remember, though, that this Board member will need support. Some Board members have been under such pressure from their neighbours that they revealed confidential information that was turned against the group.
- ✓ **The Board and staff of other supportive housing.** Speak to your own contacts first. Members of the Ontario Non-Profit Housing Association can also reach non-profit housing providers through the Network Wave listserv in Toronto, and the Support Service listserv of supportive housing providers across Ontario.
- ✓ **The Board and staff of other mental health organizations.** Contacts can be made through the Ontario Federation of Community Mental Health and Addiction Programs.
- ✓ **Other community or service agencies.** Again, speak to your own contacts first. Contact information can also be found through the Community Information Centre or, in Toronto, through the Network for Social Justice listserv.

- ✓ **Members of faith groups**, particularly those involved in Out of the Cold and other programs for homeless people, who live in the neighbourhood.
- ✓ **Neighbours of other buildings your organization owns**, or neighbours of similar developments to the one you are proposing. “Converts” – neighbours who once opposed supportive housing in their neighbourhood, but were won over by their experiences – can be your most enthusiastic and credible supporters.
- ✓ **Your own tenants, or other supportive housing tenants.** Tenants can be very convincing deputants at Committee of Adjustment or Committee meetings.



You may not wish to expose your tenants to the abuse that sometimes arises at public meetings. (Any tenants wanting to speak at such meetings should be forewarned and prepared for some of the comments they might hear). In Toronto, the Dream Team, a group of supportive housing tenants and their families, have proven to be highly effective and inspiring speakers at public meetings.

Learn how the community sees the site now

Visit the site several times at different times of the day. Talk to your friends and supporters. Find out:

- ✓ What the neighbourhood values about the site now. If the site is a vacant lot, for example, are there mature trees? Is it a convenient short cut? Is it used as a playground? If the site has a building on it, will tenants be evicted? Is there anything attractive about the building’s exterior that should be maintained? You may be able to adapt your proposal to preserve those things the neighbours value most.
- ✓ What the neighbourhood dislikes about the site now. You will want to show how your development improves the neighbourhood. If your site is a vacant lot, is it filled with trash? Do neighbours feel it is an unsafe hangout? Does it present an unsightly gap on a commercial street? If there is a building on the site now, will you be improving the exterior? Is it seen as a centre for crime now?

Learn how other supportive housing has been received

Find out how the community first responded to other supportive housing in the neighbourhood. Based on their experiences, do these supportive housing providers have development advice for you?

Find out also how supportive housing is seen now. Try to obtain as much candid information as you can about neighbourhood support for existing supportive housing organizations as well as any unresolved concerns.

Do this research even if you operate your own supportive housing in the neighbourhood. You cannot assume that your past successes will guarantee your project is well-received. Many neighbours will be new since your last new development, and may not be aware of your existence or good reputation.

Learn about influential community members

Local support or opposition for your proposal will be shaped by community leaders. Community leaders also expect to be consulted – even if they have no official role in the approval of your development – and may be insulted if they are overlooked or deliberately ignored. These leaders can include:

- ✓ Elected officials, especially the city councillor, but also the MP, MPP and school trustee
- ✓ The chair of community groups, residents' or ratepayers' associations, business improvement or business development groups
- ✓ Chairs or Executive Directors of local community centres or major agencies
- ✓ Local school principals
- ✓ Local religious leaders
- ✓ Editors of local newspapers
- ✓ Political aspirants (this is particularly crucial in election year. Several candidates have made opposition to social housing development the cornerstone of their campaign).

You will need to develop an outreach strategy for these leaders. To inform this strategy, ask your supporters:

- ✓ who the local leaders are
- ✓ how they might be expected to respond to your proposal
- ✓ any public statements leaders may have made, for or against social housing or mental health services of any kind
- ✓ any interest they may have in the outcome
- ✓ whether any of your known supporters have a close relationship with them.

Hone your message

You know what your organization does. You also know your plans for the site. You may have described these plans to government funders, and to your own development consultant, architect and other professionals.

Now, you need to find the best way to describe yourselves, and your plans for the development site, to both supporters and opponents. You need a "message."

Start with your research. Have you found ways of describing your proposal that seem to resonate with the people you have interviewed? When do you find yourself having to clarify or explain? How are supporters describing the benefits of your proposal? And what are opponents saying about you, or about other supportive housing?

Other supportive housing providers, and other mental health organizations, can help you find the best way to describe your proposal. And there are many resources in both the library and on the internet on creating a message and delivering it to the public and through the media.

Once you have found a simple, compelling message, use it consistently in all written materials and public presentations. Imagine questions you will get, and practice answering them, always turning your answers back to your key message.



6 Developing a strategy

After your research, you will have a large stock of information and advice. You will be using this information to plan a community outreach strategy. Your strategy must:

- ✓ Comply with the *Planning Act* and local planning regulations
- ✓ Build on your natural strengths, and seek to address the potential problems uncovered in your research
- ✓ Be affordable. Some groups have hired community organizers or media consultants to help them. But many groups need to find streamlined approaches that make the best use of the staff and volunteers they have.

Always be ready with Plan B. Your strategy will direct your first steps. But unforeseen events can force you to change your strategy quickly. Preparing a contingency plan can save you time at crucial moments.



Never compromise your tenants' rights.

As consultations with the community unfold, you may find yourselves making compromises on your building's design. These compromises are a normal part of development, and can actually lead to improvements in your building.

But there are some compromises that are never warranted. You may find yourselves under pressure to compromise the human rights or dignity of your tenants, or your own rights as independent housing providers.

You should refuse to:

- ✓ Reveal confidential information about applicants or tenants, including names, contact information, personal histories, medical diagnoses or income
- ✓ Agree to police checks on applicants or tenants
- ✓ Change your application criteria, or the way you choose applicants
- ✓ Allow neighbourhood representatives to review applications, or participate in applicant screening
- ✓ Report back to the community on any aspect of tenant selection
- ✓ Admit persons to your Board of Directors who do not support your mission
- ✓ Accept design or management changes prompted by false beliefs about people with mental illness. Such requests have included: erecting a high brick wall dividing the development from its neighbours, removing balconies, setting curfews, preventing tenants from using their own back yard or opening windows, or locking tenants in the building with iron gates at night.

Some options

There is no formula for developing a strategy. There are, however, examples that have proven successful. Here is a sampling of some of these approaches.

- ✓ Group A planned to lease one floor in an existing seniors' apartment building. No municipal approvals were needed. The group notified the local councillor, who was known to be sympathetic to people with mental illness, but did not do any other community outreach. There have been no complaints.
- ✓ Group B had owned and operated a rooming house for several years. They now needed Committee of Adjustment approval for an addition. Before the City sent out notices to the neighbours, representatives of the group knocked on the doors of all immediate neighbours. To their delight, they did not hear one objection to the proposed addition. The group credited their success to the good relationship developed by the 24-hour on-site staff, who had responded to any neighbour complaints as they arose.

- ✓ Group C hoped to buy and renovate a small apartment building, but needed Committee of Adjustment approval for the changes it needed. The building's vendors agreed to obtain these approvals in their own name before transferring ownership to the group. The approvals were obtained without controversy, and the Group purchased the site and did the renovations. After move-in, Groups C contacted neighbours, and welcomed them to an open house in the new community room.
- ✓ Group D planned to renovate a building to house 27 people, and needed Committee of Adjustment approval for some small changes. The group was confident the Committee of Adjustment would approve such minor variances, and the Ontario Municipal Board would uphold that decision. However, the group agreed to the local councillor's request for a community meeting, not because it expected to change the minds of its opponents, but because it wanted to demonstrate its co-operation with the process.

The turnout for the meeting was large, and opposition far outnumbered the supporters. Group D prepared carefully for the community meeting, with a strong presentation and well-written materials. All questions from the floor were answered constructively – so much so that City officials said they had never seen such a well-prepared group. However, the group is convinced their careful preparation did not change even a single opponent's position. When the Committee of Adjustment approved the variances, the opponents appealed the decision to the OMB.

Again, Group D was well prepared with expert witnesses. The opposition raised the issues of property values and "fair share." The Group let the process unfold. After a 1½ day hearing, the OMB upheld the Committee of Adjustment decision.

Navigating the public consultation dilemma

The people you house have the same rights to move into a neighbourhood as anyone else.

However, councillors, neighbours and local businesses often assume you have something to hide if you don't talk freely about your future tenants, and will feel betrayed by a "no consultation" process. Many supporters will also want to speak about the people you house, and the ways your proposal will benefit them.

So how do you protect your tenants' dignity, take full advantage of your supporters' voices, and begin a process that can withstand criticism? The strategy you choose will depend on your organization's own philosophy, the planning or funding approvals you need, and your own assessment of the community's response to your housing. Here are some things to consider:

Enlist the support of the local councillor and planner at the outset.

When you meet with them, note that developments such as yours have sometimes encountered a discriminatory

response. Remind them of the clauses in the Ontario *Human Rights Code* that protect the people you house. (Some municipalities also have their own anti-discrimination policies that can protect your residents.)

Then invite the councillor and planner to help plan a process that upholds the municipality's responsibilities under the *Code* and its own policies. For example, councillors or planners can help frame discussion, and forestall discriminatory comments, as they plan and chair meetings, meet with neighbours, or write newsletters or notices.

Explain the human rights issues to your supporters. Your supporters should always "speak from the heart," but they can also frame their presentations and letters with a human rights message. For example, a person with mental illness can describe the need for supportive housing by beginning, "As a consumer survivor, I look forward to the day when I won't have to explain why I want to move into this neighbourhood."

Never accuse opponents of being "NIMBYs" or bigots. Instead, appeal to the strong sense of fair play most people share. Show how you are using the same approvals process that enabled them to move into their home without neighbourhood scrutiny.

Answer all questions with cheerful confidence. You are providing much needed housing, and upholding the law and the rights of the people you house. You have no reason to feel defensive.

If people ask for information or compromises that violate your tenants' rights, simply explain why you cannot do what they ask.

Stick to your principles. If people accuse you of being a "sneak," don't apologize or back down. Instead, explain the human rights principles that underpin your approach, and invite them to give your tenants the same rights we all enjoy.

For more advice on handling difficult situations, see *Section 8*.

7 Tips for community consultation

Once you have chosen your overall community outreach strategy, you will need to make the most of each element in that plan. Here are some suggestions drawn from the experience of other supportive housing developers. The best approach, however, is the one rooted in your own philosophy, and informed by your own research.

Remember that no strategies are guaranteed to work.

You may do everything right, and still face neighbourhood opposition. But you will know that you have done everything within your power to create a successful project.

Working with your councillor

If you need municipal approvals, your local councillor may have more influence over your success than any other individual. Both local planners and other members of council or council committees will often follow the local councillor's lead. Your councillor can help you navigate the approvals process, or stir up public opposition against you.

Your task is to show your councillor that you are a competent housing developer and manager with widespread public support. This task is the same whether your councillor is philosophically sympathetic to supportive housing or not. All councillors depend on a broad base of public approval for their re-election. You need to show even the most sympathetic councillors that your project can be defended in the face of a public outcry.

Ideally, you will have a good working relationship with your councillor before you need help. The stronger their relationship to your group, and your future residents, the harder it will be for them to withdraw their support when opposition gets heated. Many councillors welcome invitations to open houses, meetings or celebrations. Be sure to give councillors credit for any work they do on your group's behalf, and give them opportunities to be associated with your successes.

But whether you know your councillor or not, he or she should be your first public contact *after* you have done your research and developed your community outreach strategy. Make an appointment for a first, face-to-face meeting, with representatives of your group. These representatives should thoroughly understand your proposal, and be able to make decisions on your group's behalf.

Going into the meeting, you should be able to demonstrate:

- ✓ You are an excellent supportive housing manager
- ✓ You have a site and a serious plan for developing the site
- ✓ Your proposal has the support of community leaders and the public (these are the supporters you have contacted during your research)
- ✓ You know the approvals required, and your obligations under the *Planning Act*
- ✓ You want to keep the councillor and the community informed. At the meeting, you should plan how you will do this.



If you are asked to do something that violates your own rights, or the rights of your tenants, draw on the research and responses listed in the "Fifteen Predictable Objections" section of this kit. It is better to ask for a chance to discuss the councillor's request with your board, than to agree quickly to a process you cannot live with. You can then return with an alternative proposal, informed by both your board and legal advice, that will address the councillor's concerns.

If you do not receive your councillor's support, you must make a strategic decision. If you have doubts about the site yourself, you may want to seek out an alternative. But if the site is a true jewel, then you may want to marshal your forces, win over your MPP, your MP, and the community, and fight this battle. You risk making an enemy of your councillor, which could hamper other development in the ward. But many groups have created successful projects that have eventually satisfied even the most hostile councillor.

Some groups have made deals with councillors, perhaps to gain their support for a future project if the group agrees to abandon the current one. These groups have found, however, that their councillor may fail to uphold this agreement in the face of public opposition.

Other elected officials

If you require the approval of community council or a council committee, then you should also keep the councillors on these bodies informed of your project. Know, however, that most council or committee members will take their cue from the local councillor.

Supportive housing champions on council can also be a valuable source of information. They know other councillors well, and can suggest the most effective way to gain your local councillor's support.

You should also ensure that the Mayor and the Mayor's Office are aware of your proposal. The Mayor, responsible for bringing a city-wide perspective on issues, can often provide important leadership on a proposal that might otherwise not go forward.

Working with planners

Your local City planner can be your most valuable source of information. The planner can tell you the current zoning for a site, the approvals process required, and any special rules that can affect your development. A sympathetic planner can also help you navigate through the City approvals maze, and help move your project forward.

However, planners walk a fine line today. They are paid by the City to be a neutral source of information and to offer professional recommendations to Council. But to be effective, planners must also work with the local councillor. If that councillor is opposed to your development, the planner will be under pressure to provide arguments against it.

You can obtain zoning information from the planner by phone. Talk generally about the site, its zoning, and the opportunities for its development. Your real estate agent, development consultant, architect, and other supportive housing providers in the area, may also be able to give you preliminary information about the zoning, and point out potential pitfalls.

When you are ready for your first face-to-face meeting with the planner, be prepared to show you are a serious group with a credible proposal. You should be especially careful to describe yourself accurately. If you plan to create rental supportive housing, make it clear your housing is not temporary, transitional or institutional.

Canvassing neighbours

Some supportive housing developers have knocked on neighbours' doors to gain support for their proposal. Some tips:

- ✓ This is a good "early outreach" strategy, timed before rumours have begun to circulate. Door-knocking can also be used after a building is occupied as a "meet our neighbour" outreach.
- ✓ Go out in pairs. The ideal team includes someone who lives or works in the neighbourhood, as well as someone who is very informed about the details of the proposal and the supportive housing developer. Early evening (before dark) and weekends are often the best times to visit.
- ✓ Start with the most immediate neighbours to the site. Ideally, you should have a flyer or handout describing the main features of the proposal (*see Written Materials, below*) to hand to people at the door, or to leave behind if no-one answers (with a "sorry we missed you" handwritten on the flyer).
- ✓ At the door, explain briefly who you are, your proposal and the site involved, and offer to answer questions.

If they support the proposal, ask if they would be willing to come to a meeting and repeat what they have just said. Be sure to get their name and phone number.

If they oppose the proposal, do not get into an argument. Answer questions or provide factual information, and show you are taking their concerns seriously. Say that you are carefully noting down their concerns, and will take their thoughts back to your board. You may also use these comments to develop a Question and Answer sheet.

If you hear discriminatory comments, be sure to write these down and read them back to the speaker. This gives the speaker a chance to reflect on and retract their comments. If they don't retract, you have evidence that can be used in a complaint to the Human Rights Commission

- ✓ Keep a record of all the houses you visited (to demonstrate your commitment to outreach), the names of any supporters (to invite to public meetings or other events), and comments or questions raised (to inform future meetings or written materials).

Written materials

If you require municipal approvals, the City will send out written materials about your project and the approvals process to the site's immediate neighbours. These mailings and their contents are prescribed by city policy. However, you should ask to review the mailing's wording before it goes out. If you don't feel it accurately represents you or your proposal, talk to the planner. Your own written materials can complement these mailings by describing your organization and your proposal in plain, friendly language.

- ✓ Your written materials are ideally distributed *before* municipal letters are sent, to the entire distribution area set by the City. Any written materials, perhaps with a modified cover letter, should also be sent to supporters who are outside the city's distribution area.
- ✓ Written materials can take the form of letters (ideally signed by a board member who lives or is otherwise known in the area), or flyer-style invitations to an open house or other event. A two-page "frequently asked questions" can be an effective attachment. Use it both to explain your proposal and deal with concerns. All written materials should be cleanly designed and easy to read. But they do not need to be fancy. An expensive brochure can suggest you are squandering money.
- ✓ Your written materials should convey:
 - Who you are, and how your organization has been successful in the past
 - What you propose
 - What opportunities there are for input (this should not look like either a "done deal" or a "free for all," but rather a process of orderly consultation)
 - How the building will be managed, including the support you will provide
 - How to contact you.
- ✓ Depending on your funding source, municipal letters may have described you as "mental health housing" or "transitional" housing. These words suggest (inaccurately) that you are a hostel, shelter, group home or institution. You should make clear that you provide rental housing. (For example, "We are building 12 bachelor and one-bedroom apartments.

The building will include a common room and offices for administrative and support staff." or "This building will house 16 tenants. We are renovating the building to meet provincial and city building and fire safety standards.")

- ✓ If possible, translate your written materials into the languages most often spoken in the community around the site. Local libraries, community centres and schools may be able to suggest which languages to choose.

Open houses

Many organizations use open houses, rather than public meetings, as their chief way to inform and consult with the community. Unlike public meetings, which often foster an "us-them" dynamic, open houses offer opportunities for both informal and in-depth conversations. Some tips:

- ✓ Invite all neighbours within the city's distribution area, other community leaders, your own board, some tenants, the architect and/or development consultant, and your supporters. Your Board and staff should have name tags, and be ready to greet visitors and answer questions.
- ✓ If extensive opposition is expected, some organizations have begun their outreach by asking supporters living near the site to invite their neighbours to open houses in their homes. In areas where many neighbours share a common religion, the local faith leader has been asked to host an open house, inviting members of the congregation to learn more about the proposal.
- ✓ The ideal open house location is near the site, well-known, inviting and wheelchair accessible. Locations might include a church hall, a large room in a community centre, or an attractive meeting room in a nearby non-profit, co-op or seniors' apartment building. Be sure to invite representatives from the building you use to come to the meeting.
- ✓ You may want to organize two open houses, one on a weekday evening, the other on a weekend afternoon.
- ✓ Create an inviting atmosphere. Serve refreshments. Have at least one person equipped to amuse bored children while their parents talk. Have a "welcome" table. Invite visitors to sign a guest book, but do not require them to do so. Have written materials available to take away. Distribute "comment sheets" that allow people to write comments or ask questions. Thank visitors for coming.

- ✓ Display photos of other buildings your organization has developed, letters of recommendation from neighbours or community organizations, maps and sketches of the proposal. Do not, however, have detailed architectural plans that suggest all important decisions have already been made.
- ✓ Ask supporters whether you can contact them, or invite them to speak on the project's behalf on other occasions. Record concerns or objections, ideally obtaining the visitor's name and contact information. Do not get into arguments. Just repeat the facts, answer questions, and thank visitors for their input.

Public meetings

If you are required to host a public meeting, try to break down the "us-them" dynamic that can plague these meetings.

- ✓ Invite both neighbours in the city's distribution area, and your own supporters, to the meeting. Make sure the invitation clearly describes the purpose of the meeting, and where it fits in the entire consultation process.
- ✓ Choose a neutral chair to host and facilitate the meeting. A chair that both knows the community and exudes moral authority, such as a local religious leader, school principal or community centre director, is ideal. The chair should set the ground rules at the beginning of the meeting, and enforce these rules. A chair who states outright his or her commitment to human rights, including the rights of people with disabilities, can be a powerful force against slurs.
- ✓ One effective way to focus discussion is to post flip-chart paper across one wall. All comments are then recorded. If speakers repeat arguments, the chair can then note, "Yes, we have written that comment down. Are there any new comments?"
- ✓ If you can, organize chairs in a semi-circle or U-shape. Presenters should speak briefly, cover the key aspects of the proposal, and then rejoin the "circle" when they are not speaking.
- ✓ Set up microphones for speakers, and ask speakers to identify themselves before they speak.

- ✓ Often the tone of the meeting will be set by the first few speakers. Ensure your supporters are among the first, ideally the very first, speakers to approach the microphone.
- ✓ Ensure that all comments are directed to the chair. The chair can then ask you, as the proponents, to answer questions or clarify information. You should not be jumping up to argue with or refute speakers. Nor should you make any promises except to listen carefully, and bring back comments to your board.

Deputations

These are meetings you do not host: a Community Council or committee meeting, a Committee of Adjustment hearing, or an Ontario Municipal Board hearing. Your role is to ensure your supporters are prepared to speak on your behalf – one positive voice for every opposing voice at the meeting.

- ✓ Talk to City staff to learn about the meeting format and protocol.
- ✓ Contact supporters who work or live near the site, and ask them to speak or write on your behalf. Give supporters a list of key facts about the proposal. But encourage them to speak out of their own experience. Personal stories and convictions are strongest. Ask letter writers to send you copies of any letters sent.
- ✓ This is the ideal place for tenants to describe how your organization has helped them, the need for more supportive housing, and how the new building will benefit them. You may want to hold a small workshop to help tenants and applicants prepare and practice their presentations.

Working groups

Sometimes the councillor will form a "working group" or "community liaison committee," comprised of neighbours, business owners, possibly the local planner and/or the councillor's staff, and yourselves.

These working groups pose a dilemma. You will want to show you are a "team player" – ready to work with the community. And these work groups can be a good opportunity to work through design and planning issues to find imaginative solutions.

On the other hand, opponents can also use these working groups to stall the process in the hopes you will lose your funding or the property. Before you join, try to find out what the group hopes to discuss. If the focus is solely on the people you house, you may be wasting your time. Propose to your councillor that another approach to community consultation be pursued.

Once the working group begins, you may have little control over the process. But you can try to:

- ✓ Gain approval for the working group's mandate that includes written deadlines you can live with, and repeats the articulated (if not the real) agenda both you and any opponents can agree on. If the process stalls, then work with the chair to return to the agreed upon deadlines. If the group continues to stall, then document your efforts and keep working toward your own development deadlines.
- ✓ Ensure you have one or more supporters on the working group
- ✓ Refuse inappropriate compromises (see page 19). A calm commitment to upholding your tenants' dignity can gradually win over opponents.

Nurturing your champions

Speaking out for supportive housing can take a great deal of courage. It also takes time. For example, a supporter might spend an entire evening waiting for their moment on a Committee of Adjustment agenda, only to have the Chair cut off deputations before they have a chance to speak.

You can "support your supporters" by:

- Giving as much notice as possible of opportunities to attend meetings or write letters on your behalf. Email or phone your supporters as soon as meeting dates are set, even if you do not yet have a plan of action.
- Making it easy to support you. Give full meeting information, including date, time, location, clear directions, transit and parking information. If you want supporters to write letters, give complete addresses, including the name and title of the recipient. If you want them to contact their councillor, email a link to the municipal web listing of councillor's contact information.

- Remind supporters that not every supporter needs to speak to influence a meeting's outcome. Simply showing up can give councillors the courage to support you, and show your opponents they don't speak for the entire community.
- The day after a decision, send a group email to thank your supporters and inform your entire circle of the outcome and the next steps in the process.

Ongoing relations with neighbours

Once your building is under construction or renovation, keep neighbours informed of unavoidable disruption (noise from heavy equipment, blockages to the street) and particularly when the disruption will end! Give neighbours a contact number for complaints or concerns.

After your building is occupied is another major opportunity for community outreach. (For organizations that don't need approvals, this may be the *only* community outreach). Many organizations have invited neighbours to open houses or barbecues. Other organizations maintain links with the community by sending representatives to residents' association meetings (not to report, but to participate as one member of the community).

Keeping records

As soon as you identify a site, set up a record-keeping system. Your records should include:

- ✓ Notes from phone conversations or meetings with councillors, planners, other municipal staff, agencies, potential supporters and opponents. Date everything.
- ✓ Any materials distributed to the neighbourhood, by you or others
- ✓ Notes from any door-knocking campaigns
- ✓ All correspondence on the project
- ✓ A phone log of all calls relating to the project
- ✓ Copies of letters from supporters or opponents to the Committee of Adjustment or City Council.

These records can inform your strategy, and demonstrate your responsiveness to the community. They can also equip you for a human rights challenge.



8 Fifteen predicatable objections – and how to deal with them

As proponents of new housing, you will meet many legitimate questions throughout the planning process: how tall will your building be? How many units will you provide? How many parking spaces?

If you are creating supportive housing, however, you may also encounter questions and objections unlike those asked of any other housing developer. These objections are rooted in fears and biases that can be challenged and refuted.

Here are some of the most commonly heard objections, and a response to each. You may not have the chance to give the entire answer at a public meeting; sometimes people are too angry or upset to hear a reasoned answer. However, you can go to meetings with confidence, knowing there *are* answers, backed by research and hard facts, to unfair questions or objections.

“Our neighbourhood already has its fair share.”

If this neighbourhood had a large percentage of Greek people, or Catholics, or Black people, would you say the neighbourhood had more than its fair share, and similar people should be turned away? Probably not – partly because we know it is against the law to discriminate against Greeks, Catholics, and Black people. It is also against the law to discriminate against people with mental illness. No part of the city can be, or should be, “off limits” to any group of people.

But there is another reason we don’t object to Greek or Chinese or Caribbean communities: we see ethnic neighbourhoods as part of the richness of the city. People with mental illness are also part of this city, whether they live in supportive housing or not.

The concept of “fair share” implies that people with mental illness are a burden that must be “spread out” to allow neighbourhoods to manage the burden. Mental illness can certainly be a burden to the people who are ill and their families, just as cancer is a burden to the people who have it and the people closest to them. But that does not translate into a burden to people who live next door, or on the same street.

It does mean, however, that people with mental illness will be attracted to neighbourhoods that work for them, in the same way as new immigrants, or families, or young singles will tend to congregate in neighbourhoods that meet their needs. For people with mental illness, and therefore for supportive housing, the most important qualities in a neighbourhood are:

- ✓ Affordability – because many people with mental illness have low incomes, and because government funded housing is designed to be as economical as possible
- ✓ Small apartment buildings, large houses, and other buildings suited to supportive housing development
- ✓ Ready access to public transit
- ✓ Ready access to services.

This neighbourhood has these qualities. You may have moved to this neighbourhood because of these qualities yourself. They are the reasons we plan to move here too.

“When you bring in problem people, you get problem neighbourhoods.”

Some people who hope to move into supportive housing do have a problem. That problem is inadequate housing, or not enough money to afford the housing they have now, or inadequate support services. And these problems *can* become neighbourhood problems if people don’t have any control over their housing, and end up spending their days and nights on the sidewalk or in the parks.

These problems are not created by good housing and support services such as the ones we propose – they are solved by them.

“Why won’t you tell us about your tenants? You must have something to hide.”

When I moved into my neighbourhood, I didn’t knock on doors to ask my future neighbours whether it was okay to buy [or rent] my home. I didn’t feel compelled to tell my life story, or reveal my income, or explain how I financed my home, so neighbours could judge whether I would be an asset to the community. It’s not that I had anything to hide. I just didn’t think it was anyone’s business.

Most of us just move into whatever home we like and can afford, and then make friends – or not – with our neighbours. We invite you to join with us in ensuring our tenants have the same right to privacy that we all enjoy.

“This housing is too close to the school (or the daycare, or the playground, or to family homes)”

Your question implies that people with mental illness are dangerous. This is simply not the case. Just think for a moment about the most common mental illnesses: depression and severe anxiety. These are illnesses that cause people to turn inward, not to lash out or endanger others.

The media has helped stir up the notion of the “dangerous” person with mental illness. An overwhelming number of studies report that people with mental illness are no more likely than anyone else to commit a violent crime. For example, two excellent and extensive studies, one available through Health Canada (Arboleda-Florez, Holley & Crisanti, 1996), and the other from the United States (Monahan & Arnold, 1996) found that only 3% of violent criminal acts are committed by people with mental illness while the remaining 97% are committed by people with no psychiatric diagnosis whatsoever.

“This area is just not suited to vulnerable people.”

You are right that this neighbourhood might not suit everyone. In fact, every neighbourhood will be right for some people and not others.

Before you moved here, you probably looked at the area carefully, weighed its merits and its defects, and made your decision. Our tenants will do the same. But it is their choice to make.

“My property values will go down.”

Not so. This is an issue that has been studied extensively. In 26 U.S. and Canada studies, 25 studies showed social housing – including housing for people with mental illness – had no impact on property values, and the 26th study was inconclusive. In fact, property values near social housing typically rose faster than property values in other areas.



In B.C., for example, professional appraisers tracked the impact of seven social housing projects. In every case, neighbours opposed the projects because they feared their property values would go down. The appraisers tracked sale prices among nearby houses, and compared these to a control area, over five years. The findings: house prices near the controversial projects increased as much – and in five of the seven cases, more than – houses in the control area. There was no evidence of panic selling, or of houses taking extraordinarily long times to sell.

“How are you going to screen tenants? Can we have a say in who you choose?”

As landlords, it is in our own best interest to choose applicants who can uphold their responsibilities as tenants. This housing is designed for people who can live independently with the supports we offer. We will draw upon our years of experience as housing managers to assess each applicant, to ensure there is a good match with both the type of housing and the supports available.

In our selection, we will uphold the Ontario *Human Rights Code*, just as any other landlord would do. But who lives in this building is not a matter for community approval. In this country, neighbours don't get together to vote on who should be allowed to buy the house next door, or to rent in the building next door. We do not expect our tenants to be subject to neighbourhood approval either.

“You’re trying to sneak this project through without consulting the community.”

Actually, we are carefully following the city’s protocol for planning approvals. This meeting is part of that protocol.

But you should know that rezoning applications (or Committee of Adjustment applications) deal with the building’s form and function. That’s what we are here to discuss today. **Who** moves in is not subject to planning approvals, and not part of the consultation process.

“This isn’t the best way to house people with mental illness.”

The experts would disagree with you. Every report, from the *Report of the Mayor’s Homelessness Action Task Force* in Toronto to the findings of Ontario’s Mental Health Implementation Task Force, speaks of the benefits of permanent, supportive housing for people with mental illness.

It stands to reason. Would you rather live in a hospital? A shelter? Camped at a parent’s house, or at a friend’s? In an apartment you can’t afford? Or in supportive housing such as this – where you can afford the rent, get your own room, cook, have friends over, and get supports when you need them? People with mental illness are just the same.

That is why there are always long waiting lists for supportive housing. For many people with mental illness, it is simply the best alternative.

“What are you going to do if someone goes off their meds?”

Like people with other illnesses, people with mental illness usually draw on a combination of treatments and supports, including medication, medical support, other professional support and the supports we provide – plus the support of family and friends.

The decision to take medication is between an individual and their doctor. Our job is to make sure all our tenants have the supports they need to live independently, whatever medications they take or do not take.

“You’re spending taxpayers money, so we have a right to say how our money is being spent.”

I know my tax dollars pay for hospitals, but that doesn’t give me the right to cruise around hospital wards and decide who should be there and who should not. Instead, we elect officials who support policies we believe in. We have a civil service that carries out these policies. And we have professionals who make decisions according to the standards of their profession.

It’s the same with housing. We have city-wide housing policies, and staff who make decisions to put those policies into action. But that doesn’t mean every citizen can scrutinize our tenant’s incomes or our building’s budget.

“Why should my tax dollars be spent on something I don’t want?”

Our taxes are spent on the priorities set by our elected representatives. It’s not unusual for people to have disagreements about these priorities. The surprise is that, in this province, the Conservatives, Liberals and NDP all agree on supportive housing for people with mental illness.

One reason for this agreement might be that supportive housing is much less costly to taxpayers than hospitals. Amazingly, supportive housing is also less costly than shelters. It is quite simply the best way to provide housing plus supports.

“This has always been a good neighbourhood, and you’re going to ruin it.”

Here is the fascinating fact, revealed in study after study. Once supportive housing is up and running, neighbours either don’t know it exists, or they like it. The people who are most afraid of supportive housing are people who have never lived near it.

Why? Because people with mental illness have the same stake in the community as you. They want a neighbourhood that is safe, clean and welcoming, and that is close to friends and family.

In fact, you probably already have neighbours with mental illness. People rarely disclose they have mental illness because there is so much stigma, and so much fear, associated with

this illness. The difference between the neighbours you have now, and our tenants, is that you know our tenants have mental illness. On the other hand, you also know our tenants are receiving the supports they need.

In 1994, the University of Toronto studied three buildings owned by the Supportive Housing Coalition in Toronto. The study talked to people living within an “inner ring,” within 30 metres of each building, and “an outer ring” between 30 and 120 metres of each building. The study revealed:

- ✓ Only 55% of inner ring and 30% of outer ring neighbours were familiar with the SHC buildings
- ✓ Nearly 75% did not recall seeing anyone from the buildings
- ✓ 85% reported no problems with noise
- ✓ 81% expressed no concerns for safety in their neighbourhoods
- ✓ Over 70% gave positive responses about the attractiveness of the buildings. Only 3% felt building maintenance was inadequate.

“Why can’t these people go somewhere else?”

In fact, people with mental illness live everywhere, and why shouldn’t they? Like you and me, the people who live in supportive housing have the right to choose where they want to live.

“I have nothing against people with mental illness, but . . .”

Every one of us is protected against discrimination on the basis of race, of religion, and on the basis of disability, including mental illness. That means that, whatever our personal opinions, biases or fears, it is against the law to prevent people from moving into a particular apartment, building, or neighbourhood, simply because of mental illness.

It is our shared responsibility to speak out against discrimination wherever it breaks the law, and prevents people from taking up the rights protected under the Ontario *Human Rights Code*.



9 Where to get more help

HomeComing Community Choice Coalition

HomeComing promotes the rights of people with mental illness to live in the communities of their choice. We work to:

- ensure city planning practices do not become a platform for discrimination, prejudices and fears
- identify potential human rights abuses and take legal action against them
- help supportive housing providers create new housing, without compromising the dignity of the people they house
- mobilize citizens to support new housing, particularly for people with mental illness.

HomeComing was awarded the 2004 Public Service Award by the Canadian Mental Health Association's Toronto Branch.

Contact HomeComing for:

- advice and information, including this handbook
- conference and workshop speakers
- help to mobilize citizens in your part of Toronto.

HomeComing@rogers.com

Advocacy Centre for Tenants in Ontario (ACTO)

The Advocacy Centre for Tenants Ontario (ACTO) is a province-wide legal clinic funded by Legal Aid Ontario. Contact ACTO if you believe your situation will have a broad impact on housing for people with mental illness, or for low-income tenants or homeless people. They can advise you, and may be able to take your case forward.

ACTO also works with other social justice organizations on lobbying and law reform, housing policy work, community organizing and public legal education.

For more information, phone 416-597-5855 or 1-866-245-4182.

The Ontario Human Rights Commission

The Commission is responsible for the enforcement of the *Human Rights Code*. It is responsible for the case management process including inquiries, intake, mediation, and investigation.

For more information, or to file a complaint, contact the general inquiry number: (416) 326-9511, Toll Free 1-800-387-9080, TTY (Local) (416) 314-6526, TTY (Toll Free) 1-800-308-5561 or e-mail: info@ohrc.on.ca

Ontario Non-Profit Housing Association (ONPHA)

ONPHA unites over 760 non-profit housing providers from across Ontario, including over 100 supportive housing providers. ONPHA advocates for new affordable and supportive housing to all levels of government. ONPHA's Web site also offers information on new housing development, including a listing of government funding sources, and information on getting mortgage financing.

For more information, see ONPHA's Web site, www.onpha.on.ca or phone 416-927-9144 or 1-800-297-6660.

Ontario Federation of Community Mental Health and Addiction Programs

The Federation brings together 230 community mental health and addiction services in Ontario. It helps members provide effective, high quality services through information sharing, education, and advocacy. The Federation has an active Housing Committee comprised of supportive housing providers.

For more information, phone (416) 490-8900 or visit their Web site at www.ofcmhap.on.ca.

The Dream Team

The Dream Team is a coalition of psychiatric consumer survivors and other users of supportive housing, their family members and community representatives of agencies that provide mental health and housing services. Members of the Dream Team demonstrate the life altering benefits of supportive housing by telling their stories to politicians, community groups and other audiences. Through their efforts they strive to help other people with mental illness realize their dream of living in safe, secure supportive housing.

For more information, see the Dream Team's Web site www.thedreamteam.ca or email dream-team@rogers.com.





yes,
in my
back
yard

