



SUBMISSION
**Consultation on the Safer
Municipalities Act, 2024**



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Centre of Research & Policy

John Howard Society of Ontario

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About the John Howard Society of Ontario

For more than 90 years, we've worked to keep the humanity in justice.

Today we continue to build a safer Ontario by supporting the people and communities affected by the criminal justice system. Our 19 local offices deliver more than 80 evidence-based programs and services focused on prevention, intervention and re-integration across the province. These range from helping youth develop the life skills that will let them achieve their full potential, to helping families navigate issues of criminal justice, to providing job training for those leaving incarceration so they can contribute to their community in a meaningful way. We promote practical, equitable policies while raising awareness of the root causes of crime and calling on Ontarians to share responsibility for addressing them. Within the system itself, we advocate for the fair treatment of every individual. Each year, our work impacts the lives of more than 100,000 Ontarians.

Please accept this document as the submission of the John Howard Society of Ontario (JHSO) to the Consultations on the *Safer Municipalities Act, 2024*.

It is undeniable that homelessness and the drug crisis are growing issues across Ontario. Tent encampments are multiplying, and the drug crisis takes the lives of too many Ontarians each day. While we agree that action is needed to address these issues, the evidence and our experience shows that arresting, fining and incarcerating people for behaviours linked to their lack of housing not only fails to address the root causes of homelessness but also exacerbates the problem. The causes of these crises are varied and complex, but a response that centers housing and supports is effective, evidence-based and compassionate.

The proposed *Safer Municipalities Act* prohibits the consumption of illegal substances in a public place, with the potential penalty of a fine up to \$10 000 or imprisonment for up to six months. Indeed, there are laws meant to govern the use of public spaces for the enjoyment and safety of all community members. For individuals not experiencing homelessness it is manageable to follow laws around public space, but for those that are unhoused and sleeping rough on the street, public spaces are often the only areas they have available to perform any acts related to daily living. Substance use is often connected to experiences of homelessness. Substance use is a common form of coping for individuals sleeping rough. For those without food, shelter, health care or a sense of security, illegal substances can be a means of self-medication and survival. For some people, substance use issues contributed to their loss of housing resulting in homelessness and can be tied to trauma and health concerns.

There is precedent for the utility of fines as a penalty for public acts that are connected to homelessness. The *Safe Streets Act, 1999*, set out laws to address panhandling, squeegeeing and other forms of solicitation. These acts are linked to experiences of homelessness as they are used as a means of survival. Over eleven years (2000-2010) tickets issued in Toronto related to violations of the *Act* amounted to over four million dollars, much of which went unpaid.¹ Portions of the *Safe Streets Act* have been found to be unconstitutional by the Ontario Superior Court² and the *Act* has been criticized as being “poorly conceived legislation that persecutes the poor” during discussions in the House about repealing it.³ Fines are counterintuitive and entrench people further into poverty, and do not deter behaviour arising from desperation. Additionally, someone experiencing homelessness is unlikely to be able to pay fines. Unpaid fines destroy credit and appear on a person’s driving license, adding additional barriers to finding employment or housing, and making it harder to ever escape homelessness.

Incarceration as a penalty can also exacerbate the homelessness crisis for municipalities across the province. Short periods of incarceration are de-stabilizing, resulting in loss of income supports and worsened mental and physical health. Incarceration can cause interruptions to services, loss of belongings and dislocation, resulting in negative outcomes. While it may very temporarily remove visibly

¹ O’Grady, B., Gaetz, S. & Buccieri, K. (2011) *Can I See Your ID? The Policing of Youth Homelessness in Toronto*. The Homeless Hub Report Series: Report #4. Retrieved from https://homelesshub.ca/wp-content/uploads/2023/12/CanISeeYourID_nov9.pdf

² *Fair Change v. Ontario (Attorney General)*, 2024 ONSC 1895

³ Legislative Assembly of Ontario, Hansard Transcripts. October 20, 2016. Retrieved from <https://www.ola.org/en/legislative-business/house-documents/parliament-41/session-2/2016-10-20/hansard#para802>

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unhoused people from public places, most of those individuals will ultimately return to sleeping rough on the streets or in tent encampments, making it ineffective at addressing homelessness while costing the taxpayer. At a time when our provincial jails are increasingly over capacity, adding new pressures to the correctional system to punish individuals for homelessness is simply too costly.

There are existing laws that govern illegal substances. The *Controlled Drugs and Substances Act* prohibits the possession of illegal substances with the potential penalty of imprisonment. Enacting additional laws around consumption of illegal substances in public spaces introduces redundancy and directly and disproportionately targets individuals experiencing homelessness.

Instead, investment in housing solutions, with supports where necessary, should be prioritized. A variety of housing options are critical to reducing homelessness and improving health outcomes. As stated in a call by the Big City Mayors, municipalities need tools to transition those in encampments to appropriate supports, notably supportive housing units.⁴ Supportive housing ensures community members not only have shelter but are also connected to individualized care and services for mental health and substance use, employment supports, peer support and life skills, as needed.

Ensuring access to services is critical. Currently, those trying to access substance use services, primary care or mental health supports, are often met with barriers or waitlists. Community agencies should be adequately resourced to provide the necessary holistic, wrap around care to Ontarians in a timely manner. Public health measures like supervised consumption sites also reduce public drug use by providing a monitored environment.

Providing housing and ensuring access to social and health services is an evidence-based approach that addresses the root causes of homelessness and creates safer, healthier communities.

We are pleased to provide input to these consultations, and would we welcome the opportunity to answer any questions you may have.

⁴ Ontario Big City Mayors. (2024) Ontario's Big City Mayors Reiterate Call to Premier to Address the Homelessness, Mental Health and Addictions Crisis in Ontario. Retrieved from <https://www.ontariobigcitymayors.ca/ontarios-big-city-mayors-reiterate-call-to-premier-on-homelessness-mental-health-and-addictions-crisis-in-ontario/>