HOMELESSNESS AND HOUSING

TORONTO'S PLAN TO END STREET HOMELESSNESS

FROM STREETS TO HOMES

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1. IMLA PowerPoint Presentation, September 15, 2008

2. Toronto Staff Report dated September 2, 2006 "Feasibility of Enacting a "Quality of Life" By-law to Address Panhandling"

3. Toronto Staff Report dated May 14, 2007 "Strategies to Address Panhandling Within Specified Areas of the City"

4. Toronto Staff Report dated April 21, 2008 "Enhancing Streets to Homes Service to Address the needs of People who are Street Involved, Including Those Who Panhandle"

TORONTO'S PLAN TO END STREET HOMELESSNESS

FROM STREETS TO HOMES

September 15, 2008

TORONTO

SETTING THE SCENE

TORONTO

- Fifth largest city in North America (2.5 million in a region of 7+ million)
- Sixth largest government in Canada
- High rents; low vacancy rates for affordable housing
- Dense urban core, large public spaces, considerable green space

CANADIAN CHALLENGES

- Aging social housing infrastructure requires major repair and replacement
- Long waiting list for social housing
- Lack of sustainable funding for housing and homelessness services
- On again/off again federal and provincial programs

TORONTO

ONTARIO CHALLENGES

- Cost and administration of social housing and other programs downloaded to municipalities
- Funded by property tax base

TORONTO

THE LEGAL CONTEXT

- *CITY OF TORONTO ACT, 2006*

- City may enact by-laws relating to:
  - Economic, social and environmental well-being of City
  - Health, safety and well-being of persons
  - Protection of persons and property
- Connection between activity sought to be regulated and the power on which it relies.
- Different powers authorize different types of restrictions.
- General By-laws to prevent obstruction of streets and sidewalks.

TORONTO

- CHARTER OF RIGHTS AND FREEDOMS

- City by-law must not infringe rights guaranteed under Charter

- SAFE STREETS ACT, 1999 (PROVINCIAL)

- Prohibits panhandling in aggressive manner or to certain “captive audiences”

- *R v. Banks* (Ont. Court of Appeal – January 16, 2007)

- begging is expressive conduct which convey meaning relating to person’s impoverished condition and need for assistance and as such is protected by freedom of expression
  - Legislation with another sufficiently important purpose could impact on or override freedom of expression
  - Court upheld prohibition on person on roadway soliciting from person in stopped, standing or parked vehicle
  - Balancing of rights of panhandlers with rights of other users

TORONTO

CITY ACTIONS

SOCIAL SERVICE v. ENFORCEMENT RESPONSE?

- 288% increase in charges under *Safe Streets Act*

  2004 – 2,725

  2007 – 10,584

- January 1, 2006 – December 31, 2007 – 75% fines under *Safe Streets Act* remain outstanding

TORONTO

Streets to Homes

- Partnership between City and non-profit street outreach programs
- Community agencies, health care, housing
- Intensive social service response
- End homeless encampments without use of enforcement
- City staff from Shelter and Support Services conduct needs assessment of all persons camping and exhaust all service options before enforcement
- February 2005 – May 2007 – 233 homeless encampments investigated
- 79% success rate - needs of individuals met and encampment vacated
- Same approach for panhandlers (2008)

Housing as Focus of Street Outreach

- Move from managing homelessness to ending it

TORONTO

- STREET OUTREACH HELPS WITH:
  - Obtaining ID and fast tracing Income Supports
  - Looking for an apartment
  - Negotiating the lease with the landlord
  - Acquiring furniture and moving

TORONTO

FOLLOW UP SUPPORTS FOR 1 YEAR:

- Individualized service planning and goal setting
- Landlord support and mediation
- Monthly rent checks
- Linking clients with new communities
- Harm reduction strategies
- Eviction prevention and crisis intervention
- Exit Strategy, and re-housing if applicable

TORONTO

TORONTO STAFF REPORT

September 6, 2006

To: Policy and Finance Committee

From: City Solicitor

Subject: Feasibility of Enacting a “Quality of Life” By-law to Address Panhandling

Purpose:

This report responds to a request from City Council for the City Solicitor to report on the feasibility of enacting a "quality of life" by-law that would include a provision to address panhandling.

Financial Implications and Impact Statement:

There are no financial implications associated with this report.

Recommendations:

It is recommended that this report be received for information.

Background:

At its meeting of June 27, 28 and 29, 2006, City Council adopted a Notice of Motion requesting that the City Solicitor report on the feasibility of enacting a "quality of life" by-law that would include a provision that "no person can impede any other person's reasonable enjoyment of day-to-day activities through panhandling" and directed that the report include a communications strategy and an enforcement strategy with respect to such a by-law. This report responds to the preceding request. With respect to the request in the Notice of Motion for a report relating to Nathan Phillips Square and other civic centres, City Council, in adopting the “Streets to Homes” report at its meeting of February 1, 2 and 3, 2005, authorized the amendment to the by-law governing Nathan Phillips Square to prohibit camping at the Square and also directed that Municipal Code Chapter 636, Public Squares be amended in a similar fashion. The by-law amending Chapter 636 to prohibit camping in other public squares was enacted by Council at its meeting of July 21, 2005.

Comments:

For the purposes of this report, it has been assumed that the intent of the "quality of life" by-law referred to in the Notice of Motion would be to regulate all forms of panhandling whether passive or aggressive. Accordingly, the analysis in this report will address panhandling generally.

Authority of the City to enact a by-law relating to panhandling

Generally speaking, municipalities can only exercise powers which are expressly conferred by statute or which, though not expressly set out, are necessary or implied for the exercise of an express power.

There are no statutory provisions which expressly give the City authority to enact by-laws for the purpose of addressing issues pertaining to the "quality of life" of its residents. While the improvement of the quality of life of its residents is undoubtedly a valid municipal concern it does not, of itself, give rise to authority to enact by-laws. There are no statutory provisions which expressly give the City authority to enact by-laws for the purpose of limiting or prohibiting panhandling. However, the City does have certain express powers on which it may be able to rely to address panhandling in various contexts. The following spheres of jurisdiction set out in the new *City of Toronto Act, 2006* (which is expected to be in force shortly after the commencement of the term of the new Council) may provide authority to enact by-laws relating to panhandling:

a) economic, social and environmental well-being of the City;

b) health, safety and well-being of persons; and

c) protection of persons and property, including consumer protection.

In order to rely on one of the preceding spheres of jurisdiction as authority to regulate or prohibit an activity, the City must demonstrate that there is a connection between the activity sought to be regulated or prohibited and the sphere of jurisdiction. Accordingly, if, for example, the City wished to regulate or prohibit panhandling on the basis of its authority to enact by-laws for the "economic, social and environmental well-being of the City", the City would have to demonstrate that any limitations it imposes on panhandling enhance the economic, social or environmental well-being of the City.

Because of the necessity of demonstrating that there is a connection between the activity sought to be regulated or prohibited and the sphere of jurisdiction on which the City relies as authority for the regulation or prohibition, the City must carefully consider which activities associated with panhandling could be covered by a by-law. For example, one of the distinctions that is often made in this area is between passive and aggressive panhandling. The City would have difficulty relying on the "health, safety and well-being of persons" or the "protection of persons and property" spheres to address passive panhandling as it would be difficult to demonstrate that

passive panhandling affects the health, safety and well-being of persons or that it gives rise to a need to protect persons or property. However, these spheres would likely provide sufficient authority to address panhandling that is conducted in an aggressive or intimidating manner.

Possible limitations on the City's authority to enact a by-law relating to panhandling

In addition to ensuring that it has statutory authority to enact a by-law relating to panhandling, the City would have to ensure that any such by-law did not infringe rights guaranteed under the Charter. Challenges under the Charter to by-laws or legislation imposing restrictions on panhandling (and associated behaviour) have most commonly alleged violations of the freedom of expression, the right to equal treatment or the right to life, liberty and security of the person.

The appeal decision of the Ontario Superior Court of Justice in *R.* v. *Banks*, involving a challenge to the *Safe Streets Act, 1999* (the "SSA") is informative in this regard. Broadly speaking, the SSA prohibits the solicitation of anything of value, including money, in an aggressive manner or to certain "captive audiences" such as persons in cars. (A copy of the SSA is attached as Appendix 1). The legislation was upheld by the Ontario Superior Court and in so doing, the Court made the following key findings with respect to Charter issues:

1. begging is expressive conduct which conveys meaning relating to a person's impoverished condition and need for assistance and as such is protected by the Charter's guarantee of freedom of expression;

2. while the Charter's guarantee of freedom of expression protects all content of expression, it does not protect all forms of expression such as violent or obstructive forms of expression;

3. the SSA did not restrict expression in that it did not restrict a person's ability to convey meaning but instead was limited to restricting manners of expression that threaten the safety and security of others and as a result the SSA did not infringe the freedom of expression;

4. restrictions on expression in public places will not violate the Charter if the restrictions are aimed at forms of expression which are inconsistent with the principal function or intended use of the place where the expression is made;

5. the ability to obtain income through aggressive begging or begging to captive audiences is not protected under the Charter's guarantee of life, liberty and security of the person; and

6. discrimination based on poverty is not covered by the Charter's guarantee of equality.

Based on the foregoing, it would appear that any attempt by the City to prohibit panhandling in general would not survive a challenge based on the Charter as panhandling would be found to have expressive content that is protected under the Charter's freedom of expression. In cases where restrictions on panhandling were upheld, the courts have placed particular importance on

the fact that the by-laws or legislation in question did not prevent people from conveying information about their impoverished condition but instead, the restrictions related to potentially harmful consequences of the form in which the message was conveyed such as forms of expression that were threatening or obstructive.

Restrictions on the time and location of panhandling

It is difficult to predict whether restrictions on panhandling based on time and location would be upheld if challenged under the Charter. In light of the current case law, it would appear that broad restrictions on panhandling based on time and location are unlikely to be upheld. Broad restrictions are more likely to be construed by the courts as an attempt to legislate against panhandling itself, which is beyond the scope of authority of a municipality, as opposed to legislating against the possible negative consequences of panhandling which may be within a municipality's authority.

As well, as set out above, various courts have found that expressive behaviour such as panhandling may be limited in public places if the restrictions are aimed at forms of expression which are inconsistent with the principal function or intended use of a place. Thus, any by-law limiting panhandling in public places will ultimately involve a consideration of the use of a place and a balancing of the rights of panhandlers with the rights of other users of the place in question.

There have been cases where municipal or provincial restrictions on the location of panhandling have been upheld. In those cases, the courts have clearly been influenced by the fact that the restrictions were framed narrowly and were found to be enacted pursuant to valid municipal or provincial purposes such as the maintenance of public safety or ensuring the efficient and safe use of public sidewalks.

There are no cases which have directly dealt with challenges to by-laws such as Calgary's panhandling by-law, that limit the time in which panhandling can be conducted. Calgary's by-law contains a broad prohibition against panhandling during the hours of 8:00pm to 8:00am. However, in a case involving the City of Vancouver, the judge commenting on a similar time restriction (no panhandling between sunset and sunrise) in a repealed Vancouver by-law, expressed the opinion that such a provision would inevitably be struck down in the event of a Charter challenge.

Based on the above, it appears that it may be possible for the City to enact a by-law which imposed restrictions on the time and location of panhandling. The ability of the City to defend such a by-law, should it be challenged, would depend on the strength of the evidentiary basis put forward by the City in support of the by-law. For example, if the City wished to enact a by-law restricting panhandling in tourist areas based on the "economic, social and environmental well-being of the City" sphere of jurisdiction, the City would need to present evidence that panhandling in such areas has a negative impact on the City's economic, social or environmental well-being as well as evidence that the restrictions imposed by the by-law were aimed at reducing that negative impact.

In addition, the City will be required to demonstrate that the restrictions on panhandling based on time and location are as limited as reasonably possible in light of the sphere of jurisdiction on which the City relies to enact the by-law. Again, using tourism as an example, a general restriction on panhandling at a particular tourist destination would be less likely to be upheld by a court than a restriction on panhandling for a fixed number of hours before, during and after the opening hours of the destination.

Other Jurisdictions

Should the City wish to enact a by-law relating to panhandling, it is useful to look at the experience of other jurisdictions. In addition to Ontario's *Safe Streets Act* which is referred to above, the by-laws of Calgary, Vancouver, Montreal, Halifax and New York City were considered in preparation of this report. None of the by-laws of the Canadian jurisdictions contain absolute prohibitions on panhandling. The by-laws address such issues as obstruction, repetitive soliciting, loitering and some of the by-laws include restrictions on panhandling at certain times or at specified locations. (A chart comparing the provisions of these by-laws is attached as Appendix 2 to this report.)

Of the by-laws referred to above, Vancouver's has been challenged and upheld. Vancouver's by-law prohibits soliciting "in a manner which causes an obstruction" which includes soliciting in groups of three or more persons, obstructing traffic by soliciting people in cars and also includes geographic restrictions similar to those found in the *Safe Streets Act*. Vancouver's by-law does not contain a restriction on the time during which panhandling can occur. The Court's decision to uphold the by-law was based on its findings that a) Vancouver was entitled to pass by-laws to ensure the safe and efficient use of its roads and sidewalks, b) the by-law did not cover all types of panhandling (passive panhandling was excluded), and c) the by-law did not limit the expressive content of panhandling but instead was directed at the negative consequences of certain forms of panhandling, such as obstructive or threatening panhandling.

New York City's State Penal Law contains a provision which imposes broad prohibitions on loitering and wandering in public places for the purpose of begging. The provision of the State Penal Law was successfully challenged as a violation of the freedom of speech guaranteed by the American Constitution. It does not appear that the relevant provision of the State Penal Law was amended or repealed after the successful court challenge. Subsequent to the decision striking down the previously mentioned provision of the State Penal Law, the New York City Administrative Code was amended by adding a provision prohibiting aggressive panhandling in public places and to impose a minimal number of limitations on the location of passive panhandling (e.g. bank entrances and exits, automated teller machines, motor vehicles). It would appear that the provisions of the Administrative Code were framed in a manner that takes into account the reasons of the court reviewing the State Penal Law. The relevant provisions of the Administrative Code have not been the subject of judicial review in any reported cases.

Conclusions:

The City does not have express statutory authority to enact by-laws related to the "quality of life" of its residents or to regulate or prohibit panhandling. However, it is likely that certain of the City's express powers are broad enough to address panhandling and related conduct. Should the City decide to enact a by-law to limit panhandling, it should ensure that any limits are related to the powers under which it enacts the by-law and that the by-law does not infringe rights guaranteed under the Charter. Based on the existing case law, it would appear that limits aimed at the message conveyed by panhandlers would not be upheld in the event of a Charter challenge although limits on the manner or location of conveyance may be upheld, particularly if the limits address threatening, violent or obstructive forms of expression. The success of the City in defending a challenge to a by-law limiting panhandling will depend on the strength of the evidence connecting the limits set out in the by-law to the sphere of jurisdiction on which the City relies to enact the by-law

As a by-law has not yet been put forward, it is not possible at this time to advise on a communication or enforcement strategy.

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List of Attachments:

Appendix 1 - Safe Streets Act, 1999
Appendix 2 – Comparison of By-laws in Other Jurisdictions

APPENDIX 1

Safe Streets Act, 1999

Definition

1. In sections 2 and 3,

"solicit" means to request, in person, the immediate provision of money or another thing of value, regardless of whether consideration is offered or provided in return, using the spoken, written or printed word, a gesture or other means. 1999, c. 8, s. 1.

Definition

2. (1) In this section,

"aggressive manner" means a manner that is likely to cause a reasonable person to be concerned for his or her safety or security. 1999, c. 8, s. 2 (1).

Solicitation in aggressive manner prohibited

(2) No person shall solicit in an aggressive manner. 1999, c. 8, s. 2 (2).

Examples

(3) Without limiting subsection (1) or (2), a person who engages in one or more of the following activities shall be deemed to be soliciting in an aggressive manner for the purpose of this section:

1. Threatening the person solicited with physical harm, by word, gesture or other means, during the solicitation or after the person solicited responds or fails to respond to the solicitation.

2. Obstructing the path of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation.

3. Using abusive language during the solicitation or after the person solicited responds or fails to respond to the solicitation.

4. Proceeding behind, alongside or ahead of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation.

5. Soliciting while intoxicated by alcohol or drugs.

6. Continuing to solicit a person in a persistent manner after the person has responded negatively to the solicitation. 1999, c. 8, s. 2 (3).

Definitions

3. (1) In this section,

"public transit vehicle" means a vehicle operated by, for or on behalf of the Government of Ontario, a municipality in Ontario or a transit commission or authority in Ontario, as part of a regular passenger transportation service; ("véhicule de transport en commun")

"roadway" has the same meaning as in the *Highway Traffic Act*; ("chaussée")

"vehicle" includes automobile, motorcycle, van, truck, trailer, bus, mobile home, traction engine, farm tractor, road-building machine, bicycle, motor-assisted bicycle, motorized snow vehicle, streetcar and any other vehicle drawn, propelled or driven by any kind of power, including muscular power. ("véhicule") 1999, c. 8, s. 3 (1); 2002, c. 17, Sched. F, Table.

Solicitation of captive audience prohibited

(2) No person shall,

(a) solicit a person who is using, waiting to use, or departing from an automated teller machine;

(b) solicit a person who is using or waiting to use a pay telephone or a public toilet facility;

(c) solicit a person who is waiting at a taxi stand or a public transit stop;

(d) solicit a person who is in or on a public transit vehicle;

(e) solicit a person who is in the process of getting in, out of, on or off a vehicle or who is in a parking lot; or

(f) while on a roadway, solicit a person who is in or on a stopped, standing or parked vehicle. 1999, c. 8, s. 3 (2).

Permitted fund-raising by charities

(3) Subsection (2) does not apply to fund-raising activities that meet the following conditions:

1. They are conducted by a charitable organization registered under the *Income Tax Act* (Canada) on a roadway where the maximum speed limit is 50 kilometres per hour.

2. They are permitted by a by-law of the municipality in which the activities are conducted. 2005, c. 32, s. 1.

Definition

4. (1) In this section,

"outdoor public place" means,

(a) a place outdoors to which the public is ordinarily invited or permitted access and, for greater certainty, includes but is not limited to a sidewalk, street, parking lot, swimming pool, beach, conservation area, park and playground, and

(b) school grounds. 1999, c. 8, s. 4 (1).

Disposal of certain dangerous things prohibited

(2) No person shall dispose of any of the following things in an outdoor public place:

1. A used condom.
2. A new or used hypodermic needle or syringe.
3. Broken glass. 1999, c. 8, s. 4 (2).

Defence

(3) It is a defence to a charge under subsection (2) for the person who disposed of the condom, the needle or syringe or the broken glass to establish that he or she took reasonable precautions to dispose of it in a manner that would not endanger the health or safety of any person. 1999, c. 8, s. 4 (3).

Offence

5. (1) Every person who contravenes section 2, 3 or 4 is guilty of an offence and is liable,

(a) on a first conviction, to a fine of not more than $500; and

(b) on each subsequent conviction, to a fine of not more than $1,000 or to imprisonment for a term of not more than six months, or to both. 1999, c. 8, s. 5 (1).

Subsequent conviction

(2) For the purpose of determining the penalty to which a person is liable under subsection (1),

(a) a conviction of the person of a contravention of section 2 is a subsequent conviction only if the person has previously been convicted of a contravention of section 2 or 3;

(b) a conviction of the person of a contravention of section 3 is a subsequent conviction only if the person has previously been convicted of a contravention of section 2 or 3; and

(c) a conviction of the person of a contravention of section 4 is a subsequent conviction only if the person has previously been convicted of a contravention of section 4. 1999, c. 8, s. 5 (2).

Arrest without warrant

6. A police officer who believes on reasonable and probable grounds that a person has contravened section 2, 3 or 4 may arrest the person without warrant if,

(a) before the alleged contravention of section 2, 3 or 4, the police officer directed the person not to engage in activity that contravenes that section; or

(b) the police officer believes on reasonable and probable grounds that it is necessary to arrest the person without warrant in order to establish the identity of the person or to prevent the person from continuing or repeating the contravention. 1999, c. 8, s. 6.

7. Omitted (amends or repeals other Acts). 1999, c. 8, s. 7.

8. Omitted (provides for coming into force of provisions of this Act). 1999, c. 8, s. 8.

9. Omitted (enacts short title of this Act). 1999, c. 8, s. 9.

APPENDIX #2

Comparison of By-laws in Other Jurisdictions

City	By-Law	Types of Restrictions
Calgary	No. 3M99 – Regulating Panhandling	- Time (between hours of 8pm-8am) - Location (within 10 metres of a bank, credit union, atm, transit stop) - Obstructing traffic - Repetitive solicitation - Soliciting people in a vehicle
Vancouver	No. 8309 s.70A – The Street and Traffic By-law (aka the panhandling by-law)	- Obstructing traffic - Soliciting in a group of three or more persons - Location (within 10 meters of a bank, atm) - Soliciting from persons in a vehicle
Halifax	City of Halifax Ordinances Number 180 - Respecting Streets	- Obstructing a person - Loitering or congregating in a manner that disturbs others
Montreal	RBCM, c. P-12.2 - Concerning Cleanliness and Protection of Public Property and Street Furniture	- obstructing traffic - loitering - prowling - lying drunk
New York	Section 240.35 of the New York State Penal Law	- loitering, remaining or wandering in a public place for the purposes of begging*
New York City	Section 10-136 of the New York Administrative Code	- aggressive solicitation in public places - solicitation at certain locations such as a bank, atm, cheque cashing business - soliciting people in vehicles

* This provision was struck down in *Loper v. New York City Police Department* by the United States Court of Appeals for the 2nd Circuit which ruled that a ban on loitering and panhandling throughout the City was an infringement of the right to freedom of speech, as protected under the First Amendment to the American Constitution.

TORONTO

STAFF REPORT
ACTION REQUIRED

Strategies to Address Panhandling Within Specified Areas of the City

Date:	May 14, 2007
To:	Executive Committee
From:	City Manager and City Solicitor
Wards:	All
Reference Number:	

SUMMARY

This report examines the authority of the City to enact and enforce a by-law to prohibit panhandling within specified areas of the City. The report proposes the formal documentation of identified concerns related to panhandling. The report also outlines the difference between panhandling and homelessness together with alternate responses to address passive panhandling.

RECOMMENDATIONS

In response to complaints about the negative impact of panhandling on specific tourist destinations and recognizing the City authorities to enact and enforce a by-law to prohibit panhandling, the City Manager and the City Solicitor propose two parallel initiatives and recommend:

1. the General Manager, Shelter, Support and Housing Administration, conduct a pilot project from July 3 until September 17, 2007 in the area bounded by Spadina, Dundas, Jarvis and Queens Quay in order to:

    a. engage passive panhandlers who are housed and work to assess and address their needs including assistance accessing services to help address their poverty and health issues;

    b. document the characteristics and needs of the passive panhandlers encountered; and

c. inform business owners and their employees, members of the general public and others on ways to address panhandling without requiring enforcement;

2. the General Manager, Economic Development, Culture and Tourism, be directed to engage with the Toronto Association of Business Improvement Areas (TABIA), Toronto Entertainment District Association (TEDA), and other associations and operators of major attractions in order to determine the extent to which panhandling has impacted their business including documenting financial impacts, loss of repeat customers and other indicators relevant to the impact that panhandling has on the economic well being of the City and to develop strategies to mitigate any identified impact;

3. the Police Services Board be requested to provide Council with an assessment of their experience in enforcing the *Safe Streets Act*, including effectiveness in addressing aggressive panhandling; and

4. the City Manager report back to Executive Committee in the spring of 2008 on the results of the pilot in recommendation 1.

Financial Impact

There are no financial implications as a result of this report.

ISSUE BACKGROUND

At its meeting of January 24, 2007, the Economic Development Committee had before it a communication from Councillor Ootes recommending that appropriate staff report "on how the City of Toronto, working with the Toronto Police Service, can implement and enforce a by-law that would prohibit panhandling within the officially designated tourist areas." This recommendation was referred to the City Solicitor for a report to the appropriate standing committee. An electronic copy of the communication from Councillor Ootes can be found at:

http://www.toronto.ca/legdocs/mmis/2007/ed/bgrd/backgroundfile-635.pdf

The City Solicitor has previously submitted a report dated September 6, 2006 to the Policy and Finance Committee which addresses various issues relating to panhandling. An electronic copy of the report can be found at:

http://www.toronto.ca/legdocs/2006/agendas/committees/pof/pof060918/it040.pdf

Due to the broad policy matters addressed, this report is provided by the City Manager and the City Solicitor in consultation with the Police Chief, General Manager of Economic Development, Culture & Tourism and General Manager, Shelter, Support and Housing Administration.

COMMENTS

In this report, "panhandling" refers to the act of soliciting something of value, including money, whether or not goods or services are offered in exchange.

The first section of this report identifies the legal considerations should Council wish to implement and enforce a municipal by-law that would prohibit panhandling within officially designated tourist areas. The second section proposes the formal documentation of identified concerns related to panhandling. The third section of the report identifies specific initiatives to address passive panhandling that do not involve new enforcement mechanisms.

1. **City Authorities to Enact and Enforce a By-law to Prohibit Panhandling**

a. **Authority of the City to Enact a By-law Relating to Panhandling**

The City's broad powers under the *City of Toronto Act, 2006* to enact by-laws relating to the "economic, social and environmental well-being of the City", the "health, safety and well-being of persons" or the "protection of persons and property" may provide authority to enact by-laws relating to panhandling and associated behaviours.

In order to rely on one of the previously mentioned powers, the City must demonstrate that there is a connection between the activity sought to be regulated or prohibited and the power on which it relies. For example, if the City wished to regulate or prohibit panhandling on the basis of its authority to enact by-laws for the "economic, social and environmental well-being of the City", the City would have to demonstrate that any limitations it imposes on panhandling enhance the economic, social or environmental well-being of the City.

As well, it should be noted that different powers will authorize different types of restrictions on panhandling. For example, the City would have difficulty relying on its powers in respect of the "health, safety and well-being of persons" to address passive panhandling as it would be difficult to demonstrate that passive panhandling affects the health, safety and well-being of persons. However, this power may provide sufficient authority to address panhandling that is conducted in an aggressive or intimidating manner.

b. **Charter Considerations**

In addition to ensuring that it has statutory authority to enact a by-law relating to panhandling, the City would have to ensure that any such by-law did not infringe rights guaranteed under the Charter.

The recent decision of the Ontario Court of Appeal in *R.* v. *Banks*, involving a challenge to the *Safe Streets Act, 1999* (the "SSA") is informative in this regard. Broadly speaking, the SSA prohibits panhandling in an aggressive manner or to certain "captive audiences" such as persons in cars. In *Banks*, the Court upheld a section of the SSA which prohibits a person on a roadway from soliciting a person who is in a stopped, standing or parked vehicle. In its decision, the Court found that begging is expressive conduct which conveys meaning relating to a person's impoverished condition and need for assistance and as such is protected by the Charter's guarantee of freedom of expression. The Court also found that although begging is protected under the Charter's guarantee of freedom of expression, a government could enact legislation that has an incidental impact on begging if the legislation had another purpose which was sufficiently important to warrant overriding one's freedom of expression and if the legislation's effect on begging had a minimal impact on freedom of expression.

The findings of the Court outlined above suggest that any attempt by the City to simply prohibit panhandling would not survive a challenge based on the Charter. However, restrictions on panhandling may be upheld if it can be demonstrated that the legislation in question is not enacted for the purpose of preventing people from conveying information about their impoverished condition but instead, the restrictions are aimed at another important governmental objective.

c. Restrictions on the Time and Location of Panhandling

In light of the current case law, it would appear that broad restrictions on panhandling based on time and location are unlikely to be upheld. Broad restrictions are more likely to be construed by the courts as an attempt to legislate against panhandling itself, which is beyond the scope of authority of the City. Indeed, due to the impact of the Charter, it is unlikely that any order of government would have authority to legislate against panhandling itself.

Various courts have found that expressive behaviour such as panhandling may be limited in public places if the restrictions are aimed at forms of expression which are inconsistent with the principal function or intended use of a place. Thus, any by-law limiting panhandling in public places will ultimately involve a consideration of the use of a place and a balancing of the rights of panhandlers with the rights of other users of the place in question.

There have been cases where municipal or provincial restrictions on the location of panhandling have been upheld. In those cases, the courts have

clearly been influenced by the fact that the restrictions were framed narrowly and were found to be enacted for valid municipal or provincial purposes such as the maintenance of public safety or ensuring the efficient and safe use of public sidewalks.

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There are no cases which have directly dealt with challenges to by-laws which impose broad limits on the time in which panhandling can be conducted. However, in a case involving Vancouver, the judge commenting on a broad time restriction (i.e. no panhandling between sunset and sunrise) in a repealed Vancouver by-law, expressed the opinion that such a provision would inevitably be struck down in the event of a Charter challenge.

Based on the above, it appears that it may be possible for the City to enact a by-law which imposed some limited restrictions on the time and location of panhandling. The ability of the City to defend such a by-law, should it be challenged, would depend on the strength of the evidentiary basis put forward by the City in support of the by-law. For example, if the City wished to enact a by-law restricting panhandling in areas frequented by tourists based on the "economic, social and environmental well-being of the City" sphere of jurisdiction, the City would need to present clear evidence that panhandling in such areas has a negative impact on the City's economic, social or environmental well-being as well as evidence that the restrictions imposed by the by-law were aimed at reducing that negative impact. In addition, the City will be required to demonstrate that restrictions on panhandling based on time and location are as limited as reasonably possible in light of the City's objectives in passing the by-law.

d. Designation of Tourist Areas

The City does not have any specific authority to designate tourist areas. The City may be able to rely on several of its powers in order to designate tourist areas depending on the purpose underlying the designation. Because the City does not have authority to simply regulate or prohibit

panhandling, it would not be able to designate an area as a tourist area for the sole purpose of regulating or prohibiting panhandling within that area.

Earlier this year, Council authorized the enactment of Municipal Code Chapter 510, Holiday Shopping. Chapter 510 was enacted because the *Retail Business Holidays Act* ceased to apply to the City once the *City of Toronto Act, 2006* came into effect. Chapter 510 generally prohibits retail business establishments from opening on certain specified holidays. There are several exemptions to the general prohibition including exemptions for retail business establishments located within a certain distance from specified tourist destinations such as Queens Quay West and the Distillery Historic District. Except for the purposes of Chapter 510 the City has not designated any areas of the City as tourist areas.

e. **Obstruction**

The obstruction of streets and sidewalks is a behaviour that is commonly associated with panhandling although the activities are not always carried out in conjunction with one another. The City clearly has authority to enact by-laws to prevent the obstruction of its streets and sidewalks so long as it does not do so for a purpose outside the scope of its jurisdiction and does not violate the Charter.

Currently, the issue of the obstruction of streets and sidewalks is addressed in by-laws of the former municipalities. Each of these by-laws contains different language and is therefore, subject to varying interpretation. The process of harmonizing these by-laws is currently underway, and the General Manager, Transportation Services, will bring forward the harmonized by-laws to Council for consideration in the fall of 2007.

f. **Enforcement of City By-laws**

The City can enforce its by-laws in various ways including, for example, the creation of offences and the charging of fines. The City does not have authority to enforce its by-laws in a way that "affects one's person," such as arrest, detention or use of force. With limited exceptions, it is the police that have authority to take action that affects one's person. It is important to recognize that the police, in enforcing municipal by-laws, have no greater authority than the City's own enforcement staff which means that they too cannot arrest, detain or use force as a way of enforcing the by-laws. Accordingly, if the police wish to arrest, detain or use force against a person who has violated a municipal by-law, the authority to do so must be found in other legislation or the common law rather than in municipal by-laws.

Summary of Legal Considerations:

The City does not have authority to enact a by-law solely for the purpose of prohibiting or regulating panhandling. The City may be able to pass by-laws which impose some restrictions on panhandling if the City can establish that the by-laws are enacted in furtherance of an important municipal objective. These restrictions could include restrictions on the time, place and manner in which panhandling is conducted. Any restrictions would have to be carefully framed to ensure that Charter rights are not unduly affected. As well, the City should be able to provide clear evidence to establish that any infringement of Charter rights is minimal and necessary to promote valid City objectives. Enforcement of any by-law affecting panhandling would not involve arrest, detention or use of force regardless of whether the by-law was enforced by City staff or the police.

2. Documenting Impacts of Panhandling

As noted in Section 1 of this report, the *City of Toronto Act 2006* provides the City with broad powers to enact by-laws relating to the "economic, social and environmental well being of the City", the "health, safety and well-being of persons" or the "protection of persons and property". In order to rely on one of these powers to enact a by-law relating to panhandling and associated behaviours the City must demonstrate that there is a connection between the activity sought to be regulated or prohibited and the power on which it relies.

While the City has received numerous complaints from business associations, entertainment establishments and other major attractions related to panhandling, these complaints are often anecdotal and have not been tracked in any systematic way. Also, to date there has not been purposeful consultation with the business and entertainment community to document the ways in which panhandling has impacted them financially, or to discuss strategies to mitigate any negative impact.

Formal documentation of the impact of panhandling is essential if any by-law related to panhandling is to be considered in the future. At the present time, there is little evidence that could be relied upon if a by-law regulating or prohibiting panhandling was challenged to show that panhandling impacts the economic, social and environmental well being of the City, the health, safety and well-being of persons, or that panhandling impacts the protection of persons or property. The absence of such information means the City would be susceptible to legitimate challenges should it enact a by-law to regulate or prohibit panhandling.

It is because of the absence of this documented information that it is recommended that the General Manager, Economic Development, Culture and Tourism, be directed to engage with TABIA, TEDA and other associations and

operators of major attractions in order to determine the extent to which panhandling has impacted their business including documenting financial impacts, loss of repeat customers and other indicators relevant for the purpose of assessing the impact panhandling has on the economic well being of the City. Once the City has such information, the City will be able to determine whether it is appropriate and defensible to enact a by-law to restrict panhandling.

3. Social Service Strategies to Address Passive Panhandling

"Panhandling" refers to soliciting something of value, including money. It is begging, and occurs for a number of reasons. People who are housed may beg because they do not have enough money to bridge the gap between other sources of income, such as social assistance, and the cost of daily living. People who are homeless may beg to scrounge together enough money to rent a private room for a night to get off the street. People may beg because they are hungry. People may beg to be able to support loved ones. People may beg to support drug and/or alcohol addictions. This list is by no means exhaustive, but demonstrates the range of reasons why an individual may choose to panhandle.

Panhandling is often confused with homelessness. Phone calls and emails to City staff from the general public, the business community and tourists alert City staff to panhandlers who are thought to be homeless. When street outreach workers investigate, frequently the person panhandling is housed. Even some individuals with signs indicating they are homeless turn out to be housed. The findings of the April 2006 Street Needs Assessment show that fewer than one in five homeless people panhandle.

The confusion between panhandling and homelessness can result in a belief that the City is not doing enough to address homelessness – when homelessness really is not the issue. The issue is poverty and, in some cases, addiction(s).

As noted in the previous section, a distinction is made between passive and aggressive panhandling. People give money to aggressive panhandlers often out of fear for their personal safety. Aggressive panhandling is a police matter and the purview of the *Safe Streets Act.* This report recommends that the Police Services Board be requested to provide Council with an assessment of their experience in enforcing the *Safe Streets Act*, including effectiveness in addressing aggressive panhandling.

Toronto is a major urban centre that believes strongly in social inclusion, and as such needs to invest additional time and energy to assist those individuals whose poverty and/or addiction(s) drive them to begging on the street. The time has come to consider strategies to assess and address the needs of passive panhandlers who are housed. If the panhandler is homeless, there exists a response - Streets to Homes - to assist with ending their homelessness and moving into housing.

However, more can be done to better understand and test service responses to assist passive panhandlers who are housed.

a. **Current Strategy to Assist Homeless People Living Outdoors: Streets to Homes**

Streets to Homes and its partnering non-profit street outreach providers currently have neither the mandate nor the resources to address the needs of panhandlers who are housed. These organizations are very effective at housing people who are homeless and living outdoors. In just over two years the Streets to Homes strategy has assisted over 1,000 homeless people in moving directly from the street into homes. 87% of those housed remain housed.

Streets to Homes has also proven that an intensive social service response is an effective alternative to enforcement activities in many cases. For example, Streets to Homes has been effective in addressing homeless encampments without the use of enforcement. Streets to Homes coordinates the implementation of the Council approved "Interdepartmental Protocol for Homeless People Camping in Public Spaces", a copy of which is attached as Appendix A. The Protocol outlines how City Divisions work co-operatively to achieve positive outcomes for homeless persons living in encampments in the event of a potential enforcement activity on the part of Transportation, Parks, Forestry and Recreation or Facilities and Real Estate. The Protocol stipulates that Shelter, Support and Housing Administration staff conduct a needs assessment of the individuals camping at each location and exhaust all service options before a decision to exercise by-law enforcement powers occurs.

Since February 2005, 223 homeless encampments have been investigated by Streets to Homes in 27 different wards (2, 5, 6, 7, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 32, 34, 36, 44). In 79% of the cases, the needs of the homeless individuals were met and the encampment was vacated without by-law enforcement. Supports continue to be provided even in situations where by-law enforcement is required. The Protocol demonstrates that in most instances an intensive social service response is an effective tool for addressing an issue rather than immediately implementing an enforcement response.

Further evidence of an effective social service response rather than an enforcement response can be found in the work of Streets to Homes at Nathan Phillips Square. Before Streets to Homes it was not uncommon for more than 90 homeless people to be sleeping on the Square nightly. Presently there are around a dozen people sleeping on the Square nightly. This reduction has been achieved through a social service response, not an

enforcement response. Facilities and Real Estate staff advise that they have not needed to enforce the Nathan Phillips Square by-law with respect to persons sleeping at the square since it was approved in February 2005.

b. **Pilot Project to Assess and Address the Needs of Passive Panhandlers**

As previously noted, some individuals who are housed and passively panhandle do so for economic reasons. The cost of their housing may be excessive relative to their income, and this limits their ability to access food or other basic needs. They may also passively panhandle to support drug and/or alcohol addictions. City staff may be able to help them access resources that address their needs. This may include assistance finding housing that is more affordable; locating community food programs; connecting to other activities that decrease social isolation or reconnect with employment, training, education or needed health services; or help navigating available social assistance benefits.

This report, therefore, recommends that a pilot project be launched from July 3 until September 17, 2007 in the area bounded by Spadina in the west, Jarvis in the east, Dundas to the north and Queens Quay to the south to test a new model of providing supports to individuals who are housed and passively panhandling. Just as Streets to Homes has demonstrated that a social service response can resolve homeless encampments without enforcement, the purpose of this pilot would be to see if passive panhandling can be reduced with an intensive social service response.

As a compassionate city, Toronto can provide assistance that is more appropriate than punishing people for their poverty and need.

c. **Public Education**

There is an opportunity to address the perception that all panhandlers are homeless, and to help citizens and visitors understand the plight of poor people struggling to make ends meet. There is an opportunity to highlight the work the City and its community partners are doing to end street homelessness. There is also an opportunity to share educational tools and strategies that business owners and their employees, members of the general public and others can use to address panhandling without requiring enforcement. To this end, staff will be developing and implementing a program to inform the general public, businesses, tourists and visitors to the City about the work the City is doing to end street homelessness and the differences between homelessness and panhandling.

People provide money to passive panhandlers by personal choice out of a sense of compassion. The contributor is sometimes unaware of the network of services available to marginally housed, low-income and

homeless people throughout the City. Staff will be exploring ways in which people may contribute funding to assist marginally housed, low-income and homeless people without giving money directly to passive panhandlers. This could include such things as collection boxes in business establishments; online donations through the City website; and/or other approaches that seem viable after research and consultation. Funds collected through any of these approaches will be reinvested into addressing the needs of people who are homeless on the street and passive panhandlers.

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SIGNATURE

Shirley Hoy
City Manager

Anna Kinastowski
City Solicitor

ATTACHMENT

Appendix A - Interdepartmental Protocol for Homeless People Camping in Public Spaces

Appendix A

City Of Toronto Interdepartmental Service Protocol For
Homeless People Camping In Public Spaces

This document sets out the interdepartmental protocol intended to guide City staff in providing outreach services to homeless individuals camping outside in public spaces to assist them access permanent solutions, prior to the enforcement of City by-laws which may cause their displacement and the removal of their belongings.

Outreach Services to Assist Homeless People in Public Places: Overview and Goals:

The goal of the City outreach initiative is to assist and encourage people currently camping in public spaces to access safer and healthier alternatives to living outside, including housing, support services and shelter. The initiative also seeks to balance the need to provide appropriate supports to vulnerable individuals camping in public spaces with the civic responsibility of maintaining the use of public spaces for public use.

The outreach initiative to homeless persons provides a more intensive, proactive and coordinated effort among City departments. Outreach efforts to the homeless also include connecting and co-ordinating the activities of relevant community and government agencies to access a mix of supports and resources, streamline access to services, and avoid duplication of effort.

The outreach initiative provides the co-ordination and delivery of human services prior to any enforcement activities related to public spaces, such as removal of unauthorized structures, personal goods and debris. In many circumstances it is anticipated that given the appropriate outreach and supports over time, individuals will be assisted in securing better alternatives than sleeping outside and will voluntarily vacate public spaces making enforcement unnecessary.

To respond to the needs of homeless individuals, the outreach initiative is delivered on a case-by-case basis and focused on a site-by-site approach. Staff efforts will focus on larger sites where more people are in need of assistance, where there are encampments, and where there are safety concerns. Staff efforts will also seek to address the needs of single individuals camped in parks, public transit shelters and city streets.

City Service Principles:

The following five principles guide the initiative:

(1) The City is committed to working with homeless individuals living outside to respond to their individual needs on a case-by-case basis by assisting them access services and supports, including permanent housing.

(2) The City will use a co-ordinated approach between City departments in responding to the needs and issues related to homeless people camping outside. Activities will also be co-ordinated with community agencies to access a mix of supports and resources, streamline access to services, and avoid duplication of effort.

(3) The City will engage in ongoing proactive communication with homeless individuals, the public, service providers, community agencies and other groups to assist in the successful implementation of the protocol.

(4) The City priority is to assist homeless people access safer, sustainable, and healthier alternatives than living outside, not enforcement. Enforcement will occur after all support efforts have been attempted without success, provided that the individual has been notified that he or she is required to vacate a public space. In the event of exceptional circumstances, however, intervention may be required to address immediate public safety concerns.

(5) The City acknowledges that homeless individuals cannot be forced to accept services and supports. However, the refusal of an individual to accept services and supports is not sufficient reason to prevent the enforcement of City by-laws prohibiting camping in public places and erecting structures.

Program Delivery:

The outreach initiative provides intense street outreach supports to homeless people and, only when necessary, enforcement and removal activities.

City departments involved in human service programming such as Shelter, Housing and Support, Social Services and Public will participate in the outreach initiative, with SHS having the lead role. As part of this process the initiative will focus and prioritize the provision of human services including street outreach, drop-ins, shelters, income support, housing access, and related support services.

City departments with enforcement responsibilities include Works and Emergency Services, Parks and Recreation, and Facilities and Real Estate. Enforcement activities will depend upon the success of outreach activities, the need for such services, the location of the site, and the department responsible.

Focused Outreach:

(1) The City will be proactive in responding to the needs of homeless people living outside. Locations where outreach services are needed will be identified by Shelter, Housing and Support, Works and Emergency Services, Parks and Recreation and other City departments and agencies.

(2) The Shelter, Housing and Support Division will co-ordinate the delivery of outreach services and conduct needs assessments of individuals who are sleeping outside at specific sites. The needs assessment will include identification of community agencies working with the individual or who should be requested to assist.

(3) Each individual will be offered assistance, as required, to access health, mental health, addiction and family reunification services, income support, housing and supportive housing options, and shelter and outreach services.

(4) Through the work of Shelter, Housing and Support staff and other community support agencies, homeless individuals will be offered personal, timed and regular street outreach to assist in moving from living outside and securing better alternatives in advance of any enforcement activities.

Notification and Enforcement of Public Space:

(1) Shelter, Housing and Support will coordinate efforts to provide services for homeless people provided by community agencies and other City departments, including Public Health and Social Services and will work closely with Works and Emergency Services, Parks and Recreation, Facilities and Real Estate and other departments to ensure that the timing of enforcement activities does not conflict with the outreach efforts.

(2) Works and Emergency Services, Parks and Recreation, Facilities and Real Estate and other City departments and agencies are responsible for providing notice to individuals that camping is to be discontinued and that personal goods, debris and structures are to be cleared from a public space or right of way.

(3) Notices will be given to individuals in advance. The timing of issuing notices will be determined in consultation with Shelter, Housing and Support staff. Formal enforcement notices will provide relevant and clear communication to the individual. In addition, site specific information notices for each location will be attached to provide a list of resources to provide individuals with information regarding access to housing, support services and shelter in the area.

(4) When public space enforcement activities are initiated by a City department. Shelter, Housing and Support outreach staff will at all times accompany enforcement officers to continue providing supports to individuals who up to that point had not accepted outreach services.

(5) Where deemed necessary, by-law enforcement officers will co-ordinate activities with the Toronto Police Service to maintain the safety of staff and individuals still at the site.

TORONTO

STAFF REPORT
ACTION REQUIRED

Strategies to Address Panhandling Within Specified Areas of the City

Date:	May 14, 2007
To:	Executive Committee
From:	City Manager and City Solicitor
Wards:	All
Reference Number:	

SUMMARY

This report examines the authority of the City to enact and enforce a by-law to prohibit panhandling within specified areas of the City. The report proposes the formal documentation of identified concerns related to panhandling. The report also outlines the difference between panhandling and homelessness together with alternate responses to address passive panhandling.

RECOMMENDATIONS

In response to complaints about the negative impact of panhandling on specific tourist destinations and recognizing the City authorities to enact and enforce a by-law to prohibit panhandling, the City Manager and the City Solicitor propose two parallel initiatives and recommend:

1. the General Manager, Shelter, Support and Housing Administration, conduct a pilot project from July 3 until September 17, 2007 in the area bounded by Spadina, Dundas, Jarvis and Queens Quay in order to:

    a. engage passive panhandlers who are housed and work to assess and address their needs including assistance accessing services to help address their poverty and health issues;

    b. document the characteristics and needs of the passive panhandlers encountered; and

c. inform business owners and their employees, members of the general public and others on ways to address panhandling without requiring enforcement;

2. the General Manager, Economic Development, Culture and Tourism, be directed to engage with the Toronto Association of Business Improvement Areas (TABIA), Toronto Entertainment District Association (TEDA), and other associations and operators of major attractions in order to determine the extent to which panhandling has impacted their business including documenting financial impacts, loss of repeat customers and other indicators relevant to the impact that panhandling has on the economic well being of the City and to develop strategies to mitigate any identified impact;

3. the Police Services Board be requested to provide Council with an assessment of their experience in enforcing the *Safe Streets Act*, including effectiveness in addressing aggressive panhandling; and

4. the City Manager report back to Executive Committee in the spring of 2008 on the results of the pilot in recommendation 1.

Financial Impact

There are no financial implications as a result of this report.

ISSUE BACKGROUND

At its meeting of January 24, 2007, the Economic Development Committee had before it a communication from Councillor Ootes recommending that appropriate staff report "on how the City of Toronto, working with the Toronto Police Service, can implement and enforce a by-law that would prohibit panhandling within the officially designated tourist areas." This recommendation was referred to the City Solicitor for a report to the appropriate standing committee. An electronic copy of the communication from Councillor Ootes can be found at:

http://www.toronto.ca/legdocs/mmis/2007/ed/bgrd/backgroundfile-635.pdf

The City Solicitor has previously submitted a report dated September 6, 2006 to the Policy and Finance Committee which addresses various issues relating to panhandling. An electronic copy of the report can be found at:

http://www.toronto.ca/legdocs/2006/agendas/committees/pof/pof060918/it040.pdf

Due to the broad policy matters addressed, this report is provided by the City Manager and the City Solicitor in consultation with the Police Chief, General Manager of Economic Development, Culture & Tourism and General Manager, Shelter, Support and Housing Administration.

COMMENTS

In this report, "panhandling" refers to the act of soliciting something of value, including money, whether or not goods or services are offered in exchange.

The first section of this report identifies the legal considerations should Council wish to implement and enforce a municipal by-law that would prohibit panhandling within officially designated tourist areas. The second section proposes the formal documentation of identified concerns related to panhandling. The third section of the report identifies specific initiatives to address passive panhandling that do not involve new enforcement mechanisms.

1. **City Authorities to Enact and Enforce a By-law to Prohibit Panhandling**

a. **Authority of the City to Enact a By-law Relating to Panhandling**

The City's broad powers under the *City of Toronto Act, 2006* to enact by-laws relating to the "economic, social and environmental well-being of the City", the "health, safety and well-being of persons" or the "protection of persons and property" may provide authority to enact by-laws relating to panhandling and associated behaviours.

In order to rely on one of the previously mentioned powers, the City must demonstrate that there is a connection between the activity sought to be regulated or prohibited and the power on which it relies. For example, if the City wished to regulate or prohibit panhandling on the basis of its authority to enact by-laws for the "economic, social and environmental well-being of the City", the City would have to demonstrate that any limitations it imposes on panhandling enhance the economic, social or environmental well-being of the City.

As well, it should be noted that different powers will authorize different types of restrictions on panhandling. For example, the City would have difficulty relying on its powers in respect of the "health, safety and well-being of persons" to address passive panhandling as it would be difficult to demonstrate that passive panhandling affects the health, safety and well-being of persons. However, this power may provide sufficient authority to address panhandling that is conducted in an aggressive or intimidating manner.

b. **Charter Considerations**

In addition to ensuring that it has statutory authority to enact a by-law relating to panhandling, the City would have to ensure that any such by-law did not infringe rights guaranteed under the Charter.

The recent decision of the Ontario Court of Appeal in *R.* v. *Banks*, involving a challenge to the *Safe Streets Act, 1999* (the "SSA") is informative in this regard. Broadly speaking, the SSA prohibits panhandling in an aggressive manner or to certain "captive audiences" such as persons in cars. In *Banks*, the Court upheld a section of the SSA which prohibits a person on a roadway from soliciting a person who is in a stopped, standing or parked vehicle. In its decision, the Court found that begging is expressive conduct which conveys meaning relating to a person's impoverished condition and need for assistance and as such is protected by the Charter's guarantee of freedom of expression. The Court also found that although begging is protected under the Charter's guarantee of freedom of expression, a government could enact legislation that has an incidental impact on begging if the legislation had another purpose which was sufficiently important to warrant overriding one's freedom of expression and if the legislation's effect on begging had a minimal impact on freedom of expression.

The findings of the Court outlined above suggest that any attempt by the City to simply prohibit panhandling would not survive a challenge based on the Charter. However, restrictions on panhandling may be upheld if it can be demonstrated that the legislation in question is not enacted for the purpose of preventing people from conveying information about their impoverished condition but instead, the restrictions are aimed at another important governmental objective.

c. Restrictions on the Time and Location of Panhandling

In light of the current case law, it would appear that broad restrictions on panhandling based on time and location are unlikely to be upheld. Broad restrictions are more likely to be construed by the courts as an attempt to legislate against panhandling itself, which is beyond the scope of authority of the City. Indeed, due to the impact of the Charter, it is unlikely that any order of government would have authority to legislate against panhandling itself.

Various courts have found that expressive behaviour such as panhandling may be limited in public places if the restrictions are aimed at forms of expression which are inconsistent with the principal function or intended use of a place. Thus, any by-law limiting panhandling in public places will ultimately involve a consideration of the use of a place and a balancing of the rights of panhandlers with the rights of other users of the place in question.

There have been cases where municipal or provincial restrictions on the location of panhandling have been upheld. In those cases, the courts have

clearly been influenced by the fact that the restrictions were framed narrowly and were found to be enacted for valid municipal or provincial purposes such as the maintenance of public safety or ensuring the efficient and safe use of public sidewalks.

For example, a Vancouver by-law relating to this matter has been challenged and upheld. Vancouver's by-law prohibits soliciting "in a manner which causes an obstruction and also includes geographic restrictions similar to those found in the Province of Ontario's *Safe Streets Act*. The Court's decision to uphold the by-law was based on its findings that a) Vancouver was entitled to pass by-laws to ensure the safe and efficient use of its roads and sidewalks, b) the by-law did not cover all types of panhandling (passive panhandling was excluded), and c) the by-law did not limit the expressive content of panhandling but instead was directed at the negative consequences of certain forms of panhandling, such as obstructive or threatening panhandling.

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Based on the above, it appears that it may be possible for the City to enact a by-law which imposed some limited restrictions on the time and location of panhandling. The ability of the City to defend such a by-law, should it be challenged, would depend on the strength of the evidentiary basis put forward by the City in support of the by-law. For example, if the City wished to enact a by-law restricting panhandling in areas frequented by tourists based on the "economic, social and environmental well-being of the City" sphere of jurisdiction, the City would need to present clear evidence that panhandling in such areas has a negative impact on the City's economic, social or environmental well-being as well as evidence that the restrictions imposed by the by-law were aimed at reducing that negative impact. In addition, the City will be required to demonstrate that restrictions on panhandling based on time and location are as limited as reasonably possible in light of the City's objectives in passing the by-law.

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The City does not have any specific authority to designate tourist areas. The City may be able to rely on several of its powers in order to designate tourist areas depending on the purpose underlying the designation. Because the City does not have authority to simply regulate or prohibit

panhandling, it would not be able to designate an area as a tourist area for the sole purpose of regulating or prohibiting panhandling within that area.

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Currently, the issue of the obstruction of streets and sidewalks is addressed in by-laws of the former municipalities. Each of these by-laws contains different language and is therefore, subject to varying interpretation. The process of harmonizing these by-laws is currently underway, and the General Manager, Transportation Services, will bring forward the harmonized by-laws to Council for consideration in the fall of 2007.

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The City can enforce its by-laws in various ways including, for example, the creation of offences and the charging of fines. The City does not have authority to enforce its by-laws in a way that "affects one's person," such as arrest, detention or use of force. With limited exceptions, it is the police that have authority to take action that affects one's person. It is important to recognize that the police, in enforcing municipal by-laws, have no greater authority than the City's own enforcement staff which means that they too cannot arrest, detain or use force as a way of enforcing the by-laws. Accordingly, if the police wish to arrest, detain or use force against a person who has violated a municipal by-law, the authority to do so must be found in other legislation or the common law rather than in municipal by-laws.

Summary of Legal Considerations:

The City does not have authority to enact a by-law solely for the purpose of prohibiting or regulating panhandling. The City may be able to pass by-laws which impose some restrictions on panhandling if the City can establish that the by-laws are enacted in furtherance of an important municipal objective. These restrictions could include restrictions on the time, place and manner in which panhandling is conducted. Any restrictions would have to be carefully framed to ensure that Charter rights are not unduly affected. As well, the City should be able to provide clear evidence to establish that any infringement of Charter rights is minimal and necessary to promote valid City objectives. Enforcement of any by-law affecting panhandling would not involve arrest, detention or use of force regardless of whether the by-law was enforced by City staff or the police.

2. Documenting Impacts of Panhandling

As noted in Section 1 of this report, the *City of Toronto Act 2006* provides the City with broad powers to enact by-laws relating to the "economic, social and environmental well being of the City", the "health, safety and well-being of persons" or the "protection of persons and property". In order to rely on one of these powers to enact a by-law relating to panhandling and associated behaviours the City must demonstrate that there is a connection between the activity sought to be regulated or prohibited and the power on which it relies.

While the City has received numerous complaints from business associations, entertainment establishments and other major attractions related to panhandling, these complaints are often anecdotal and have not been tracked in any systematic way. Also, to date there has not been purposeful consultation with the business and entertainment community to document the ways in which panhandling has impacted them financially, or to discuss strategies to mitigate any negative impact.

Formal documentation of the impact of panhandling is essential if any by-law related to panhandling is to be considered in the future. At the present time, there is little evidence that could be relied upon if a by-law regulating or prohibiting panhandling was challenged to show that panhandling impacts the economic, social and environmental well being of the City, the health, safety and well-being of persons, or that panhandling impacts the protection of persons or property. The absence of such information means the City would be susceptible to legitimate challenges should it enact a by-law to regulate or prohibit panhandling.

It is because of the absence of this documented information that it is recommended that the General Manager, Economic Development, Culture and Tourism, be directed to engage with TABIA, TEDA and other associations and

operators of major attractions in order to determine the extent to which panhandling has impacted their business including documenting financial impacts, loss of repeat customers and other indicators relevant for the purpose of assessing the impact panhandling has on the economic well being of the City. Once the City has such information, the City will be able to determine whether it is appropriate and defensible to enact a by-law to restrict panhandling.

3. Social Service Strategies to Address Passive Panhandling

"Panhandling" refers to soliciting something of value, including money. It is begging, and occurs for a number of reasons. People who are housed may beg because they do not have enough money to bridge the gap between other sources of income, such as social assistance, and the cost of daily living. People who are homeless may beg to scrounge together enough money to rent a private room for a night to get off the street. People may beg because they are hungry. People may beg to be able to support loved ones. People may beg to support drug and/or alcohol addictions. This list is by no means exhaustive, but demonstrates the range of reasons why an individual may choose to panhandle.

Panhandling is often confused with homelessness. Phone calls and emails to City staff from the general public, the business community and tourists alert City staff to panhandlers who are thought to be homeless. When street outreach workers investigate, frequently the person panhandling is housed. Even some individuals with signs indicating they are homeless turn out to be housed. The findings of the April 2006 Street Needs Assessment show that fewer than one in five homeless people panhandle.

The confusion between panhandling and homelessness can result in a belief that the City is not doing enough to address homelessness – when homelessness really is not the issue. The issue is poverty and, in some cases, addiction(s).

As noted in the previous section, a distinction is made between passive and aggressive panhandling. People give money to aggressive panhandlers often out of fear for their personal safety. Aggressive panhandling is a police matter and the purview of the *Safe Streets Act.* This report recommends that the Police Services Board be requested to provide Council with an assessment of their experience in enforcing the *Safe Streets Act*, including effectiveness in addressing aggressive panhandling.

Toronto is a major urban centre that believes strongly in social inclusion, and as such needs to invest additional time and energy to assist those individuals whose poverty and/or addiction(s) drive them to begging on the street. The time has come to consider strategies to assess and address the needs of passive panhandlers who are housed. If the panhandler is homeless, there exists a response - Streets to Homes - to assist with ending their homelessness and moving into housing.

However, more can be done to better understand and test service responses to assist passive panhandlers who are housed.

a. **Current Strategy to Assist Homeless People Living Outdoors: Streets to Homes**

Streets to Homes and its partnering non-profit street outreach providers currently have neither the mandate nor the resources to address the needs of panhandlers who are housed. These organizations are very effective at housing people who are homeless and living outdoors. In just over two years the Streets to Homes strategy has assisted over 1,000 homeless people in moving directly from the street into homes. 87% of those housed remain housed.

Streets to Homes has also proven that an intensive social service response is an effective alternative to enforcement activities in many cases. For example, Streets to Homes has been effective in addressing homeless encampments without the use of enforcement. Streets to Homes coordinates the implementation of the Council approved "Interdepartmental Protocol for Homeless People Camping in Public Spaces", a copy of which is attached as Appendix A. The Protocol outlines how City Divisions work co-operatively to achieve positive outcomes for homeless persons living in encampments in the event of a potential enforcement activity on the part of Transportation, Parks, Forestry and Recreation or Facilities and Real Estate. The Protocol stipulates that Shelter, Support and Housing Administration staff conduct a needs assessment of the individuals camping at each location and exhaust all service options before a decision to exercise by-law enforcement powers occurs.

Since February 2005, 223 homeless encampments have been investigated by Streets to Homes in 27 different wards (2, 5, 6, 7, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 32, 34, 36, 44). In 79% of the cases, the needs of the homeless individuals were met and the encampment was vacated without by-law enforcement. Supports continue to be provided even in situations where by-law enforcement is required. The Protocol demonstrates that in most instances an intensive social service response is an effective tool for addressing an issue rather than immediately implementing an enforcement response.

Further evidence of an effective social service response rather than an enforcement response can be found in the work of Streets to Homes at Nathan Phillips Square. Before Streets to Homes it was not uncommon for more than 90 homeless people to be sleeping on the Square nightly. Presently there are around a dozen people sleeping on the Square nightly. This reduction has been achieved through a social service response, not an

enforcement response. Facilities and Real Estate staff advise that they have not needed to enforce the Nathan Phillips Square by-law with respect to persons sleeping at the square since it was approved in February 2005.

b. **Pilot Project to Assess and Address the Needs of Passive Panhandlers**

As previously noted, some individuals who are housed and passively panhandle do so for economic reasons. The cost of their housing may be excessive relative to their income, and this limits their ability to access food or other basic needs. They may also passively panhandle to support drug and/or alcohol addictions. City staff may be able to help them access resources that address their needs. This may include assistance finding housing that is more affordable; locating community food programs; connecting to other activities that decrease social isolation or reconnect with employment, training, education or needed health services; or help navigating available social assistance benefits.

This report, therefore, recommends that a pilot project be launched from July 3 until September 17, 2007 in the area bounded by Spadina in the west, Jarvis in the east, Dundas to the north and Queens Quay to the south to test a new model of providing supports to individuals who are housed and passively panhandling. Just as Streets to Homes has demonstrated that a social service response can resolve homeless encampments without enforcement, the purpose of this pilot would be to see if passive panhandling can be reduced with an intensive social service response.

As a compassionate city, Toronto can provide assistance that is more appropriate than punishing people for their poverty and need.

c. **Public Education**

There is an opportunity to address the perception that all panhandlers are homeless, and to help citizens and visitors understand the plight of poor people struggling to make ends meet. There is an opportunity to highlight the work the City and its community partners are doing to end street homelessness. There is also an opportunity to share educational tools and strategies that business owners and their employees, members of the general public and others can use to address panhandling without requiring enforcement. To this end, staff will be developing and implementing a program to inform the general public, businesses, tourists and visitors to the City about the work the City is doing to end street homelessness and the differences between homelessness and panhandling.

People provide money to passive panhandlers by personal choice out of a sense of compassion. The contributor is sometimes unaware of the network of services available to marginally housed, low-income and

homeless people throughout the City. Staff will be exploring ways in which people may contribute funding to assist marginally housed, low-income and homeless people without giving money directly to passive panhandlers. This could include such things as collection boxes in business establishments; online donations through the City website; and/or other approaches that seem viable after research and consultation. Funds collected through any of these approaches will be reinvested into addressing the needs of people who are homeless on the street and passive panhandlers.

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SIGNATURE

Shirley Hoy
City Manager

Anna Kinastowski
City Solicitor

ATTACHMENT

Appendix A - Interdepartmental Protocol for Homeless People Camping in Public Spaces

Appendix A

City Of Toronto Interdepartmental Service Protocol For
Homeless People Camping In Public Spaces

This document sets out the interdepartmental protocol intended to guide City staff in providing outreach services to homeless individuals camping outside in public spaces to assist them access permanent solutions, prior to the enforcement of City by-laws which may cause their displacement and the removal of their belongings.

Outreach Services to Assist Homeless People in Public Places: Overview and Goals:

The goal of the City outreach initiative is to assist and encourage people currently camping in public spaces to access safer and healthier alternatives to living outside, including housing, support services and shelter. The initiative also seeks to balance the need to provide appropriate supports to vulnerable individuals camping in public spaces with the civic responsibility of maintaining the use of public spaces for public use.

The outreach initiative to homeless persons provides a more intensive, proactive and coordinated effort among City departments. Outreach efforts to the homeless also include connecting and co-ordinating the activities of relevant community and government agencies to access a mix of supports and resources, streamline access to services, and avoid duplication of effort.

The outreach initiative provides the co-ordination and delivery of human services prior to any enforcement activities related to public spaces, such as removal of unauthorized structures, personal goods and debris. In many circumstances it is anticipated that given the appropriate outreach and supports over time, individuals will be assisted in securing better alternatives than sleeping outside and will voluntarily vacate public spaces making enforcement unnecessary.

To respond to the needs of homeless individuals, the outreach initiative is delivered on a case-by-case basis and focused on a site-by-site approach. Staff efforts will focus on larger sites where more people are in need of assistance, where there are encampments, and where there are safety concerns. Staff efforts will also seek to address the needs of single individuals camped in parks, public transit shelters and city streets.

City Service Principles:

The following five principles guide the initiative:

(1) The City is committed to working with homeless individuals living outside to respond to their individual needs on a case-by-case basis by assisting them access services and supports, including permanent housing.

(2) The City will use a co-ordinated approach between City departments in responding to the needs and issues related to homeless people camping outside. Activities will also be co-ordinated with community agencies to access a mix of supports and resources, streamline access to services, and avoid duplication of effort.

(3) The City will engage in ongoing proactive communication with homeless individuals, the public, service providers, community agencies and other groups to assist in the successful implementation of the protocol.

(4) The City priority is to assist homeless people access safer, sustainable, and healthier alternatives than living outside, not enforcement. Enforcement will occur after all support efforts have been attempted without success, provided that the individual has been notified that he or she is required to vacate a public space. In the event of exceptional circumstances, however, intervention may be required to address immediate public safety concerns.

(5) The City acknowledges that homeless individuals cannot be forced to accept services and supports. However, the refusal of an individual to accept services and supports is not sufficient reason to prevent the enforcement of City by-laws prohibiting camping in public places and erecting structures.

Program Delivery:

The outreach initiative provides intense street outreach supports to homeless people and, only when necessary, enforcement and removal activities.

City departments involved in human service programming such as Shelter, Housing and Support, Social Services and Public will participate in the outreach initiative, with SHS having the lead role. As part of this process the initiative will focus and prioritize the provision of human services including street outreach, drop-ins, shelters, income support, housing access, and related support services.

City departments with enforcement responsibilities include Works and Emergency Services, Parks and Recreation, and Facilities and Real Estate. Enforcement activities will depend upon the success of outreach activities, the need for such services, the location of the site, and the department responsible.

Focused Outreach:

(1) The City will be proactive in responding to the needs of homeless people living outside. Locations where outreach services are needed will be identified by Shelter, Housing and Support, Works and Emergency Services, Parks and Recreation and other City departments and agencies.

(2) The Shelter, Housing and Support Division will co-ordinate the delivery of outreach services and conduct needs assessments of individuals who are sleeping outside at specific sites. The needs assessment will include identification of community agencies working with the individual or who should be requested to assist.

(3) Each individual will be offered assistance, as required, to access health, mental health, addiction and family reunification services, income support, housing and supportive housing options, and shelter and outreach services.

(4) Through the work of Shelter, Housing and Support staff and other community support agencies, homeless individuals will be offered personal, timed and regular street outreach to assist in moving from living outside and securing better alternatives in advance of any enforcement activities.

Notification and Enforcement of Public Space:

(1) Shelter, Housing and Support will coordinate efforts to provide services for homeless people provided by community agencies and other City departments, including Public Health and Social Services and will work closely with Works and Emergency Services, Parks and Recreation, Facilities and Real Estate and other departments to ensure that the timing of enforcement activities does not conflict with the outreach efforts.

(2) Works and Emergency Services, Parks and Recreation, Facilities and Real Estate and other City departments and agencies are responsible for providing notice to individuals that camping is to be discontinued and that personal goods, debris and structures are to be cleared from a public space or right of way.

(3) Notices will be given to individuals in advance. The timing of issuing notices will be determined in consultation with Shelter, Housing and Support staff. Formal enforcement notices will provide relevant and clear communication to the individual. In addition, site specific information notices for each location will be attached to provide a list of resources to provide individuals with information regarding access to housing, support services and shelter in the area.

(4) When public space enforcement activities are initiated by a City department. Shelter, Housing and Support outreach staff will at all times accompany enforcement officers to continue providing supports to individuals who up to that point had not accepted outreach services.

(5) Where deemed necessary, by-law enforcement officers will co-ordinate activities with the Toronto Police Service to maintain the safety of staff and individuals still at the site.

Appendix A
Streets to Homes Post-Occupancy Survey Summary

A Post-Occupancy survey was conducted from November 2006 through April 2007 by interviewing a representative sample of 88 clients housed through the Streets to Homes program. During the interviews, clients were asked for their feedback on the housing process, the follow-up services they receive, service use and service needs, changes in their qualify of life, and any recommendations for improvements to the program that they would suggest.

Key findings from the survey include:

- People are happy with their housing. A large majority, 88 per cent, said they were mostly or very satisfied with their housing. Most people spoke about the improved stability, sense of security and privacy and an overall improved mental outlook since they moved into housing.

- Housing changes lives. Overall, 91 per cent said their life had improved since moving into housing.

- Qualify of life improves. Individuals reported improvements in nearly all quality of life indicators: 70 per cent said their health had improved, 72 per cent reported improved personal security, 69 per cent said sleeping had improved, 65 per cent said their eating had improved, 60 per cent said their level of stress had improved, and 57 per cent said their mental health had improved.

- Alcohol and other drug use was reduced once in housing. Of those who use alcohol, 17 per cent said they had quit drinking since moving into housing, while 32 per cent said they were drinking less. Of those who said they used other drugs, 31 per cent said they had quit using drugs completely, and 42 per cent had decreased their use.

- Panhandling decreases once housed. Fifty four per cent of people surveyed panhandled when homeless, but only 23% reported panhandling once housed. Only 9% of those who reported panhandling while homeless said they continued to panhandle the same amount while in housing, and nobody panhandled more once housed.

- People use fewer expensive emergency health resources once in housing. There was a 38 per cent reduction in ambulance use, 40 per cent decrease in emergency room use, and 25 per cent reduction in individuals requiring a hospital stay. Individuals were now making use of routine medical services more frequently once in housing, including a 32 per cent increase in use of family doctors and 71 per cent increase in use of psychiatrists.

- The number of emergency services individuals used also decreased dramatically once in housing, including a 75 per cent decrease in the number of individuals using police detox ("drunk tank"), a 56 per cent decrease in the number of individuals arrested, and a 68 per cent reduction in those experiencing jail detention.

- When asked what service provided by their follow-up worker they found most valuable, people most frequently said that their worker helped them to discuss options and make decisions. Other common responses included providing information about other services and resources, advocating with social services or landlords, help with appointments and transportation, help finding new housing and help completing paperwork.

While the survey findings show that clients have made significant improvements in almost all areas, they also face difficult challenges. Adjusting to living indoors and the responsibilities of maintaining housing can be stressful. However, despite all these difficulties, people want to stay housed and know that, despite thinking about leaving, they are better off in their housing than they were on the street. Although many people expressed frustration or dissatisfaction with aspects of their situation, such as problems with roommates or struggling to get by on very limited income, many also expressed a sense of optimism and hope for the future that they had not felt when living on the street; 82 per cent said their outlook about their future was more positive. Many people spoke about having higher self-esteem, being able to set goals for themselves, looking for a volunteer position, and beginning to plan a return to school or work.

TORONTO

STAFF REPORT
Action Required

Enhancing Streets to Homes Service to Address the Needs of People Who Are Street Involved, Including Those Who Panhandle

Date:	April 21, 2008
To:	Executive Committee
From:	General Manager, Shelter, Support and Housing Administration
Wards:	All
Reference Number:	

SUMMARY

This report recommends enhancing the successful Streets to Homes service in order to address the needs of people who are street involved, including those who panhandle. "Street involved" includes people who are homeless and living outdoors, people who stay in shelters at night but spend large amounts of their day on the street, and people who are housed and panhandling legally. The proposed enhanced street outreach service will also allow for the ability to meet the special needs of youth. In so doing, this report responds to the direction provided by Executive Committee in 2007 to pilot a social service response for people who are housed and panhandling in a legal manner and report on the experience; report on a consultation with Business Improvement Areas, Residents' and Ratepayers' Associations and operators of major attractions; report on specific methods used in other Canadian cities to curb panhandling and report on aggressive panhandling.

RECOMMENDATIONS:

The General Manager, Shelter, Support and Housing Administration, recommends that:

1. an enhanced Streets to Homes service be used to assist people who panhandle or are otherwise street involved to access services, housing and, where possible, employment in relation to their needs;

2. Business Improvement Areas, Hotel Associations and similar groups be requested to create employment opportunities for people who were previously panhandling

or otherwise street involved and are now accessing additional services in relation to their needs;

3. one point of contact be established, such as a phone number, that all businesses, major attractions, residents, visitors, commuters and social service providers in the City can access when requesting Streets to Homes services to assist people who panhandle and other street involved persons, such point of contact to be staffed seven days a week;

4. the 2008 Operating Budget for Shelter, Support and Housing Administration be increased by $2.577 million gross, offset by a draw of $2.577 million from the Social Housing Stabilization Reserve Fund to enhance the Streets to Homes program;

5. funding for 2009 and subsequent years be included in the Program Operating Budget Submission for Shelter, Support and Housing Administration for consideration as part of the 2009 Operating Budget Process;

6. other orders of government and the business community be requested to cost-share funding in 2009 and beyond; and any such cost-sharing achieved to be included in future Divisional Operating Budget Submissions for Shelter, Support and Housing Administration; and

7. for panhandling that is illegal, the Province be requested to consider a Diversion Court or other alternative judicial response for panhandling offences to achieve community service and community benefits rather than levying people with fines that they are frequently unable to pay.

FINANCIAL IMPACT

Approval of the recommendations in this report will result in an increase of $2.577 million in the 2008 gross budget for the Streets to Homes program. The uncommitted balance in the Social Housing Stabilization Reserve Fund is $5.734 million. This report recommends that the enhancement be funded from the reserve fund leaving an uncommitted projected year-end balance of $3.157 million. The service enhancement includes an increase in the approved staff complement in the Street to Homes program of 48.1 temporary FTEs, dedicated to addressing the needs of people who panhandle and other street involved persons. This staff increment provides for the proposed enhanced service as summarized on page 20 of the report, including the addition of a third seasonal shift in summer 2009. In 2009, the ongoing operating costs of the enhancement total $4.973 million.

Any cost-sharing achieved through negotiation with other orders of government and the business community will be included in the future Operating Budget Submissions for Shelter, Support and Housing Administration.

Street to Homes Service for Street Involved People Including Panhandlers ($000's)					
	2008			2009	
	Base	Enhanced	Total Program	Enhanced	Total Program
Expenditures					
Salaries	2,124.2	1,689.2	3,813.4	3,622.7	5,746.9
Other Programming	193.3	887.5	1,080.8	1,350.0	1,543.3
Total Gross Expenditures	**2,317.5**	**2,576.7**	**4,894.2**	**4,972.7**	**7,290.2**
Revenues					
CHPP funding*	220.3		220.3		220.3
Social Housing Reserve Fund	0.0	2,576.7	2,576.7		0.0
Total Revenues	**220.3**	**2,576.7**	**2,797.0**	**0.0**	**220.3**
Net Expenditures	**2,097.2**	**0.0**	**2,097.2**	****4,972.7**	**7,069.9**

*Consolidated Homelessness Prevention Program (CHPP), Provincial Funding
**Net expenditure required in 2009 if cost-sharing from other orders of government and business is not achieved

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

The City Solicitor submitted a report dated September 6, 2006 to the Policy and Finance Committee which addressed various legal issues relating to panhandling. An electronic copy of the report can be found at:

http://www.toronto.ca/legdocs/2006/agendas/committees/pof/pof060918/it040.pdf

At its meeting of January 24, 2007, the Economic Development Committee considered a communication from Councillor Ootes in which he recommended that appropriate staff report "on how the City of Toronto, working with the Toronto Police Service, can implement and enforce a by-law that would prohibit panhandling within the officially designated tourist areas". This recommendation was referred to the City Solicitor for a report to the appropriate standing committee. An electronic copy of the communication from Councillor Ootes can be found at:

http://www.toronto.ca/legdocs/mmis/2007/ed/bgrd/backgroundfile-635.pdf

At its meeting of May 28, 2007, the Executive Committee considered a staff report from the City Manager and City Solicitor which addressed the requests for a by-law stemming

from the communication made to the Economic Development Committee from Councillor Ootes. Executive Committee did not recommend that a by-law be developed. Instead, Executive Committee directed that a social service response be piloted to address panhandling that occurs legally; that Business Improvement Areas, Residents' and Ratepayers' Associations and operators of major attractions be consulted to develop a "holistic approach to address panhandling that addresses the concerns of business while maintaining the rights and dignities of the urban poor"; that research be conducted on specific methods used in other Canadian cities to curb panhandling; that Toronto Police Services be requested to provide information on aggressive panhandling; and, that research be conducted on the root causes of street begging and government policy changes required to address street begging. An electronic copy of the report can be found at:

www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3801.pdf

COMMENTS

For the purposes of this report, the term "panhandling" is used to refer to the act of soliciting something of value, including money, whether or not goods or services are offered in exchange.

A distinction is also made between legal panhandling and illegal or aggressive panhandling. People who panhandle in a legal manner are the focus of this report and the proposed enhanced street outreach service is designed to respond to their needs. Illegal panhandling, which is defined as either being aggressive or to a captive audience as defined in the *Safe Streets Act* is the purview of the Toronto Police Service who enforce the *Safe Streets Act*.

Unless otherwise noted, the act of "panhandling" referenced in the report is assumed to be legal and not be in violation of the *Safe Streets Act*.

This report proposes an enhanced service to better meet the needs of street involved persons that is grounded in a housing first approach, and builds upon the success of Streets to Homes and the 2007 pilot project that worked with people who were housed and panhandling. In so doing, the report:

- provides information about the Streets to Homes program, and the successful impacts that "housing first" has on people's lives;

- outlines how the pilot project to address the needs of people who were housed and legally panhandling was conducted;

- shares key findings from the pilot project;

- highlights feedback received in consultation sessions with the business community and Ratepayers' Associations;

- provides information about approaches used elsewhere to curb panhandling, including by-law approaches;

- provides highlights of *Safe Streets Act* enforcement in Toronto; and

- outlines the root causes of street begging.

1. Origins of the 2007 Pilot Project: the Streets to Homes Program and the Housing First Approach

In February 2005, City Council made a commitment to end street homelessness and established the Streets to Homes Program. Since that time, over 1,600 homeless individuals have been housed directly from the street with the assistance of street outreach staff both from the City and its community partners. As a result of extensive follow-up supports put in place by community agencies, 88% of the people remain housed.

The Streets to Homes strategy is based on the idea, often referred to as "housing first", that providing permanent housing is the best way to end an individual's homelessness and that other barriers, such as lack of employment skills, addictions, and poor mental and physical health, can best be addressed once a person has stable housing. Research and experience has shown that formerly homeless individuals, even those with multiple barriers such as mental health and substance use issues, can successfully maintain housing when they have in place supports appropriate to their needs.

Housing outreach workers assist their clients through each step needed to find housing, such as replacing identification, accessing income supports, completing housing applications, and searching for apartments. A key principle of the Streets to Homes program is an end to "blind referrals". An outreach worker does not tell a homeless person where to get income assistance or where an apartment for rent is located. Instead, the outreach worker accompanies the client to appointments, and where necessary, advocates or negotiates on his or her behalf. This helps to ensure that clients receive the services to which they are entitled, but which they may not have been able to access had they attended on their own.

Once clients are in housing, the next challenge is ensuring they are able to keep their housing. Before becoming a Streets to Homes client, people must accept three requirements. As a longer-term housing strategy, they must complete an application for the centralized subsidized housing waiting list. Clients must also agree to have their rent paid directly to the landlord from their social assistance benefits. This ensures that rent is paid on time and reduces the risk of eviction due to rental arrears. The final criterion is that clients must agree to one year of follow-up supports.

Follow-up workers meet regularly with clients in their new homes and assist with the often difficult transition from life on the street by linking them to resources in their new

community, helping them to develop needed life skills, as well as helping to prevent eviction by ensuring rent is paid and mediating between clients and landlords to resolve any issues with the tenancy. Follow-up support workers help clients to set individual goals and develop a reasonable plan to achieve them. This may involve addressing health and addiction issues, learning to manage finances, learning to cook and grocery shop, finding volunteer work, or planning to go back to school or work.

The focus of the follow-up supports is not just on the client, but also on the community where the person is housed. Follow-up workers develop ongoing relationships with landlords or superintendents and work to troubleshoot any issues before they turn into reasons to consider eviction. Follow-up workers also assist in hosting community events and focus on community development in the areas where their clients live, because a place that feels welcoming is a place where a person is inclined to stay.

A recent survey of clients housed through the Streets to Homes program demonstrates that clients have a high level of satisfaction with the services they received and with their housing, and have seen dramatic improvements in their qualify of life since moving in. Appendix A provides further details.

2. Description and Key Findings of the 2007 Panhandling Pilot Project

The 2007 Pilot Project built on the Streets to Homes Program and provided a social service response to people who were housed and panhandling lawfully to try and help them with their needs so they would not need to panhandle. The project was delivered by 10 City staff and funded from within existing resources. The project operated for 12 weeks, from July until the end of September, in the area bounded by Spadina, Jarvis, Yorkville and Queen's Quay. The service was provided by having City staff present on the streets in the downtown and pro-actively offering supports to people who were housed and panhandling during two shifts: from 7am to 3pm and 2pm until 10pm, Tuesday through Saturday.

The Pilot area was divided into four quadrants. The north-south divide was Dundas and the east-west divide was Yonge Street. The same staff person worked the same quadrant for the same shift each day all summer, to become the local expert in their service area and to build familiarity with business operators, employees and residents within the area.

The social service response was developed in consultation with the Street Outreach Steering Committee, and with a number of business organizations, including the Toronto Entertainment District Association, the Downtown Yonge Business Improvement Area, the St. Lawrence Market Business Improvement Area, and the Bloor-Yorkville Business Improvement Area.

There were five key components to the 2007 Pilot Project:

a. Needs Assessment (initial survey)
b. Engagement and Case Management

c. Focus Group
d. Interviews with Business Operators
e. Public Education and Training

Needs Assessment

The needs assessment was a survey conducted in the first week of the Pilot (the week of July 9, 2007) with all 233 different people panhandling within the study area at that time. The purpose of the survey was to understand the demographics of the panhandling population, their housing status, their service use patterns, income sources and characteristics of their panhandling activity. All people panhandling were included in the survey component of the Pilot regardless of whether they were housed or homeless, and regardless of whether they were panhandling legally or illegally, as defined by the *Safe Streets Act*. Participants in the survey received a $10 gift certificate.

General Observations

Most people panhandling (81 per cent) were doing so alone. In 2 per cent of cases, there were one or more children present with the panhandler and in 7 per cent of cases the person panhandling had a pet with them.

Most often (66 per cent of the time) the person panhandling was sitting while panhandling. Most frequently (39 per cent of the time) the person was verbally soliciting for money while in other instances, they used a sign, but did not verbally solicit (17 per cent), neither used a sign nor verbally solicited (22 per cent), or were engaged in other activity, such as door opening, but were not using a sign or asking for money (21 per cent). In 18 per cent of situations the person panhandling was disrupting the flow of pedestrian traffic and in 8 per cent of situations the person panhandling was disrupting the flow of vehicular traffic. In less than 1 per cent of cases was there substantial litter or debris near the location of the panhandling.

Regarding frequency of panhandling, there were some individuals (51 per cent of survey respondents) who had a set panhandling routine regarding days of the week, time of the day and location(s). For others (49 per cent of survey respondents), panhandling was a completely unplanned random event undertaken to meet an immediate need, without significant forethought and with no idea when it may occur again (e.g. realized when out for a walk that they were out of cigarettes and had no money, so panhandled to get enough money to buy cigarettes and then immediately stop panhandling).

Panhandling most often occurred on major thoroughfares within the catchment area (e.g. Yonge Street) or near entertainment venues (e.g. near theatres and nightclubs). Appendix B has a map indicating where people who were panhandling were encountered. Staff observed 8 locations on 12 occasions to see how panhandling occurred over a 7-hour period at 1 location. Assuming $2 per donation (the average staff were told is provided) people panhandling were making between $20 and $25 per 7 hours of panhandling.

Panhandling was most likely to occur when there were spikes of pedestrian traffic on the street: morning rush hour, noon hour, when most people are ending their work-day later in the afternoon, and in the evening when people are out. Evenings were the busiest panhandling period, and most of this activity occurred in the Entertainment District.

Demographics

On average, people who panhandled were 37.9 years of age. Twenty-one per cent of the people encountered during the survey were under the age of 25, and 11 per cent were 55 years of age or older. Eighty-three per cent were male and 17 per cent were female. Approximately a quarter (23 per cent) self-identified as being Aboriginal.

Panhandling Activities

On average, survey respondents reported panhandling 5.7 days per week, with 66 per cent indicating that the number of days that they panhandled per week did not change depending on the time of the month. Most people panhandling (69 per cent) had more than one location where they panhandled.

On average, people reported panhandling for 6.7 hours per day. More than half of survey respondents (57 per cent) panhandled at specific times of the day.

On average, people reported that they had been panhandling for 14.5 years. This average figure is influenced by the fact that 11 per cent of people panhandling had been doing so for 20 years or more. Fifty per cent of survey respondents, however, had been panhandling for less than five years. The median length of time panhandling was, therefore, three years.

Each person panhandling was presented with a range of reasons why they panhandle. They could select more than one option.

Are you panhandling to:	**No.**	**%**
Eat/buy food of your choice	211	91
Buy cigarettes	152	65
Help with other daily living expenses	141	61
Socialize with people	107	46
Buy alcohol	107	46
Buy drugs	102	44
Help support friends/family	50	22
Get enough money to go home/move out of Toronto	47	20
Pay off debts	46	20
Pay the rent	19	8
Save up for first or last months rent	18	8
Other	26	11
Response Rate = 100%		

While socializing was the aspect of panhandling survey respondents liked best (49 per cent), negative reactions from the public was the aspect they liked least (48 per cent).

What do you like best about panhandling?	No.	%
Socializing	102	49
Don't like panhandling	61	29
Increased income	36	17
Self fulfillment	9	4
Response Rate = 89%		

What do you like least about panhandling?	No.	%
Negative reactions from public	98	48
Unfavourable conditions	35	17
Degrading, lower self-esteem	34	17
Minimal returns	17	8
Nothing	10	5
Everything	9	4
Response Rate = 87%		

The majority of panhandlers surveyed (79 per cent) indicated that they wanted to quit panhandling, with employment (32 per cent) noted as the main thing that would help them (or that would allow them) to quit. Of those who were homeless and panhandling, 70 per cent indicated their panhandling would decrease once housed.

Income Sources and Employment

Sources of income were varied, and most respondents reported having two or more sources of income. As the table below demonstrates, not all people encountered during the survey considered what they were doing to be panhandling, even though they were surveyed because they were soliciting money from people.

Over the past month, which of the following have been a source of income for you:	No.	%
Panhandling	181	78
ODSP (Ontario Disability Support Program)	51	22
OW (Ontario Works)	50	22
Street Allowance (the Basic Needs portion of OW for people with no fixed address)	45	19
Family/friends	27	12
PNA (Personal Needs Allowance: the Basic Needs portion of OW for people staying in shelters less food costs)	19	8
Employment - Formal or informal	17	7
CPP (Canadian Pension Plan)	6	3
EI (Employment Insurance)	5	2
OAS (Old Age Security)	3	1
GIS (Guaranteed Income Supplement)	1	1
Other	8	3
Response Rate = 100%		

Of those that had a job, most often they were working one job and that job was more likely to be casual employment (day labour) than steady employment.

Almost 6 out of 10 respondents were not currently looking for employment, and on average it had been 3 years since they last had a job.

Almost half (45 per cent) of all survey respondents felt that they were eligible for the Ontario Disability Support Program (ODSP), yet of these respondents, only 20 per cent had ever applied for ODSP previously and all were unsuccessful.

Housing Status

Most (72 per cent) people panhandling who were surveyed were homeless, and these individuals were most frequently staying in a shelter or a park. They had been homeless on average for 2.2 years.

More than three quarters (77 per cent) of homeless people panhandling want to get into permanent housing; yet, 60 per cent were not on a waiting list for housing and only 40 per cent were receiving help from an agency to get housing.

The majority (70 per cent) indicated that if they were housed their panhandling would decrease. This finding is consistent with the Streets to Homes Post-Occupancy survey results detailed in Appendix A.

For those that were housed, the majority were living in social housing or alternative housing, both of which have rents geared to income. Including utilities, the average rent of all people housed was $375.49.

What type of housing are you living in?	No.	%
Social	28	44
Private Market	24	38
Alternative	10	16
Owned	1	2
Response Rate = 100%		

A large majority (87 per cent) of housed people who were panhandling had been homeless at some point in the past. This finding demonstrates a strong link to homelessness, regardless of whether the person was homeless at the time of being surveyed.

The survey included questions to learn if those panhandling were living elsewhere in the City or outside the City, and were coming downtown to panhandle. Most frequently the person was living downtown or in close proximity to downtown.

What general area of the city do you live in?	No.	%
Toronto/East York	52	83
Scarborough	7	11
Etobicoke	2	3
North York	0	0
Live outside the city	2	3
Response Rate = 100%		

While two-thirds (67 per cent) did not feel they were at risk of losing their housing, respondents reported that they did frequently run out of money at the end of the month for food (78 per cent) or other living expenses (91 per cent).

Most (62 per cent) housed people who were panhandling had received assistance from an agency in finding their current housing.

Services Used

The three most frequently used services by people who were panhandling were drop-in centres, street outreach and shelters. This is consistent with the survey finding that the majority of people surveyed were homeless.

Have you used any of the following services in the past 6 months?	No.	%
Drop-ins	152	65
Vans/street outreach	148	64
Shelters	127	55
Meals at Out of the Cold	113	49
Food bank or community kitchen	103	44
Health clinics	103	44
Beds at Out of the Cold	94	40
Hospital/Emergency room	92	40
Services that help you get identification	86	37
Street Helpline	84	36
Harm reduction programs	54	23
Housing help centre	50	22
Detox	38	16
Legal clinics	35	15
Job training/job supports	28	12
Other	23	10
Response Rate = 100%		

Key Findings from the Needs Assessment

Three quarters of all people who panhandle that were encountered during the pilot were homeless. Of the one quarter that were housed, 87 per cent had experienced homelessness at some point in the recent past.

While people panhandling appreciated the social interaction, they also loathed having to panhandle and some of the negative comments they received as a result of it.

Those people surveyed who were homeless and panhandling indicated their panhandling would decrease if housed.

Engagement and Case Management

The purpose of engagement and case management was to understand why the person was panhandling and then to identify and implement strategies to help them stop panhandling. This included activities such as connecting them to income supports, helping them meet their health needs, assisting them in returning to their home community if they wanted to leave Toronto and/or connecting them to other community services such as meal programs. Engagement and case management occurred with all 110 people encountered on the street who met the project criteria: housed and panhandling. Sixty-three (63) of these people were identified during the initial survey phase of the project, with an additional 47 eligible people encountered throughout the other 12 weeks of the Pilot. Of the 110, all but 3 wanted assistance so they could stop panhandling.

The process of assisting the person to stop panhandling began with a thorough assessment of their unique needs: why they were panhandling; income; housing; health, mental health and addiction issues; food security, etc. A service plan was developed for each client identifying timelines and anticipated goals of the service response. The community worker would then help connect the individual to the services most likely to address these identified needs. This usually meant physically accompanying the client to appointments or to locations where services were provided.

This intensive social service response proved to be successful. Almost two-thirds (63 per cent) of clients stopped panhandling during the 12 weeks of the Pilot. In 47 per cent of cases the person stopped panhandling in three visits or less. Appendix C provides some brief case summaries of the types of interventions that proved to be effective and why.

There were 37 per cent of clients who met the mandate of the program who did not stop panhandling during the pilot. Almost all of these individuals had concurrent disorders (mental health and substance use issues), were living in subsidized housing and were receiving their maximum allowable income benefits. Sixteen per cent of those who stopped panhandling had similar characteristics, but required a significant investment of time to resolve their issues. This suggests that had the pilot been extended, it may have been possible to meet the service needs of more of this group.

Focus Group

A focus group was conducted with 12 of the 41 people (37 per cent) who did not stop panhandling to better understand why they panhandle, why the pilot was not meeting their needs, and what would need to be done (if anything) for them to cease panhandling.

Focus group participants indicated that after the rent was paid, they need an additional $600-700 per month to live on. None of them believed they could stop panhandling and live on their existing income. They expressed a desire to earn money without their social assistance cheques being affected, and thought their budgeting and financial needs would improve if they received their social assistance cheques every two weeks instead of the once-a-month approach that is currently used.

This group expressed that the social aspects of panhandling were important and that they want programs that offer socialization with others, but not necessarily in a drop-in. While they were often aware of opportunities for free food, they panhandled to have choice in the food they eat. This group was generally of the opinion that services are not easily accessible.

When asked what would happen if they had to stop panhandling or if there was a by-law prohibiting panhandling, this group felt that if they stopped panhandling their criminal offences will increase. All of them also indicated that if there was a by-law stating that they could not panhandle, they would still continue to panhandle anyway.

Interviews with Business Operators

Interviews were conducted with eight business operators within the project area. The intent was to understand their impressions of panhandling, with a particular focus on those panhandlers who opened doors for business customers and described their activity as being "service providers" rather than "panhandlers".

Overwhelmingly the managers at these businesses were most concerned about the person opening the door getting the services they need to have their needs met. These managers wanted to know that the person was going to be okay, and expressed that they sometimes got concerned when they did not see a regular door holder.

These business operators also pointed out that they did not believe that police were the best response to these types of situations. They were supportive of a social service response. As outlined later in the report, this view was consistent with views expressed by the business community during the consultations.

Public Education and Training

The public education and training component was intended to provide information on services available to homeless and low-income people in Toronto, and provide training to staff of businesses in the pilot area on homelessness and panhandling and appropriate responses to each.

At the request of downtown Business Improvement Areas, tour operators and the Toronto Entertainment District Association, a small brochure suitable for lobby displays on "Helping Homeless People in Toronto: 10 Things That You Should Know" was prepared during the Pilot project and over 50,000 were distributed. The initial brochure has also since gone on to be adapted for publication inserts used by entertainment operators such as Roy Thompson Hall. A copy of the brochure is attached as Appendix D.

Offers to provide staff training were made to a range of business stakeholders in the downtown area. Several groups expressed interest. One group accepted the offer. Their staff were provided with a one hour training session on homelessness and panhandling issues and responses to these issues.

Each of the consultation sessions held over the last year was also used as an opportunity to provide public education to leaders within these organizations on homelessness and panhandling. Many in the business community were pleasantly surprised by the range of services offered to people who were homeless and particularly by the Streets to Homes Program and its effectiveness in helping house people directly from the street. Many stakeholders are not aware of the good work done by the City and its community partners and therefore there is a need for additional public education activities.

3. Consultations with Business Improvement Areas, Hotels, Major Attractions Operators and Residents' and Ratepayers' Associations

Executive Committee instructed staff to consult with business and ratepayers' associations on developing a "holistic approach that addresses the panhandling concerns of business while maintaining the rights and dignity of the urban poor".

Several consultations occurred during the set-up, delivery and conclusion of the 2007 Pilot, as part of developing the proposed enhanced service strategy outlined later in this report.

More frequent meetings were held with the Downtown Yonge Business Improvement Area, Bloor-Yorkville Business Improvement Area, St. Lawrence Business Improvement Area and the Toronto Entertainment District Association. In addition, there were three consultation meetings held in January 2008 with representatives from 20 Business Improvement Areas and 18 hotel and major tourism attractions operators.

In summary, the consultations indicated:

- A great deal of interest in and frustration with the panhandling issue together with genuine concern for people who are street involved, especially those who appear to have mental health issues;

- Strong support for a social service response to address legal panhandling, not an enforcement or by-law response;

- A general consensus that panhandling should not be a police issue, but that there does need to be some type of response, especially for people with addictions and mental health issues;

- Strong support for the outcomes of the pilot project in reducing the needs of people to panhandle;

- Strong support for increased funding for services to address panhandling, as long as the funding delivers concrete results;

- A need for one phone number they could call to have an outreach team attend or to have someone provide advice;

- A need for outreach team services in the early morning, during the day and well into the night after entertainment establishments close;

- Support for a wider public education campaign that makes Torontonians aware of services available to homeless people and that the campaign should have a positive tone;

- Some support for donation boxes as part of a broader strategy, but not for refurbished parking meters;

- A desire by many BIAs and some tourism venues to get involved in providing employment to people who panhandle, so long as they are supported in creating the jobs and managing the individuals;

- Support for changes to rules that make it difficult for people to transition from social assistance to work;

- Interest in supporting advocacy efforts to other orders of government; and

- Support for amendments to the *Safe Streets Act* such as including a prohibition against soliciting to people entering or exiting a place of public assembly or those waiting in line to get into such a place.

A survey was also sent by mail to all 144 Community Associations registered with the City Clerk's office and that have given consent to public disclosure of their contact information. Only 10 responses were received (7 per cent response) which is not enough to be considered representative. Generally speaking, of those who did respond, there was a range of opinion between those who believe panhandling is a very important issue for their neighbourhood and those who do not feel it is a major concern. Those who responded recommended a range of actions to be taken by the City, including greater enforcement of illegal panhandling, more outreach and social service to assist people on the street, and more addiction and mental health supports. They also recommended that the Province contribute to addressing the issue by increasing funding for social services, mental health programs and affordable housing.

4. Enhanced Streets to Homes Service to Address the Needs of People Who Are Street Involved Including Those Who Panhandle

In its current form, Streets to Homes is designed to work with individuals who are homeless and living outdoors. Not served by the current Streets to Homes program are individuals who are housed and panhandle in a legal manner and shelter users who spend the majority of their day involved in street behaviours, including panhandling, away from shelters. The current approach to service delivery, although highly successful in helping homeless people from the streets get housed, results in some street involved persons not getting the services they need to stop being street involved.

The proposed enhanced service is a combination of the practices employed by Streets to Homes with the practices employed by the 2007 Pilot Project, to provide an expanded service throughout public spaces in the City, with a focus on the downtown core to help all street involved people to find and keep suitable housing and to address other needs that will assist them to stop panhandling.

The 2007 panhandling pilot provided several valuable lessons:

- An intensive social service response is effective: almost two-thirds of people who were housed and legally panhandling stopped panhandling during the course of the pilot and most of the homeless people surveyed indicated they would stop panhandling if they were housed.

- A seasonal based program has negative impacts at the conclusion of the season as people whose case plan was still in progress were left with no resolution to their needs. A seven day per week, year round program would be more effective in this regard and would allow a larger number of individuals to be served more consistently.

- Continuity of service in a specific geographic area yielded positive results for local knowledge and service outcomes. Throughout the pilot, the same staff were in the same quadrant of the downtown core for the same shift each day. This meant that the visible staff walking through that catchment area got to know several business operators and residents in the area, and also were able to monitor and implement local changes to panhandling in the area. Most importantly, this familiar presence in the area allowed workers to detect newcomers to the area and implement a social service response prior to the person becoming entrenched in street involved activity.

- While several clients expressed a desire to achieve employment, assessing their work ability and linking to employment programs within the summer pilot was difficult. During the pilot there was no specific employment program available or customized to the needs of the clients being served. The proposed enhanced service meets this need by allowing sufficient time to connect those people interested in achieving employment with appropriate, dedicated services to help make this a reality. The business community has already commented that they will assist in looking for employment opportunities for individuals who want to work.

- Unlike the Streets to Homes program, the pilot did not have access to specialized mental health and addictions supports. The pilot would have been more effective in serving individuals with health and/or addictions issues if specialized services had been available.

The proposed enhanced service is also supported by the research conducted with people housed through the Streets to Homes program. The Post-Occupancy research in Appendix A showed that many people who previously panhandled stopped panhandling once they were housed. Given that most of the survey respondents who were homeless in the pilot also indicated that they would stop panhandling if they were housed, there is much evidence to support a link between housing people and reduced panhandling.

Overview of Enhanced Streets to Homes Service

The proposed enhanced services will address the housing and service needs of all street involved persons in the downtown, with two mobile services to address legal panhandling outside the downtown core. "Street involved" includes people who are homeless and living outdoors, people who stay in shelters at night but spend large amounts of their day on the street, and people who are housed and panhandling legally. The downtown for the purpose of this service is the area from Bathurst to Parliament, Yorkville to Lake Ontario, which is larger than the pilot project area in order to include a key service corridor to the east and west of the downtown.

It is proposed that the service operate 7 days per week, with a minimum of two shifts per day. Commencing in 2009, a third shift will be added from May 1 until October 31 to address seasonal increases in street involved activity.

A single phone number would be created for the service so that staff can respond to calls concerning people who are street involved in the downtown core. Staff will respond with a social service approach as timely as operationally possible, most often within four hours. All outcomes will be tracked; however, personal identifying information and outcomes cannot be relayed to the caller without signed consent to do so on the part of the person assisted.

The downtown core would again be divided into four quadrants, in the same way as was done for the pilot. Frontline staff involved with the enhanced service will be identifiable to the general public and the clients they serve as City employees.

To respond to the need to address panhandling outside the downtown core, it is proposed that there be two mobile teams available for each shift. One team would work in specific areas outside of the downtown where panhandling has been identified as a significant concern to the community. The other team would travel throughout the City in response to service calls, but will not actively seek their own clients.

The proposed enhanced street outreach service will also allow for the ability to meet special needs of youth. It is commonly accepted that street involved youth have different needs and require a different service response than adults. For this reason, the proposed enhanced model includes an additional two youth specific counsellors available to meet the needs of youth.

The past three years of Streets to Homes have also clearly demonstrated that an investment in supports to keep people housed is a prudent investment. With the proper supports, people regain life stability and work towards long-term independent living, fully integrated into their new community. The proposed enhanced service approach increases the availability of follow-up supports to people housed through the initiative.

Community Partnerships to Support the Enhanced Service

The City partners with many non-profit agencies to deliver the Streets to Homes service. Although most of these programs will continue unchanged, the enhanced service outlined in this report will impact some of these services in different ways, namely:

- An expansion of the Streets to Homes Mobile Multi-Disciplinary Street Outreach approach to help people with mental health and/or addictions issues access the treatment they need and housing. The service would use a range of health care professionals such as psychiatric, nursing, clinical case management and concurrent disorder therapy.

- An expansion of the employment support program to assist street involved individuals in realizing their employment capability and potential.

- An expansion of a moving and furniture service through a non-profit agency to assist in helping turn apartments into a home with all of the furnishings they need.

- A reprofiling of funding and service delivery of agencies that receive funding for outreach and information services that currently operate in the catchment area outlined in this report. Staff will work with these agencies to, wherever possible, re-align their services to support the enhanced service.

In addition to these funded partnerships, the City also has partnerships with other service providers including shelters and drop-in centres and income support programs.

The enhanced street outreach service will build upon the partnerships that Streets to Homes and its partnering agencies have already developed with select drop-ins where housing assistance is provided by Streets to Homes within the drop-in setting. As the most frequently used service amongst people who panhandle and homeless people, drop-in centres are important partners to ensure ongoing success of addressing the needs of street involved persons. Over time, additional partnership opportunities with drop-ins will be developed.

The enhanced street outreach service will also build upon the partnerships that Streets to Homes and its partnering agencies have already developed with select shelters. The enhanced service will encourage the use of shelters; ensure, whenever possible, non-duplication of service between shelter housing workers and Streets to Homes housing workers; work in partnership with the Assessment and Referral Centre to ensure street homeless individuals seeking overnight respite are served in a coordinated manner; and, maximize the use of specialized resources that exist in various shelters.

Ongoing work with these service providers will be undertaken with a view to making further improvements towards the integration of services for street involved people.

The enhanced street outreach service will also build upon the partnerships that Streets to Homes and its partnering agencies have developed with Toronto Social Services (Ontario Works) and the Ontario Disability Support Program given the critical importance of income supports for the population to be served.

Overview of Changes from Existing Streets to Homes Service to the Enhanced Service

	Current Streets to Homes	**Proposed Enhanced Service**
Type of Client Served	Homeless and living outdoors	Street Involved, which includes: - homeless and living outdoors, - shelter users who hang out or panhandle outdoors and - housed people that are panhandling in a lawful manner
Hours of Service	8am-6pm	7am-10pm (proposed), longer from May through October
Direct Service Shifts Per Day	1	2; 3 from May through October
Days of Service	5, Monday-Friday	7 days per week
Service Area	Entire City	Entire City with enhanced service in the area bounded by Bathurst to Parliament, Yorkville to the Lake, with two mobile services available for outside the downtown
Central Phone Number?	No	Yes
Focus of Service	Housing Access and Stability	Housing Access and Stability, including emphasis on employment and enhanced mental health/addictions support

Costs of the Enhanced Service

The proposed enhanced service represents a significant enhancement to the current Streets to Homes Program; the additional costs required to run it are also significant.

The above chart shows the proposed enhanced service serves a broader range of people who are street involved, operates more hours per day and more days per week. The enhanced service also includes additional mobile teams, a new central phone number and additional employment and follow-up services. The enhanced service also increases City staff outreach presence on the street. The costs for 2008, including start up costs, are estimated at $2.577M and the annual costs for 2009 and beyond are estimated at $4.973M.

5. Practices Used in Other Jurisdictions to Address Panhandling

Executive Committee directed that staff research and identify specific methods used by other Canadian cities to curb panhandling. The results of this research are presented in Appendix E with jurisdictional programs identified. The experience of other jurisdictions helped inform the development of the proposed enhanced service in Toronto.

Typically there are six main program responses to address panhandling, which have been used in other jurisdictions. A summary of each is presented below:

Public Education and Alternative Giving

Public Education campaigns can serve several purposes. Some focus on homelessness and the responses available. Others focus on panhandling, why it exists and what can be done to address it. Others are more broadly aimed at educating people on poverty related issues.

Research on the impacts of Public Education campaigns tend to demonstrate that informing the general public what they can do about a situation rather than telling them what they cannot do is more beneficial. For example, a Public Education campaign encouraging the general public to give funds to organizations that work with homeless people will be better received and result in more action than a campaign that says, “Do not give money to panhandlers.”

Alternate Giving campaigns, which generally form part of a broader Public Education strategy, encourage people to give to a charitable organization rather than giving to panhandlers. Collection methods tend to include things like donation boxes or refurbished parking meters. The experience of other jurisdictions is that alternative giving campaigns can be publicly controversial. Moreover, there is little research available on the impact of these campaigns on giver or panhandler behaviour, and the research that is available is not conclusive and is mainly qualitative in nature. Lastly, it is the experience of some jurisdictions who have implemented refurbished parking meters that funds raised do not cover the installation and operating/monitoring costs of the refurbished parking meters. For example, the spare change meters in Kamloops collected just over $800 in six years of operation. Other locations, such as Edmonton, have removed its refurbished parking meters after several months because of issues with vandalism. However, places like Denver feel they are useful for education purposes, even if collections are small.

In light of the shortcomings and inconclusive results of alternative giving, staff will be developing a public education campaign that does not include a “Don’t Give to Panhandlers” component. Staff will not be pursuing the establishment of refurbished parking meters or “compassion” meters as part of any public education campaign. Staff will, however, develop a campaign that informs Toronto residents, businesses, visitors and commuters of places where they can donate money in order to assist people who panhandle and other street involved persons.

Social Service Responses

This is the approach used in the 2007 Pilot Project. The Social Service Response approach offers panhandlers services to address the underlying problems that cause them to panhandle. To achieve this goal requires the addition of new resources, usually in the form of increased street outreach or creation of new programs to meet particular needs. In all jurisdictions examined, these programs have demonstrated reductions in panhandling, though none have yet completely eliminated panhandling.

The Social Service Response approach puts a strong emphasis on coordination between existing social service programs. The intent is not to take away resources from one part of the system to fund another. Nor is the intent to duplicate service efforts or provide service in silos. Instead, the focus is on achieving service integration and client outcomes.

Judicial or Policing Responses

Innovative judicial responses to street crime prosecution through modified sentencing requirements and social service referrals have been implemented in some jurisdictions to address the underlying issues that cause the street crime behaviour. For example, San Diego's Homeless Court Program (HCP) has served as a model for several dozen jurisdictions in the US which now have similar programs. The HCP is a special Superior Court session held monthly at local shelters for homeless defendants to resolve outstanding misdemeanor criminal cases. The HCP is intended to counteract the effect of criminal cases pushing homeless defendants further outside society, by using a progressive plea bargain system and alternative sentencing structure, whereby participants are required to participate in shelter services and do volunteer work as part of their sentence. An evaluation of the program found that 80% of participants had no post-hearing criminal activity. Staff will be following up further with San Diego on specific program elements with a view to potentially replicating elements in the Canadian/Ontario context. In this regard, it is recommended that the Province be requested to consider a Diversion Court or other alternative judicial response for panhandling offences to achieve community service and community benefits rather than levying people with fines they are frequently unable to pay.

In other settings, there have been increased police responses to panhandling. This may include the blitz of a particular area or type of street involved activity for which there are existing laws or by-laws to curtail the activity. The impact of these efforts does not seem to necessarily impact panhandling behaviour on a City wide level, though they may curtail the activity in a particular area for a period of time.

Employment Programs

Employment programs to address panhandling often provide temporary or casual employment as an alternative to panhandling. A small number of programs provide links to more formal employment at the end of the program.

What is necessary in employment programs is to provide sufficient retraining and psycho-vocational assessment so that the individual can work on life skills and ongoing employability. These types of programs are generally expensive. For example, the Mission off the Streets program in Winnipeg had a budget of $80,000 for a six month pilot with a target of serving 12 people at a time.

In the Toronto context, the business community in consultations has indicated a desire to help find suitable employment opportunities for people who were previously panhandling, subject to the provision of supports to individuals to help them transition to work.

Public Safety Guides or Street Ambassadors

The purpose of public safety guides or street ambassadors varies greatly between jurisdictions. In some places the intent is to actively discourage panhandling. In other locations the intent is to provide street outreach and social service referrals. In other locations the intent is to provide information to tourists and members of the general public. Most often these initiatives are led and funded by Business Improvement Areas.

These types of initiatives tend to be staff intensive. For example, Seattle has more than 60 ambassadors on its downtown streets, and the Downtown Watch Program in Winnipeg has 88 people involved through a combination of paid staff and volunteers.

Environmental or Situational Responses

Environmental or Situational Responses are changes to the physical environment to discourage panhandling behaviours through landscaping, streetscaping, regulating particular types of alcohol sales (e.g. cooking wine) or other types of environmental design. For example, in Vancouver the Grandview Woodland Community Policing Centre sponsored changes in environmental design that resulted in property owners securing places where people who had been squeegeeing cars were storing their buckets; had gas station owners engrave their squeegee equipment to deter theft; removed newspaper boxes where inebriated persons were known to hide their bottles; and alcoves around some buildings were gated to make it impossible for panhandlers to have a place to sit down.

An example of a Situation Response is the promotion of alternate use of public spaces such as licensing entertainers to perform where panhandlers used to be. This has been done in Calgary where they have promoted licensed buskers to help manage vending and solicitation.

6. Canadian By-laws to Address Panhandling

Executive Committee instructed staff to examine by-laws in Canadian jurisdictions and report back on the specific by-laws.

This staff report is recommending a social service response to address panhandling, not a by-law. Therefore the following is provided for information.

Appendix F contains a chart detailing every jurisdiction where City staff received confirmation of a specific by-law being in effect to address panhandling. The existence of these by-laws and the active status of the by-law was confirmed by the city clerks in each of these municipalities. Furthermore, City staff also looked at Provincial legislation that impacts panhandling within Canadian municipalities.

There are several important considerations in the discussion of by-laws and panhandling:

- A by-law cannot infringe upon the *Charter of Rights and Freedoms* nor violate the *Constitution*.

- Municipalities do not have authority in enforcing their by-laws to affect one's person including arresting, detaining or using force.

- The City of Toronto derives its powers to enact by-laws from the *City of Toronto Act, 2006* but in order to use its powers must demonstrate a relationship between the activity sought to be regulated or prohibited and the power on which it relies, and there are no statutory provisions which expressly give the City authority to enact by-laws for the purposes of prohibiting panhandling.

- In Ontario, the *Safe Streets Act, 1999 (SSA)* is provincial legislation that outlines when soliciting is illegal and is the legal framework for addressing illegal solicitation in Toronto and the basis upon which police exercise their powers to address illegal panhandling. No municipality in Ontario has the right to pass by-laws that would supersede or conflict with Provincial legislation.

By-laws and legislation about panhandling in other parts of Canada are relatively consistent with Ontario's Safe Streets Act in that they tend to include one or more of the following: time of day restrictions (e.g. no panhandling at night); specific area restrictions (e.g. no panhandling by bank machines); aggressive panhandling (e.g. no coercion); obstruction (e.g. no interfering with traffic while panhandling); and inclusion of a specific fine.

British Columbia cities tend to be taking the most aggressive approach to dealing with panhandling by passing their own by-laws in addition to provincial legislation, and through enforcement responses. City staff have found no empirical evidence about the effectiveness of by-laws and legislation in reducing panhandling.

7. Enforcement of the *Safe Streets Act* and Other Offences

Many of the deputations before Executive Committee in May 2007 detailed incidents of illegal or aggressive panhandling and their impact on the deputant and other victims, negative impacts on local businesses and on visitors to Toronto.

One of the issues with panhandling and the law generally is that "panhandling" is often used to describe activities other than panhandling. Aggressive panhandling is illegal under the *Safe Streets Act*. Generally the behaviour is threatening. The moment it moves beyond threats to damage or a physical attack on person or property, moving onto private property to conduct the activity, taking of merchandise or food, etc. "panhandling" is the wrong description. What is occurring – and what was described by deputants - is better characterized as assault, trespassing, theft – behaviours which are already illegal. These are regulated by various other laws, and are the purview of the police.

In many of the consultations and meetings with stakeholders, participants expressed concern that the Toronto Police Service does not generally enforce the *Safe Streets Act* or other legislation that would decrease inappropriate street behaviour. However, the evidence is to the contrary: according to a report recently before the Police Services Board, charges under the *Safe Streets Act* have increased from 2,725 in 2004 to 10,584 in 2007, an increase of 288 per cent. The chart from the Police Services Board report is reproduced below.

***Safe Streets Act* Charges from 2004 to 2007**

Type of Offence (based on *Safe Streets Act Wording)*	**2007**	**2006**	**2005**	**2004**
Solicit in an aggressive manner	2,319	1,257	578	368
Solicit near ATM	831	490	313	216
Solicit near public toilet facility	52	28	20	12
Solicit near public transit stop	1,075	637	383	195
Solicit near public transit vehicle	106	73	56	20
Solicit near vehicle/parking lot	1,419	767	416	288
Solicit person in vehicle on roadway	4080	2805	1,843	1,488
Dispose of used condom/ needle/ syringe / broken glass in public place	276	183	100	39
Other SSA Charges	426	257	115	99
Total	10,584	6,497	3824	2725

Source: Toronto Police Services, 2008

What is the impact of the enforcement of the *Safe Streets Act*? The report to the Police Services Board concludes:

"…based on the available data, caution should be exercised when drawing conclusions about the Services' experience enforcing the law. It is difficult to conclude if the law has had an impact on the number of aggressive panhandlers or the frequency of unlawful

panhandling. Moreover, while the data show the classification of offences, they do not distinguish the exact nature and frequency of aggressive panhandling as defined by law, limiting any conclusions about the characteristics of aggressive panhandling. Finally, determinants of aggressive behaviour are difficult to discern from the data. Nevertheless, the data suggests the Service has found the Act to be of some use in addressing unlawful panhandling, and the data clearly demonstrate that the Service is paying attention to the problem."

The number of outstanding payments of fines related to the *Safe Streets Act* is high. According to Court Services there were 16,437 *Safe Streets Act* charges issued from January 1, 2006 to December 31, 2007 with 12,292 or 75 per cent of the fines outstanding. It is reasonable to conclude that a key reason why payments are outstanding is that the people being charged lack the financial resources to pay the fines.

When individuals do not or cannot pay, such inactivity on the part of the person who has received the ticket only results in more court and police resources to resolve the unpaid ticket and results in increased administrative costs. Also, given that people often receive more than one ticket it would seem to indicate that the issuance of tickets is not necessarily a deterrent to the activity. One of the underlying premises to the recommendation of a social service response to address panhandling is that it will result in decreased demand on police and court services.

8. Root Causes of Street Begging

Executive Committee instructed staff to report back on the "root causes of street begging" and government policy changes and programs needed over the short and long term to overcome these root causes.

Street begging is not a new phenomenon and is inextricably linked to lack of income or the lack of an affordable home or both. This is supported by the finding that 75 per cent of all people who were panhandling surveyed in the pilot were homeless and, of the 25 per cent who had housing, 87 per cent of them had been homeless in the past.

Over the last 15 years there have been a range of actions taken by other orders of government that have made the lives of the most vulnerable in Ontario more precarious. These include reduction in social assistance rates, cancellation of major social housing programs and introduction of the *Tenant Protection Act*. While the current provincial government is reversing some of these actions and embarking on a poverty reduction and affordable housing agenda, the income and affordable housing deficit remains.

City Council has received several reports from the General Manager of Social Services, the General Manager of Shelter, Support and Housing Administration, the General Manager of Children's Services and the Medical Officer of Health detailing the income, affordable housing and health deficits and recommending action on the part of the provincial and federal governments.

Concrete action by the other orders of government in response to recommendations previously made by Council would go a long way to reducing poverty, homelessness and panhandling in Toronto.

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ATTACHMENTS

Appendix A – Streets to Homes Post-Occupancy Survey Summary
Appendix B – Map of Panhandling Locations
Appendix C – Case Studies of Effective Interventions
Appendix D – Helping Homeless People in Toronto Brochure
Appendix E – Programs Used in Other Jurisdictions
Appendix F – Table of Canadian Bylaws Restricting or Prohibiting Panhandling

Appendix C
Case Studies of Effective Interventions

- Client connected with voice mail service. Used voice mail for job search concurrent with move to new apartment. Client reported in September that he was off OW as he was earning over $800 a month and was settled in new apartment. Had not panhandled since move to housing and securing employment.

- Client housed with agency and in a wheelchair. Identified panhandling primarily as a social activity. Requested assistance completing Assistive Devices Program application for motorized scooter. Has not panhandled since September.

- Client housed with agency. Has chronic illness. Confirmed ODSP special diet and connected to agency employment resources. Client was seeking meaningful activity to avoid boredom and depression.

- Client lived in Scarborough in subsidized housing. Reported that police had broken down his door while searching for guns as they had the wrong apartment. Needed food for pet cat. Client connected to ODSP and Scarborough Housing Help to mediate property repairs. Repairs completed and client supported in getting additional resources for cat.

- Couple in dispute with trustee over disbursement of funds from criminal injuries settlement. Requested assistance with ODSP to get woman added to man's benefit unit.

- Client recently released from jail, quite intoxicated. Requested assistance getting to detox.

- Client on ODSP, $930 a month. Pays $450 a month for private market shared accommodation and panhandles for basic needs. Connected to agency to meet basic needs instead of panhandling.

- Client needed assistance to complete taxes. Then started working and identified he would stop panhandling with commencement of employment.

- Client was panhandling for food money. Connected to agency lunch program.

- Client was protesting outside Mount Sinai hospital. Says his friend had made him 'next of kin' prior to his death, but the doctor's were refusing to give him the estate. Had ODSP issues, and once resolved he ceased panhandling.

- Client assisted in connecting with physician to complete ODSP application. Medical involvement uncovered numerous health issues that were being addressed. ODSP application completed.

- Client was housed and a heavy drinker. Lost housing due to alcohol related charges and moved under a bridge. Referred to Streets to Homes for follow-up. Stopped panhandling while working to get re-housed.

Appendix D
Helping Homeless People in Toronto Brochure

Helping Panhandlers

Toronto has many services to help vulnerable people but the job is not done yet. City community workers recently conducted a pilot project in the downtown area to try to help panhandlers improve their lives. The results will provide important observations and research on the causes of panhandling and help to shape future programs and policies.

Home is where it starts.

You can help.

www.toronto.ca/housing

This public information piece is made possible through the federal government's Homelessness Partnership Initiative, administered by the City of Toronto.

Helping Homeless People in Toronto

TORONTO Shelter, Support & Housing Administration



1 **Toronto is a compassionate place.** In partnership with hundreds of community agencies, the City provides many services to help homeless people.

2 **Regular meals are available** at drop-in centres throughout the city and shelter residents are offered meals three times daily. Food banks are also available to all.

3 **3,800 permanent shelter beds are available.** Every night there is space for young people, single adults, couples and families. Most shelters are open 24 hours a day, 7 days a week.

4 **There is street help.** Funded by the City, ten agencies do street outreach to help people living outside move into housing.

5 **More than 45 drop-ins** across the city provide services to people who need help. Most provide food, laundry and showers as well as access to services that can help them find and keep permanent housing.

STREET HELPLINE OFFERS A FREE, ONE-STOP INFORMATION SOURCE FOR HOMELESS PEOPLE LOOKING FOR SERVICES. 1-866-392-3777.

6 **There is housing help.** We believe that permanent housing is the best first step. We call this "housing first". The City funds housing help centres that help people find homes as well as avoid eviction.

7 **There is special help for people living outside.** Sometimes serious mental illness or addictions prevent people from choosing to live inside. A specialist team helps street outreach workers.

8 **There is free health care for Canadians.** Toronto's hospitals and clinics are available to everyone. Specialized clinics work out of drop-ins and shelters to make it easier for those who need routine medical assistance.

9 **A made-in-Toronto plan to end street homelessness.** Streets to Homes is a housing-first strategy that in just over two years has helped 1,300 people living outside to find and keep permanent housing.

10 **You can help.** If you would like to help people who are living on the street to find and keep permanent housing, send a cheque payable to the City of Toronto to "I want to help," c/o Metro Hall, 6th Floor, 55 John Street, Toronto, M5V 3C6. All funds received will be forwarded to the not-for-profit agencies that partner with the City to deliver the Streets to Homes programme.

Appendix E
Programs Used in Other Jurisdictions

There are six main types of program responses to address panhandling that have been implemented in other jurisdictions:

1. Public Education and Alternative Giving Campaigns
2. Social Service Responses
3. Judicial or Policing Responses
4. Employment Programs
5. Public Safety Guides or Street Ambassadors
6. Environmental or Situational Responses

1. Public Education and Alternative Giving			
Program Name and Location	**Description**	**Budget and Results**	**Sponsored By**
Canadian Jurisdictions			
Calgary: "Your Kindness is Killing Me"	Series of ads, and a website with links to alternate donation venues. The campaign encourages people to support agencies, rather than providing money to support individuals' addictions.	The program was controversial when introduced and several agencies declined to participate in receiving donations through the website.	Downtown Calgary Association
Winnipeg: Change for the Better	Theme is 'Give without Guilt,' and encourages giving to agencies rather than panhandlers. Local businesses have a collection box where donations can be made. Brochures are available, with a 'Help Key' that can be given to panhandlers to be redeemed for services at one of six agencies.	Raises approximately $10,000 per year.	Winnipeg Downtown Business Improvement Zone

Vancouver: Spare change meters	Installed 9 meters in 1999, after a proposal by the Rotary Club. Later added 7 more meters.	The meters were donated by the manufacturer and annual maintenance costs are $900, not including cost to collect money from the meters which is done by parking enforcement staff. In 2000, they collected $3,557 which was donated to the United Way.	City of Vancouver, in partnership with Rotary Club and United Way.
Edmonton: Spare Change Meters	In 2001, 10 meters were installed on a trial basis.	The meters were removed after several months due to vandalism problems.	Old Strathcona Business Improvement Association
Montreal: Spare change meters	Thirty-four meters are being installed, with up to 100 planned. The project was initiated by the mayor, and donations go to L'Itineraire, which provides services for street people. The theme of the campaign is to raise awareness about homelessness and provide charitable donations, discouraging giving to panhandlers is not specifically mentioned.	Have collected about $700 a week so far.	L'Itineraire
Ottawa Have a Heart Give Smart Spare Change Meters	A public education campaign, along with 10 spare change meters installed in the Byward Market area.	Launched December 2007.	Downtown Ottawa Coalition for a Safe Community
Kamloops: Spare change meters	Implemented six meters in 1998.	Collected $811 in six years. The City's Corporate Administrator was quoted by news media as saying he didn't feel they had had any impact on panhandling.	

International Jurisdictions			
Seattle: Have a Heart – Give Smart	Campaign seeks to educate residents and tourists about giving to service agencies rather than panhandlers. Provides listings of available service agencies. Involves posters, brochures and a website.	Launched in spring 2007. Informal counts of panhandling activity by MID workers actually showed an increase in panhandling in the first four months after the campaign was launched, compared to the same period a year earlier.	Metropolitan Improvement District, a branch of the Downtown Seattle Association
Baltimore: Spare Change Meters	Ten meters have been installed by the Downtown Partnership as part of the 10 year plan to end chronic homelessness. Meters are painted blue and green and when a coin is deposited, a pointer on the meter's dial moves from "despair" to "hope." Accompanied by a 'Make a Change' public education campaign.	Revenue is $100 per month. Proceeds go to Baltimore Homeless Services, Inc.	Baltimore Downtown Partnership
Denver: Give a Better Way	In 2007, started a program with 36 recycled parking meters, and has since added another 50. Businesses and individuals around the metro area "sponsored" meters for $1,000 each, to raise funds for Denver's Commission to End Homelessness. The meters are accompanied by a public education campaign called Give a Better Way.	In the first month, the 36 meters raised around $2000 altogether.	Sponsored by Downtown Denver Business Improvement District
2. Social Service Responses			
Program Name and Location	**Description**	**Budget and Results**	**Sponsored By**
Canadian Jurisdictions			
No specific Social Service Responses found in examining other Canadian jurisdictions; however, see 'Judicial and Policing Responses' and 'Public Safety Guides or Street Ambassadors' for programs that offer another type of outreach function.			

International Jurisdictions			
Denver, CO: Denver's Road Home	As part of the 10-year plan to end homelessness, the city approved an anti-panhandling bylaw. Along with this, there is an outreach program involving 23 outreach workers, two full-time Denver Police Officers and three outreach dispatch workers. Outreach teams provide referrals to meal programs, job training, alcohol rehab or mental health evaluations.	Since 2005, panhandling on the 16th Street Mall dropped by 92%. In 2005, there were more than 39 panhandlers in the area, but by spring 2007 there were only three. Outreach workers also assisted 132 homeless persons to enter housing in the second year of the program.	Denver Homeless Commission
Madison, WI	A committee formed to address campus safety issues recommended hiring a Community Police Officer and an outreach worker to develop a service strategy which combined providing help finding housing and accessing other services, as well as strict enforcement of all unacceptable behaviour in partnership with the District Attorney's Office.	Through analysis of previous complaints and arrests, 11 individuals were identified who were responsible for 435 calls to University Police service in a three-year period. In the eight months of the project, there was a significant decrease in calls for service in the area, including only twelve calls for service involving the 11 individuals.	University of Wisconsin Police Division
Cinncinati, OH: Downtown Cincinnati, Inc. Outreach Worker	After Cincinnati enacted its anti-panhandling ordinance, but withdrew a request for funding for outreach services for homeless persons, Downtown Cincinnati, Inc. hired an outreach worker, which was made into a full-time position in 2004. The outreach worker has helped frequently arrested panhandlers receive services, such as job placement, mental health counselling, and government benefits.	In 2004, outreach encountered over 200 panhandlers and recorded 97 success stories where individuals were no longer on the street. Part 2 crimes, defined as quality of life crimes including enforcement of the panhandling ordinance, decreased by 2.25% in 2005, by 10% in 2006 and by 12.9% in 2007.	Downtown Cincinnati, Inc.

Albuquerque, NM: Strategic Outreach Team	After passing an aggressive panhandling ordinance, a Strategic Outreach Team was created which links police officers with service providers in an effort to identify the reasons individuals are homeless and help them find resources to get off the streets. Outreach teams made up of police officers and service providers conduct foot patrols of downtown areas. Only after several warnings for those who refuse to access services are citations written.	During the outreach team's first month of operation, officers handed out 156 panhandling warnings and citations, by far the most in any month since the ordinance passed. Since then, however, the numbers have dropped into the 20s and 30s, slightly below the monthly figures from 2004 and 2005.	City of Albuquerque
Brighton and Hove, United Kingdom: Street Community Anti-Social Behaviour Project	A project was developed to address complaints about street drinking and begging. A city wide sanction on street drinking was created, known as a Designated Public Places Order (DPPO). A committee called the Street Community Anti-Social Behaviour Case Conference (SCASBCC) was created to develop action plans for each individual to address their behaviour. This conference brought together statutory, private, charitable and voluntary organisations. Police interventions and outreach work was coordinated through the Rough Sleepers Street Services Team.	A target to reduce begging by 60% by the end of March 2005 was set in November 2003. Over the next 15 months this work reduced beggars from 33 to just 3. This was a 90% reduction. Street drinking hotspots decreased from 18 to 5, with the numbers of persons engaged in street drinking being reduced from 158 to 70.	

Make-it-Count Scheme Stoke-On-Trent, UK	An inter-agency action group was established with representatives from local police, City staff, homeless outreach services, a nurse practitioner, and business representatives. The project conducted surveys and observational research with panhandlers to identify individuals engaged regularly in panhandling and develop individualized case plans for each. A consistent approach to enforcement of by-law violations was adopted and police encouraged individuals to seek social services rather than enforcement actions. Busking or street market zones were created in prominent panhandling areas and development of fast-tracked drug rehabilitation program was begun.	In the first six months of operation, the program resulted in a reduction from an average of 6 panhandlers on street at any time, to one. Forty percent of the group identified stopped panhandling, while 50% moved on to other areas.	Staffordshire Police Department
3. Judicial or Policing Responses			
Program Name and Location	**Description**	**Budget and Results**	**Sponsored By**
Canadian Jurisdictions			
Vancouver: Project Civil City	A framework for action to address the issue of public disorder. One of the issues covered is aggressive panhandling. Suggested projects include a public awareness campaign on the negative impacts of providing money to panhandlers; introducing closed circuit television cameras; improving enforceability and collection of fines; expanding the program in which social workers ride-along with police in key districts; expanding downtown Ambassadors program; creating an Eyes on the Street program to use existing City employees to better work with police to identify and report criminal activity.	The framework sets a target of reducing aggressive panhandling by at least 50% by 2010.	City of Vancouver

Winnipeg: Community Outreach Patrol Program	The program is intended to help address challenges of public intoxication, which can lead to aggressive panhandling. Outreach Patrol members are trained in community outreach and have been granted limited use of Special Constable Status, which allows them to take a person found in a public place, intoxicated and incapable of taking care of themselves, into custody until the person is determined to be capable of safely returning to the community. Once in custody, patrol members connect them with the appropriate emergency shelter, health or detox facility, or contact the emergency service system if required. They develop relationships with those at risk to help get people off the street and into a safer environment where healing can begin.	Three year pilot in partnership with the Winnipeg Partnership Agreement Approximately $478,000 per year for nine Outreach Patrols and two supervisors. In the first 12 months of the program, the wait times for arrests have dropped from an average of over 70 minutes to 10 minutes for intoxicated persons. Fire and Paramedic service are in support of the program, and there has been an estimated savings to the city in excess of 1 million per year, as well as freeing up resources for other calls.	Winnipeg Downtown Business Improvement Zone
Vancouver: Community Court	The goal of the community court is to bring together justice, health and social welfare systems to work as an integrated case management team, with particular emphasis on addictions and mental illness. Through efficient case management, street crime prosecutions be resolved more quickly, with fewer court appearances. Court decisions will be based on the most current information about the accused's background, criminal history and health and social service needs. Sentences will address both the crime and the underlying causes of the crime, which will have a positive impact on changing criminal behaviour.	Planned to open in spring 2008	BC Attorney General, in partnership with the City of Vancouver and the Street Crime Working Group

International Jurisdictions			
Portland, OR: Community Court	The project encourages defendants to contribute positively to their community through community service projects and offers them social service assistance to address underlying problems that can lead to criminal behaviour. Most non-violent, non person-to-person misdemeanours and violations are eligible to remain in Community Court for final resolution, which includes social service referrals, a community service sentence and dismissal of most charges on the first case. A member of the social services team interviews and assesses Community Court defendants for social service needs, provides case management and compliance reporting. The Judge may also mandate the defendant to social services as part of the Community Court sanction.	Approximately 6000 cases per year are disposed of through the Community Court system. This includes cases that are closed after a defendant is unsuccessful or fails to appear.	
San Diego, CA: Homeless Court Program	The HCP is a special monthly Superior Court session held at local shelters for homeless defendants to resolve outstanding misdemeanour criminal cases. To counteract the effect of criminal cases pushing homeless defendants further outside society, the HCP combines a progressive plea bargain system, an alternative sentencing structure, assurance of "no custody," and proof of shelter program activities to address a range of misdemeanour offences. Homeless participants voluntarily sign up for the HCP. The HCP homeless participant is entitled to all protections afforded by due process of law.	Homeless courts expand access to the judicial system and assist homeless defendants by addressing outstanding warrants and criminal offences to remove barriers to benefits, treatment, housing, and employment. The continued large numbers of homeless people participating in the Homeless Court Program has fostered the program's expansion in San Diego and across the nation. The HCP is replicated in 20 courts across the country.	

4. Employment Programs			
Program Name and Location	**Description**	**Budget and Results**	**Sponsored By**
Canadian Jurisdictions			
Winnipeg: Mission Off The Streets (MOST)	Provides homeless people with employment by paying them minimum wage to complete tasks such as gardening, cleaning up garbage, and installing signs, provided by the BIZ. The hours increase with time in order to ease the transition into the work force. A local service agency supervises workers and provides social support and meals to those employed in the program. Participants are also assisted to develop life skills such as financial management, behaviour, hygiene, and communication in the work place. The BIZ is committed to hiring the "graduates" of the program and connecting them with other job opportunities.	In the first year of the pilot project, the budget was $80,000 contributed from BIZ and Siloam Mission. The program serves 12 individuals at a time. There are plans to expand the program and the City of Winnipeg has provided a $50,000 grant for the program this year. To date, three participants have graduated to full-time employment in the community. Another three have been hired to work in the Downtown BIZ's regular street cleaning crew.	Winnipeg Downtown Business Improvement Zone, in partnership with Siloam Mission
Montreal, Que: Downtown Ambassador Urban Improvement Team	Homeless people are hired by the BIA to pick up litter, remove graffiti and posters. The BIA hires about 48 at any one time, dropping to 24 over the winter months. Workers are paid $1 more than minimum wage, with wages increasing as seniority builds. Most stay for about 6 to 12 months in this job, which is intended to be a starting point for other employment.	The BIA fully funds the project (about $600,000 annually) and does not seek government funding. They believe that this project has helped make their area more attractive to shoppers and tourists, and reduced the number of people staying on the streets.	Destination Centreville

Moncton: Working for Change	A pilot initiated in February 2005, "Working for Change" provides job opportunities through Downtown Businesses. Clients perform "curb appeal" work - sweeping cigarette butts, shovelling snow and garbage removal – for a small wage funded by the businesses. Currently there are four workplace units.	Approximately 30 individuals have participated in the program, resulting in a reduction in panhandling for all individuals and full-time employment for several individuals.	Moncton YMCA, in partnership with Downtown Moncton Centre-Ville Inc.
Fredericton, NB: Panhandling Voucher Campaign	Panhandlers are given odd jobs for downtown merchants in exchange for vouchers redeemable for food and other necessities from participating stores. Referrals will come from the Street Outreach Workers, the City Police or downtown businesses. The merchants will be provided with vouchers to give to panhandlers for payment upon satisfactory completion of tasks assigned.	Funding for the project comes from donations provided by the Fredericton Community Foundation and Atlas Van Lines Canada. In the summer pilot, there were eight businesses and 13 participants. The program was criticized by some in the media for providing vouchers, rather than wages for participants.	An initiative of the Community Planning Group, an umbrella organization of 32 community service providers, government departments and community members.
Vancouver, BC: Street Youth Job Action	Community partners hire Street Youth Job Action (SYJA) youth to perform services like street beautification (street garbage removal, graffiti removal) and needle sweeps. Each morning, youth come to SYJA to find out what jobs are available for the day, and after they have completed their job, they are paid that same day for services delivered. Current contract partners include the City of Vancouver, Downtown Vancouver BIA, Vancouver Coastal Health Authority, and a variety of individual private sector organizations.	Businesses are charged $12.00/hr. All supplies and transportation costs are additional. Youth team leaders are paid $8.50/hr and regular youth list workers receive $8.00/hr —the remaining money is used for youth job creation initiatives and for additional program costs.	Family Services of Greater Vancouver

5. Public Safety Guides or Street Ambassadors			
Program Name and Location	**Description**	**Budget and Results**	**Sponsored By**
Canadian Jurisdictions			
Winnipeg: Downtown Watch	Provides tourism information, and also serves as additional "eyes and ears" for the community. Ambassadors do not make arrests or carry weapons, but have been trained in non-confrontational mediation techniques. Equipped with two-way radios, they can quickly report any emergency or unusual activity to emergency services. All Ambassadors are certified in CPR and First Aid so that they are also able to offer emergency medical assistance until the arrival of emergency services. They also provide a safe walk service to accompany people to their vehicle or transit stop.	The Downtown Watch Program initiative employs a management infrastructure and a street patrol with two full-time supervisors, 14 full-time regular, and 2 part-time staff, along with 70 volunteers.	Winnipeg Downtown Business Improvement Zone
Vancouver: Downtown Ambassadors	The goal of the program is to address "quality of life" issues such as panhandling, litter, illegal vending, graffiti etc in partnership with a private security firm.	The budget for the 16 ambassadors, as well as a loss prevention program (6 FTE) for 2007-08 is $961,140 or 59% of the DVBIA's programming budget.	Downtown Vancouver Business Improvement Association
Ottawa: Street Ambassador Program	Established to assist merchants in the Byward Market and Rideau Street areas with aggressive panhandling and loitering. Duties include educating the public, providing an increased safety presence, taking complaints, serving as a quick link to the police, and informing street people about programs that help.	Operating since 1997. Majority of the $100,000 cost funded by the business community, with some funding from the Police Services Board.	ByWard Market Business Improvement Association

International Jurisdictions			
Seattle: Downtown Ambassadors	More than 60 ambassadors patrol downtown streets, providing directions and information to visitors, assisting the Seattle Police Department, offering security escorts and maintaining a clean urban environment through a comprehensive program of street sweeping, pressure washing, graffiti removal, trash, leaf pickup and more.	The ambassadors provided 111,384 directions to tourists and visitors and 672 safety escorts annually.	Metropolitan Improvement District, a branch of the Downtown Seattle Association
Baltimore: Public Safety Guides	Roles are providing safety escorts, giving directions, checking in on businesses, providing homeless outreach, assisting the police, and acting as a deterrent by standing near chronic panhandlers. The Guides receive special training in working with homeless individuals through the Hands in Partnership program, in conjunction with Baltimore Homeless Services and the Baltimore Police Department.	Commercial property owners fund these services through an annual surcharge of 14.39 cents per $100 of assessed property value. Last year, the Downtown Ambassadors helped approximately 355,000 people and provided more than 1,200 safety escorts.	Baltimore Downtown Partnership
6. Environmental or Situational Responses			
Program Name and Type	**Description**	**Budget and Results**	**Sponsored and References**
Canadian Jurisdictions			
Vancouver BC: Intersection Project – Changes to Environmental Design	Several changes to physical design of a neighbourhood were implemented to discourage aggressive panhandling. Police discovered where squeegeers stored their buckets and squeegees, and had property owners secure the storage places. They also had gas station owners engrave their squeegee equipment with identifying marks to deter theft by panhandlers. Several alcoves on buildings which provided shelter were gated or had a slanted structure installed which made it impossible for panhandlers to sit down.	911 call load analysis showed that the three identified behaviours (squeegee activity, public drunkenness and aggressive panhandling) drastically decreased after the project was initiated, with a 38% drop in calls over three months. There was an overall reduction in calls of 54% compared to the same period a year earlier.	Grandview Woodland Community Policing Centre

Calgary, AB: Promotion of Buskers	To manage vending and solicitation, the City, in partnership with the Calgary Downtown Association has established several busking stations on its two pedestrian malls. Buskers are required to apply for permits to perform.	Busking permits cost $50.	
International Jurisdictions			
Tacoma, WA: Alcohol Impact Area	An alcohol impact area (AIA) is an area of a city that is experiencing significant problems with chronic public inebriation or illegal activity associated with alcohol sales or consumption. Once an area is designated, efforts are made to mitigate the impacts by curtailing the sale of certain high alcoholic content beverages.	Analysis found a 36% decrease in Alcohol-related EMS cases in the AIA, and a 15% increase outside the AIA, resulting in an 8% decrease overall.	

Appendix F
Table of Canadian Bylaws Restricting or Prohibiting Panhandling

LOCATION	COMPLETE BAN	TIME OF DAY RESTRICTION	DISTANCE RESTRICTION	AGGRESSIVE PANHANDLING RESTRICTIONS	OTHER TYPES OF RESTRICTIONS	SPECIFIC FINE MIN./MAX.
Calgary ALBERTA Mar. 8, 1999		8:00pm-8:00am	within 10 meters of: a) financial institutions, b) automated bank machines, c) a bus stop or transit terminal	Shall not engage in panhandling a person who has refused or declined the solicitation	Shall not engage in panhandling a person who is: a) in a motor vehicle or b) in a manner that obstructs the passage of a person walking, walking next to a person, or following the person being solicited.	1st: $50.00 2nd and subsequent within 24 months: $100
Red Deer ALBERTA Feb. 12, 2007		6:00pm-8:00am	within 10 meters of: a) financial institutions, b) automated bank machines, c) a bus stop or transit terminal d) a walkway	Shall not engage in panhandling a person who has refused or declined the solicitation	Shall not engage in panhandling a person who is: a) in a motor vehicle or b) in a manner that obstructs the passage of a person walking, walking next to a person, or following the person being solicited.	1ST: $75 2ND: $200 3RD: $500
Abbotsford BRITISH COLUMBIA Aug. 25, 2003		No person shall panhandle after sunset on any given day.	within 10 meters of: a) financial institutions, b) automated bank machines, c) a bus stop or bus shelter d) liquor store	No person shall continue to panhandle from a person, or follow a person, after that person has made a negative response.	Shall not engage in panhandling a person who is in a motor vehicle. No person shall sit or lie on a street for the purpose of panhandling.	Fine or penalty as set out in the *Offence Act.* Each day the offence continues is a separate offence.

Kamloops BRITISH COLUMBIA Dec. 9, 2003		No person shall panhandle after sunset to sunrise.	within 10 meters of: a) financial institutions, b) automated bank machines, c) a bus stop or bus shelter d) liquor store e) a movie theatre f) a church or place of worship.	No person shall continue to panhandle from a person, or follow a person, after that person has made a negative response.	Shall not engage in panhandling a person who is in a motor vehicle. No person shall sit or lie on a street for the purpose of panhandling.	Min. $100 Max.: $2,000
Kelowna BRITISH COLUMBIA Sep. 17, 2007		No person shall panhandle after sunset on any given day.	within 10 meters of: a) financial institutions, b) automated bank machines, c) a bus stop or bus shelter d) liquor store e) a movie theatre	No person shall continue to panhandle from a person, or follow a person, after that person has made a negative response.	Shall not engage in panhandling a person who is in a motor vehicle. No person shall sit or lie on a street for the purpose of panhandling.	Min.: none stated Max.: $2,000 and/or a term of incarceration of not more than 90 days.
New Westminster BRITISH COLUMBIA Mar. 23, 1998		No person shall panhandle after sunset on any given day.	within 10 meters of: a) financial institutions, b) automated bank machines, c) a bus stop or bus shelter d) liquor store	No person shall continue to panhandle from a person, or follow a person, after that person has made a negative response.	Shall not engage in panhandling a person who is in a motor vehicle. No person shall sit or lie on a street for the purpose of panhandling.	Min.: none stated Max.: $2,000

Vancouver BRITISH COLUMBIA Apr. 30, 1998		No person shall panhandle after sunset to sunrise.	within 10 meters of: a) financial institutions, b) automated bank machines, c) a bus stop or bus shelter d) liquor store	No person shall continue to panhandle from a person, or follow a person, after that person has made a negative response.	Shall not engage in panhandling a person who is in a motor vehicle. No person shall sit or lie on a street for the purpose of panhandling.	Min. $100 Max.: $2,000
Vancouver BRITISH COLUMBIA Street and Traffic By-law Mar. 6, 2001					No person shall solicit in a manner that causes an obstruction (see bylaw for further details)	
Vernon BRITISH COLUMBIA Nov. 14, 2005 (repealed an earlier version)		No person shall panhandle after sunset on any given day.	within 10 meters of: a) financial institutions, b) automated bank machines, c) a bus stop or bus shelter d) liquor store	No person shall continue to panhandle from a person, or follow a person, after that person has made a negative response	Shall not engage in panhandling a person who is in a motor vehicle. No person shall sit or lie on a street for the purpose of panhandling.	Min.: none stated Max.: $10,000 Each day the offence continues is a separate offence.
Victoria BRITISH COLUMBIA June 24, 1999		A person **<u>may</u>** only solicit between 9am-9pm	Within 6 meters of: a) financial institutions, b) automated bank machines, c) a bus stop or bus shelter d) liquor store, e) parking ticket dispensing machines	A person must not solicit in an aggressive manner in a public area. A person must not solicit from the occupant of a motor vehicle.		Min.: $5.00 Max.: $10.00 a) $5.00 if paid within 14 days;

Winnipeg MANITOBA Sep. 20, 2000 **(**repealed an earlier version) Amended Jun. 29, 2005					No person shall solicit in a manner that causes an obstruction (see bylaw for further details) Defines: a) " captive audience" b) "cause an obstruction" c) "solicit"	Min.: none stated Max.: $1,000 and/or up to 6 months in prison.
Fredericton NEW BRUNSWICK Jun. 28, 2004 Replaces previous Bylaw with S. 91.1 and 91.2 of the *Municipalities Act*	No person shall beg or solicit from door to door or in a public place, except as authorized by the municipality.					Category B offence under the *Provincial Offences Procedures Act.*
Moncton NEW BRUNSWICK Apr. 2, 2002 Replaces previous Bylaw with S. 91.1 and 91.2 of the *Municipalities Act*	No person shall beg or solicit from door to door or in a public place, except as authorized by the municipality.					Category B offence under the *Provincial Offences Procedures Act.*

Prince Albert SASK. Sep. 24, 2007					Defines: a) " captive audience" b) "cause an obstruction" c) "solicit" d) "street"	Min.: $100 Max.: $2,000 If a person is in default of paying $100 fine, they can face a term of incarceration of not more than 90 days.
Estevan SASK. May 11, 2005		No person shall panhandle on a street, sidewalk or other public place at night.	No person shall panhandle within 2 meters of: a) a doorway to a building. b) any mobile food vendor. No person shall panhandle within 10 meters of : a) financial institutions, b) automated bank machines, c) liquor store d) beer and wine store e) a bar or lounge.	No person shall panhandle at any time on a street, sidewalk, or other public place in a coercive manner.	Shall not engage in panhandling: a) a person who is in a motor vehicle. b) a person standing in line on a street, sidewalk, or other public place for the purpose of entering any building or purchasing any goods or services. c) a person seated in an outdoor seating area located on a sidewalk abutting a restaurant. d) on private property without the property owner's consent	1ST: $100 2ND.: $250 3RD.: up to $10,000 In default of payment of a fine, a term of imprisonment of not more than 1 year.
Saskatoon SASK. May 10, 1999 July, 14, 2003			within 10 meters of: a) financial institutions, b) automated bank machines, c) a bus stop or bus shelter	No person shall panhandle at any time on a street, sidewalk, or other public place in a coercive manner.	Shall not engage in panhandling a person who is in a motor vehicle.	1ST: $100 2ND.: $250 3RD.: up to $10,000 In default of payment of a fine, a term of imprisonment of not more than 1 year.

Swift Current SASK. Jan. 14, 2003		No person shall panhandle on a street, sidewalk, or other public place at night.	No person shall panhandle within 2 meters of: a) a doorway to a building. No person shall panhandle within 10 meters of : a) financial institutions, b) automated bank machines, c) liquor store d) beer and wine store e) a bar or lounge.	No person shall panhandle at any time on a street, sidewalk, or other public place in a coercive manner.	Shall not engage in panhandling: a) a person who is in a motor vehicle. b) a person standing in line on a street, sidewalk, or other public place for the purpose of entering any building or purchasing any goods or services. c) a person seated in an outdoor seating area located on a sidewalk abutting a restaurant. d) on private property without the property owner's consent.	Min.: $100 Max.: $2,000
Hamilton ONTARIO Aug. 7, 1997				No person shall aggressively panhandle on any streets or sidewalks. No person shall solicit money from any pedestrian by panhandling on any streets or sidewalks in such a manner as to interfere with the ability of pedestrians to enter business establishments located on such a street.	No person shall sit or stand so as to obstruct the free passage of either pedestrian or vehicular traffic on any streets or sidewalks. Any person who obstructs pedestrian or vehicular traffic on a sidewalk or street shall, when directed to do so by an officer, cease such obstruction.	

Provincial Legislation Regulating or Prohibiting Panhandling

British Columbia – *Safe Streets Act, 2004*
Ontario – *Safe Streets Act, 1999*
New Brunswick – *Municipalities Act, 1973*

Appendix B
Map of Panhandling Locations

The “balloons” on the map indicate the volume of people panhandling encountered at each location. The largest balloons represent three or more people encountered panhandling at the location.

