Niagara Regional Housing

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February 19, 2021

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way
Thorold, ON L2V 4T7

Dear Ms. Norio,

At their February 19, 2021 meeting, the Niagara Regional Housing Board of Directors passed the following motion as recommended in attached report NRH 2-2021:

> ***That the Niagara Regional Housing Board of Directors ENDORSES the "An End Of Mortgage Position Paper" (Appendix 1).***
>
> ***The Niagara Regional Housing Board of Directors FORWARDS this report to Public Health and Social Services Committee for Endorsement.***

Your assistance is requested in moving report NRH 2-2021 through proper channels to Regional Council.

Sincerely,

Councillor Walter Sendzik
Chair

Niagara Regional Housing

REPORT TO: Board of Directors of Niagara Regional Housing

SUBJECT: Updated "An End of Mortgage" Position Report

RECOMMENDATION

That the Niagara Regional Housing Board of Directors **ENDORSES** the "An End Of Mortgage Position Paper" (Appendix 1).

The Niagara Regional Housing Board of Directors **FORWARDS** this report to Public Health and Social Services Committee for Endorsement.

PURPOSE

To provide the Niagara Regional Housing Board and Niagara Region council with the final "An End of Mortgage (EOM) Position Paper" developed in collaboration with Service Managers across the province.

KEY FACTS

- In July of 2020 a report was submitted to the NRH Board for information regarding the position paper being drafted by the provincial working group for EOM.
- The Position Paper has now been finalized and was endorsed by the board of OMSAA on October 28th, 2020
- The final, endorsed paper was submitted to Assistant Deputy Minister (ADM) Josh Paul at MMAH on December 16th, 2020.
- To date there has been no response to the submission but we anticipate feedback in the coming months

Summary

Contained within the paper is the Service Managers recommendation that decisions related to municipal mortgage savings must be made by the municipal councils who fund the system. It is recommended that each Service Manager retain the municipal tax savings realized in their service area once mortgages come to an end, and have flexibility to reinvest mortgage savings into the Service Manager's local housing and homelessness systems under the following priorities:

Priority 1
Address unfunded capital needs through service agreements with housing providers to keep buildings in a good state of repair for current and future residents as set out in local 10-year housing and homelessness plans

Priority 2
Manage other housing and homelessness pressures identified in local 10-year housing and homelessness plans or other strategic plans, such as increasing and redeveloping the supply of affordable housing or enhancing homelessness-related supports

Priority 3
Fund other municipal pressures, provided all housing needs are met as identified by each Service Manager's strategic plans

CONSIDERATIONS

Financial
KPMG was commissioned to review a model calculating the mortgage savings via consolidated provincial data from 28 Service Managers (including Niagara). The model was used to project the next 40 years of financial position for Service Managers and providers. The model, based on the data from the 28 Service Managers, shows that housing providers need $3.8 billion to meet all capital repairs over the next 40 years. If the approach recommended by sector associations is implemented, as a group housing providers would be eligible to receive $7.4 billion of the $10.4 billion in potential mortgage savings. This would be enough to meet all their capital repair needs of $3.8 billion and still result in over-funding of $3.6 billion over 40 years.

Governmental Partners
Depending on the ultimate direction determined by the province, this shift in funding has the potential to significantly impact the goals as outlined in the Housing and Homelessness Action Plan.

Public and or Service Users
Ensuring that existing Social Housing Stock in Niagara remains a safe and affordable place for those who need it across Niagara is a priority. Reinvesting savings realized at EOM into existing stock, development and other housing programs have the potential to dramatically improve the housing system in Niagara.

ANALYSIS
In Niagara, the composition of providers looks very different than many of the other service providers in the province. NRH supports 60 smaller sized providers scattered across 12 municipalities. Many of the providers in Niagara do not have

the same large reserves that providers in other regions experience. In addition, other regions have far fewer providers with either very large or much smaller portfolios. The recommendations that speak to Service Manager autonomy within the guiding principles are of extreme importance. Ensuring that any savings realized goes back into housing maintenance and development in Niagara should be a priority before addressing other priorities, in order to preserve and expand safe affordable housing in the region.

ORIGIN OF REPORT

This report has been brought forward by staff

OTHER PERTINENT REPORTS

19-184-2.2 October 18, 2019 EOM Memo
20-191-4.2 July 24, 2020 End of Mortgage Update

Submitted by:

Donna Woiceshyn
Chief Executive Officer

Approved by:

Walter Sendzik
Chair

This report was prepared by Jenny Shickluna Manager Housing Programs.

Appendix 1: EOM Task Force Position Paper

Sustaining and Investing in Community Housing: An End of Mortgage Position Paper

Municipal Recommendations to Continue Investing in Local Housing and Homelessness Systems

September 2020

Contents

1. EXECUTIVE SUMMARY

The community housing sector in Ontario is transforming. The *Protecting Tenants and Strengthening Community Housing Act, 2020* introduces a number of future changes to the *Housing Services Act, 2011* (HSA) and its regulations that will significantly change the relationship between housing providers designated under Part VII of the HSA and Service Managers.

Supply is not meeting demand; infrastructure is aging and in need of significant capital repairs; waiting list are growing with more residents struggling with housing affordability and complex needs. In their provincially-designated role as Service Managers for housing since early 2000, Consolidated Municipal Service Managers (CMSMs) and District Social Service Administration Boards (DSSABs)[1] have been on the front lines of these housing challenges in their local communities.

In Ontario, there are approximately 1,475 housing providers designated under Part VII of the HSA (Part VII housing providers). Over the next decade, the mortgages of these housing providers come to an end. The amount of funding allocated to housing providers is prescribed through a provincially-mandated funding formula in the HSA regulations, and funded through the municipal tax base. When the mortgages are paid off, municipalities should realize over $10 billion in reduced mortgage subsidy costs over the next 40 years. Service Managers provide an annual subsidy for housing providers' operating and mortgage costs, as well as rent-geared-to-income and property tax funding. When the mortgage ends there is no need to continue providing a mortgage subsidy as the housing provider is no longer incurring any mortgage costs. This reduction in subsidy costs related to the administration of HSA related program costs is often referred to as "mortgage savings" by housing providers and Service Managers.

Housing sector associations are advocating for changes to permit housing providers to use property tax-funded mortgage savings to meet their individual operational, capital and redevelopment needs. If agreed to by the Province of Ontario, this advocacy position would overfund housing providers by billions of municipal tax dollars, providing funding well beyond the level needed to meet their operational and capital needs. This advocacy position also results in a significant opportunity lost for Service Managers to address growing wait lists and local housing and homelessness needs.

It is crucial that any changes to the HSA funding model, as a result of the *Protecting Tenants and Strengthening Community Housing Act,* permit municipalities to redirect mortgage savings to ensure publicly-funded community housing assets remain in a good state of repair, as well as to invest in new supply, programs and services in line with each Service Manager's 10-year housing and homelessness plan. This includes providing capital funding and other assistance to Part VII housing providers.

Service Managers are accountable to taxpayers through their local housing and homelessness plans, understand their local housing needs, and are the level of government legislated to administer the entire community housing and homelessness system. Decisions on how municipal mortgage savings are reinvested in the housing system must be made by the municipal councils who fund the system and are best positioned to respond to local challenges and priorities, rather than by individual community housing provider boards. If community housing providers are permitted to retain municipal mortgage

[1] Both CMSMs and DSSABs will be known as Service Managers for the purposes of this paper.

savings, then the decision on how savings are reinvested will be made by individual community housing boards. Under the current HSA regulations, service managers retain these savings and may reinvest them in line with their housing and homelessness plans. To ensure a holistic approach to the overall housing and homelessness system, new HSA regulations should not prescribe how municipal mortgage savings are treated and instead continue to leave these decisions to the sole discretion of Service Managers, and new funding arrangements should help to sustain the housing system without overfunding individual community housing providers.

Service Managers recommend that decisions related to municipal mortgage savings must be made by the municipal councils who fund the system. It is recommended that each Service Manager retain the municipal tax savings realized in their service area once mortgages come to an end, and have flexibility to reinvest mortgage savings into the Service Manager's local housing and homelessness systems under the following priorities:

Priority 1	Address unfunded capital needs through service agreements with housing providers to keep buildings in a good state of repair for current and future residents as set out in local 10-year housing and homelessness plans
Priority 2	Manage other housing and homelessness pressures identified in local 10-year housing and homelessness plans or other strategic plans, such as increasing and redeveloping the supply of affordable housing or enhancing homelessness-related supports
Priority 3	Fund other municipal pressures, provided all housing needs are met as identified by each Service Manager's strategic plans

Keeping the savings in the housing system at the Service Manager level will allow existing publicly-funded community housing to be preserved, while also enabling reinvestment that advances local housing goals without overfunding individual housing providers and ensuring there is no additional financial burden on municipal taxpayers. This recommended approach addresses the significant community housing capital repair needs, while advancing critical housing and homelessness initiatives to help residents find and keep appropriate housing they can afford, while respecting the municipal role in funding and planning for the community housing system.

2. BACKGROUND

Housing is a fundamental need. It supports positive health and social outcomes and connects residents to the economy, transportation systems and community services. However, challenges such as rising housing costs and limited rental housing availability impact people's ability to find housing that meets their needs. For households living with low income, the high cost of private market housing may lead to housing instability or homelessness, while the supply of community housing is unable to meet demand or requires substantial capital repairs. As a result of these ongoing housing challenges, Ontario has one of the largest subsidized housing wait lists in the country with over 480,000 people waiting as of December 2016.[2] The number of households waiting for subsidized housing continues to grow each year.

Service Managers are responsible for funding and administration of community housing

Both the Province and Service Managers have an important role in addressing Ontario's community housing needs. The Province of Ontario establishes the legislative framework under the HSA for community housing, homelessness services and many related funding frameworks and programs. Service Managers are responsible for planning and managing housing and homelessness[3], including the funding and administration of community and affordable housing. Ontario municipalities are the largest contributors of funding for local housing and homelessness services.

When responsibility for funding and administration of community housing was transferred to Service Managers from the province in the early 2000s, the program transfer did not include adequate financial reserves to address both current and future capital needs. As buildings continue to age, capital repair needs continue to grow. As a result of the transfer, municipalities were tasked with developing programs and financial solutions to maintain an underfunded community housing system. These challenges persist today. Community housing is an essential part of the housing and homelessness system, and it is critical to have a sustainable model that funds both operational and capital repairs needs so residents have access to safe, high-quality housing.

The municipal tax base covers the majority of community housing costs

In Ontario, there are approximately 1,475 housing providers under Part VII of the *Housing Services Act, 2011* (Part VII housing providers). The HSA outlines the operating framework and funding formula, and sets out the current obligations for both housing providers and Service Managers. Funding for Part VII providers comes primarily from the municipal tax base. Over the next decade, the community housing sector will experience significant change as the mortgages of these housing providers come to an end.

As primary funders of community housing, Service Managers provide an annual subsidy for housing providers' operating and mortgage costs, as well as rent-geared-to-income and property tax funding. As the mortgages of Part VII housing providers come to an end, Service Managers will realise reduced subsidy costs. Housing sector associations are advocating for changes to permit housing providers to

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[2] Office of the Auditor General of Ontario. (2017). Social and Affordable Housing. Retrieved from https://www.auditor.on.ca/en/content/annualreports/arreports/en17/v1_314en17.pdf
[3] OMSSA. (2020). Human Services in Ontario. Retrieved from https://www.omssa.com/human-services.php

use property tax-funded mortgage savings to meet their individual operational, capital and redevelopment needs. However, this approach is not supported under the current HSA funding model, and dismisses the significant investment from the municipal tax base needed to support the larger housing system.

The HSA does not prescribe an end date for Service Manager and Part VII housing provider obligations after mortgages are paid off. The Service Manager continues to be responsible for funding in accordance with the HSA funding model and housing providers' obligations under the HSA continue in perpetuity. As long as community housing providers continue to operate as Part VII providers, the funding model should remain unchanged and any mortgage savings realized should be retained by the Service Manager.

Pending legislative and regulatory changes will impact the relationship between Service Managers and current Part VII housing providers

The *Protecting Tenants and Strengthening Community Housing Act, 2020* amends the HSA to build on the provincial Community Housing Renewal Strategy. It introduces future legislative and regulatory changes to the HSA that will significantly change the relationship between housing providers designated under Part VII of the HSA and Service Managers.

Under the amended legislation, Service Managers may enter into new service agreements with individual housing providers that may include operating obligations for the housing provider, funding and/or other incentives from the Service Manager or other levels of government. The proposed HSA changes seem to permit housing providers to either remain a designated Part VII provider under the current HSA framework and funding model, or become a Part VII.1 provider pursuant to a new agreement with the Service Manager. Criteria for these agreements will be prescribed in regulations, and should provide service managers the flexibility to customize agreements and funding arrangements with individual community housing providers to both provide for their sustainability of that of the larger housing system.

By enacting an outcomes-based framework, Service Managers can meet the needs of Part VII providers under the current funding model and Part VII.1 housing providers under flexible and innovative agreements without prescriptive provincial regulations and increased service manager costs. As the primary funders of community housing and a responsible, fiscally prudent order of government, municipal Service Managers must be enabled to negotiate financial incentives with individual housing providers through voluntary agreements and to reallocate mortgage savings across the whole of the housing system to address local needs and meet provincially legislated service levels.

10-year housing and homelessness plans ensure Service Managers are achieving outcomes

Under the HSA, the Province sets the framework for Service Managers to provide integrated local planning to address housing affordability, coordination of homelessness services and related supports, and homelessness prevention. Through their 10-year housing and homelessness plans, Services Managers address matters of provincial interest set out in the Ontario Provincial Policy Statement and work towards meeting the Provincial vision for housing. Engaging and sustaining non-profit and co-operative housing corporations and ensuring appropriate accountability for public funding are key matters of provincial interest to be addressed in local housing and homelessness systems.

Local housing and homelessness plans define the goals and actions a Service Manager will take to meet the needs of their residents, local community, community housing providers, and the private market. Service Managers do this through partnerships, coordination and prudent financial management. The goals established in local 10-year plans guide investment decisions, define areas of priorities and establish partnerships to meet local need.

The proposed HSA changes should support the reinvestment of mortgage savings across the whole of a Service Manager's portfolio – providing an opportunity to better achieve the outcomes of 10-year housing and homelessness plans, including the sustainability of non-profit and co-operative community housing providers. With the support of the federal and provincial governments, Service Managers will be better positioned to realize the goals and actions in their 10-year plans by aligning investment to local needs as mortgage subsidy costs are reduced.

Service Managers across Ontario were engaged in the development of the principles and recommendation presented in this paper

The recommendations in this paper were developed by the End of Mortgage (EOM) Service Manager Task Force (see Appendix A for membership). The recommendations and principles in this paper were reviewed by:

- Urban CMSM Commissioners
- OMSSA's 47 Leads
- Housing Services Corporation 47 Housing Leads
- Ontario Regional and Single Tier Treasurers

3. KEY FINDINGS

When housing providers' mortgages end, the mortgage savings total more than $10 billion over 40 years

To determine the magnitude of the opportunity when mortgages are paid off, KPMG was commissioned to review a model calculating mortgage savings and capital needs and to consolidate data submitted by 28 Service Managers. The consolidated data represented approximately 51,000 Part VII community housing units. The results show that total mortgage savings over 40 years for these 28 Service Managers would be approximately $10.4 billion. As there are 19 additional Service Managers with Part VII housing providers in Ontario, the actual savings may be significantly greater.

As many Part VII housing providers will have their mortgages paid off within the next 10 years, it is crucial to proactively consider opportunities that enable Service Managers to continue investing in the sector to support the objectives of local housing and homelessness plans, including the sustainability of community housing and new agreements with Part VII.1 providers.

Continuing to provide mortgage subsidies after mortgages end will overfund housing providers by $3.6 billion over a 40-year period

As the Province committed to reviewing the impact of mortgage maturity on funding for Part VII housing providers, sector associations – Ontario Non-Profit Housing Association and the Co-operative Housing Federation – are advocating for specific changes. Sector associations are asking the Province to change the funding formula to effectively require Service Managers to continue providing a mortgage subsidy even though housing providers no longer have mortgage costs. Associations are advocating for this change so individual housing providers can use the mortgage subsidy to pay for unfunded capital repair needs and invest in new supply.

Maintaining a good state of repair is crucial to sustaining publicly-funded community housing assets, and inadequate capital repair funding is a concern shared by housing providers and Service Managers.

The approach recommended by sector associations is not supported in the HSA and will result in significant overfunding to individual housing providers. The model based on data from 28 Service Managers shows that housing providers need $3.8 billion to meet all capital repairs over the next 40 years. If the approach recommended by sector associations is implemented, as a group housing providers would be eligible to receive $7.4 billion of the $10.4 billion in potential mortgage savings. This would be enough to meet all their capital repair needs of $3.8 billion and still result in over-funding of $3.6 billion over 40 years.

Opportunity over 40 years:

- **$3.8 billion reallocated to unfunded capital repairs**
- **$6.6 billion reinvested in the housing and homelessness system**

Risk over 40 years:

- **$3.6 billion in potential over-funding of housing providers**

As individual housing providers are in different financial positions and have varying capital needs, some housing providers would receive a funding surplus, while others may not receive enough to adequately maintain their property. This would require more municipal investment in both operating and capital needs in order to maintain buildings in a good state of repair, creating an imbalance among housing providers and a fractured system with little oversight ability from the Service Manager.

In some cases, mortgage savings will not be realized before capital repair funding is required. As responsible administrators, Service Managers will assess other options to support housing providers keep their buildings in a good state of repair.

4. RECOMMENDATIONS

Service Managers are recommending an approach to manage the mortgage savings that considers community housing providers' capital repair needs without overfunding and ensuring that housing needs are addressed fairly and equitably across the service area and not just in individual projects.

The recommended approach to managing mortgage savings supports housing providers and enables Service Managers to better leverage available resources

The savings created when housing providers' mortgages come to an end provides an opportunity for Service Managers to support housing providers and leverage available funding to continue investing strategically in their local housing and homelessness systems, including the operating and capital needs of Part VII and Part VII.1 housing providers. The EOM Task Force developed guiding principles and a recommended approach for managing mortgage savings created when Part VII housing projects' mortgages are paid off. The EOM Task Force was made up of representatives of Service Managers across Ontario, including representatives from the Ontario Municipal Social Services Association (OMSSA) and the association of Municipalities of Ontario (AMO).

The recommendations establish a consistent approach for managing the property-tax funded mortgage subsidy savings, prevent overfunding and better leverage resources by addressing housing providers' capital needs across each Service Manager area, as well as additional system pressures. To develop a consistent approach to managing the mortgage savings, the EOM Task Force established the following guiding principles:

1. Service Managers are the primary funders of community housing, and as a level of government, should also be the principal policy maker and work alongside the Province in developing provincial legislation. Policy and regulations should provide greater flexibility and autonomy for Service Managers to address local needs
2. A collective voice among Service Managers is needed to shape provincial legislation and regulations, in consultation with housing providers and sector associations.
3. Community housing is a valuable publicly-funded asset and should be maintained in a good state of repair over the long-term, ensuring residents have access to affordable, high-quality, sustainable housing. An adequate supply of affordable and decent housing benefits the entire community.
4. Community housing providers are critical partners in the housing system and should have autonomy to manage their assets through service agreements and accountability frameworks
5. The approach for managing the subsidy savings when mortgages end, which may include entering into new service agreements with community housing providers, must be flexible, consider local context, provide budget predictability, be supported by data and result in no additional costs to Service Managers

The guiding principles consider the needs of community housing providers, Service Managers, and local housing and homelessness systems. They inform the following recommended approach:

- Each Service Manager retains the savings realized once the mortgages come to an end
- Service Managers have flexibility to reinvest savings into their local housing and homelessness systems under the following priorities:

Priority 1	Address unfunded capital needs through service agreements with housing providers to keep buildings in a good state of repair for current and future residents, as aligned with local 10-year housing and homelessness plans
Priority 2	Manage other housing and homelessness pressures identified in local 10-year housing and homelessness plans or other strategic plans, such as increasing and redeveloping the supply of affordable housing or enhancing homelessness-related supports
Priority 3	Fund other municipal pressures, provided all housing needs are met as identified by each Service Manager's strategic plans

Future regulations that propose funding or incentives for Part VII.1 projects must be flexible and cannot contemplate any increased costs to the Service Manager

Funding for community housing comes primarily from the municipal tax base. Over time and at the current level of funding, Service Managers should be able to address the capital needs to sustain the system and also address other housing and homelessness needs –but not if housing providers are overfunded under any proposed new funding model for Part VII.1 projects. Provincial regulations should not prescribe how municipal investments and cost savings are used. Each Service Manager must have sole discretion to negotiate financial incentives with individual housing providers through flexible and voluntary agreements. Service Managers will act in good faith as a sector to reinvest mortgage savings following the priorities established in this paper, as consistently as possible and in line with the priorities and targets set out in local housing and homelessness plans.

Achieving housing related outcomes must be a priority of all levels of government

Each order of government has a role to play in addressing the housing supply and affordability crisis in Ontario. All orders of government must work together to ensure residents have adequate, safe, and affordable housing options. Reinvesting mortgage subsidy savings is only one, long-term tool to sustain and grow the community housing sector. Mortgage savings will not be fully realized for decades. Sustained support from senior levels of government is imperative to maintain existing supply and meet the current and future needs of our most vulnerable residents.

5. CONCLUSION

Community housing is a publicly-funded asset and an important component of local housing and homelessness systems, providing affordable housing to thousands of Ontario residents living with low income. Sustained capital funding is needed to ensure these assets are maintained in a good state of repair so current and future residents have access to safe, high-quality housing. Data shows that as Part VII housing providers' mortgages end, there will be cost savings of more than $10.4 billion over 40 years. With these savings, Service Managers can address housing providers' capital repair needs and have more than $6.6 billion remaining to address other housing and homelessness system needs.

The approach to mortgage subsidy savings recommended by housing sector associations will result in significant overfunding to some individual housing providers. If the approach recommended by sector associations is implemented, housing providers would receive approximately $3.6 billion in overfunding over a 40 year period. This approach would impact Service Managers' ability to sustain the system and address other local needs.

Pending legislative and regulatory changes concerning Part VII.1 housing providers should support Service Managers in retaining mortgage subsidy cost savings and permit flexibility in reinvesting these savings to meet the capital needs of the community housing sector, while also addressing larger housing system needs in line with 10-year housing and homelessness plans.

Service Managers are the primary funders of local housing and homelessness services and are best positioned to invest, plan and manage available resources across the whole of their service areas. The guiding principles and recommendation in this paper will better support Service Managers to meet the needs of housing providers and the unique needs of their local communities. The locally-focused approach aligns with the Province's Community Housing Renewal Strategy and the Ontario Provincial Policy Statement to help sustain, repair and grow community housing. In addition, the approach helps Service Managers continue building their housing and homelessness systems so residents can find and keep appropriate housing they can afford. By keeping mortgage savings in the housing system at a Service Manager level, local housing goals can be advanced without overfunding housing providers and ensuring there is no additional financial burden on municipal taxpayers.

APPENDIX A – END OF MORTGAGE (EOM) TASK FORCE MEMBERSHIP AND CONSULTATION PROCESS

The purpose of the EOM Task Force was to develop guiding principles and a recommended approach for managing the savings created when Part VII housing providers' mortgages are paid off. The EOM Task Force was made up of representatives of Service Managers across Ontario, including representatives from OMSSA and AMO. Deb Schlichter was hired to facilitate the EOM Task Force. Materials were also reviewed by City of Toronto - Glenn Courtney, and Julie Western Set, and Thunder Bay DSSAB – Ken Ranta.

Membership includes:

- Gavin Aiston (Ottawa)
- Amy Chang (Peel)
- Jody DeGagne (York)
- Michelle Willson (York)
- Sharon Donald (Muskoka)
- Tom Fortier (Simcoe)
- Jayne Hartley (Halton)
- Beverly Kueper (Durham)
- Roberta Jagoe (Durham)
- Alba Michelucci (Waterloo)
- Sherry White (Waterloo)
- Sophia Minor (Sudbury)
- Jenny Shickluna (Niagara)
- Donna Woiceshyn (Niagara)
- Michael Jacek (AMO)
- Darryl Wolk (OMSSA)
- Deb Schlichter (Consultant)

The recommendations and principles in this paper were reviewed by:

- Urban CMSM Commissioners
- OMSSA's 47 Leads
- Housing Services Corporation 47 Housing Leads
- Ontario Regional and Single Tier Treasurers

At this point in time, this paper has not been reviewed or endorsed by municipal governments and associations that they represent.