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IN THE ZONE: HOUSING, HUMAN RIGHTS AND MUNICIPAL PLANNING ONTARIO HUMAN RIGHTS COMMISSION

The Planning and Economic Development Committee recommends the adoption of the recommendation contained in the following report dated May 1, 2012, from the Commissioner of Transportation and Community Planning.

1. RECOMMENDATION

It is recommended that:

1. The Regional Clerk circulate this report to the Clerks of the local municipalities for their information.

2. PURPOSE

This report is to inform Council the Ontario Human Rights Commission has shared its new guide, *In the zone: Housing, human rights and municipal planning* with York Region to create awareness of its position as it relates to connecting human rights and housing when making zoning and planning decisions.

This report is also to inform Council that the guide cites York Region as a leader in municipal planning, referencing the Region's Official Plan adopted in 2009.

3. BACKGROUND

Established in 1961, the Ontario Human Rights Commission administers the Human Rights Code, protecting people in Ontario from 15 grounds of discrimination

The Ontario Human Rights Commission (OHRC) protects people in Ontario against 15 grounds of discrimination under the code: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (including pregnancy), sexual orientation, disability, age (18 and over, 16 and over in occupancy of accommodation), marital status (including same sex partners), family status, receipt of public assistance (in accommodation only) and record of offences (in employment only).

The Ontario Human Rights Commission's vision is: "an Ontario where everyone is valued, treated with dignity and respect, and where human rights are nurtured by us all."

In the zone: Housing, human rights and municipal planning is a communications piece meant to inform decisions about planning and zoning for housing

Over the years, the Ontario Human Rights Commission has been involved in a number of zoning issues within cities across Ontario. *In the zone* was written to capture themes that emerged in working with municipalities, to help the Commission share consistent messaging with every municipality across Ontario.

The guide offers the Ontario Human Rights Commission's best advice on:

- The legal obligation to take steps to overcome discriminatory opposition to affordable housing
- Focusing on legitimate land use planning, not "people zoning"
- Making sure public meetings focus on planning issues, not the people who will live in the housing
- Not using minimum separation distances to limit housing options for people protected under *Code* grounds

The Commission consulted planning experts, planning and human rights lawyers, housing providers and advocates in developing the guide.

Copies of *In the Zone* are available in English and French via communications@ohrc.on.ca

The Human Rights Code is "quasi-constitutional" and supersedes provincial and municipal legislation, unless the legislation says it specifically operates despite the Code

The Human Rights Code supersedes provincial legislation, policies and municipal official plans and bylaws. In instances where there is a conflict with these instruments, the *Code* takes precedence.

4. ANALYSIS AND OPTIONS

***In the zone* cites York Region as a leader for the adoption of its Regional Official Plan that outlines specific policies for promoting an appropriate mix and range of affordable housing**

Adopted by Council in 2009, an objective of the Regional Official Plan is to promote a mix and range of housing types, lot sizes, unit sizes, functions, tenures and level of affordability. The Regional Official Plan also promotes partnerships with the development industry, innovative financial arrangements, education and awareness programs and accessibility features to support a range of affordable housing.

The “Leadership in York Region” section of the *In the zone* guide is on page 27 in the chapter, *Good Planning, leads to healthy, inclusive communities*. See *Attachment 1*.

Some of the key policies in the adopted Regional Official Plan that address the objective: “To promote an appropriate mix and range of acceptable housing to meet the needs of residents and workers” include:

- Ensuring official plans and zoning bylaws permit a mix and range of housing types with specific affordable housing targets
- Encouraging innovative financial arrangements to develop non-profit and affordable housing
- Preparing education and awareness programs to highlight the economic and social advantages of incorporating affordable housing into our communities

When planning housing, the focus should be land use, not people

Section 34 of the *Planning Act* gives municipalities the authority to pass zoning bylaws that regulate matters including the use of land (e.g. residential, commercial, industrial) and standards associated with such land uses such as parking and setbacks. Section 35(2) specifies that municipalities may not pass zoning bylaws that distinguish “between persons who are related and persons who are unrelated in respect of the occupancy or use of a building or structure.” This implies that zoning bylaws can only deal with the “use” of land and not the “user”.

In the zone cautions against what is referred to as “people-zoning”, which references the importance not to use zoning as a means to discriminate, rather the process should focus on appropriateness of the land use within the community context.

Through the Regional Official Plan, local municipalities work in partnership with York Region to ensure the planning process is aligned with non-discriminatory policies, procedures and bylaws that govern land use regulations.

Link to Key Council-approved Plans

Regional Official Plan:

- To promote human health and well-being in York region, where people can live, work, play and learn in accessible and safe communities
- A full mix and range of housing options in optimal locations allows residents to contribute positively to the economy and society. Encouraging residents to work in and contribute to the area in which they live supports the Region’s urban structure and transportation networks, thus promoting vibrant, healthy communities, a strong economy, and a clean environment.

Vision 2051

- Integrating York Region residents and providing the ability to contribute, free of barriers, to every dimension of Canadian life – economic, social, cultural and political
- Creating *Liveable Cities and Complete Communities* by providing a place for everyone by ensuring an inclusive, safe, integrated and welcoming community
- Developing *Appropriate Housing for all Ages and Stages* by addressing diversity in housing stock that accommodates a variety of household compositions throughout all stages of life from young families, to seniors, single persons and multi-generational families.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

6. LOCAL MUNICIPAL IMPACT

From a planning perspective, the *In the zone: Housing, human rights and municipal planning* guide is relevant to Regional and local municipal planning as it relates to connecting human rights and housing when making planning decisions.

7. CONCLUSION

The adoption of the Regional Official Plan in 2009 has established York Region as a leader in efforts to promote and put into practice, non-discriminatory planning policies, procedures and bylaws in partnership with our local municipalities.

While *In the zone* serves as a helpful communications piece with respect to the objectives of the Ontario Human Rights Commission, York Region continues to respect the *Code* and its related obligations for land use planning when making planning decisions and incorporates this philosophy into a number of Regional leadership documents.

For more information on this report, please contact Heather Konefat, Director, Community Planning at Ext. 1502.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is enclosed separately.)