



# Corporate

 NO: R135

# Report

 COUNCIL DATE: June 24, 2002

<b>Regular Council</b>			
TO:	<b>Mayor &amp; Council</b>	DATE:	<b>June 18, 2002</b>
FROM:	<b>General Manager, Planning &amp; Development</b>	FILE:	<b>4815-30</b>
SUBJECT:	<b>Status Report on Regulations for "Support Recovery Facilities"</b>		

## RECOMMENDATION

It is recommended that Council:

1. Receive this report as information;
2. Authorize staff to hold, in abeyance, the preparation of amendments to relevant City by-laws and policies, regarding support recovery houses until the Provincial review of adult residential addiction services has been completed, Bill 16 proposing a new Provincial *Community Care Facility Act* has been considered by the Province and there is more clarity with respect to the final provisions of the proposed *Community Charter*;
3. Direct staff to provide Council with a status report, in the fall of 2002, on the status of the Provincial review of adult residential addiction services, the new *Community Care Facility Act* and the *Community Charter* legislation in relation to support recovery uses; and
4. Direct the City Clerk to forward a copy of this report to the Union of BC Municipalities (the "UBCM") so that the UBCM can include Surrey's concerns, regarding Bill 16, in their presentation to the Province.

## INTENT

The purpose of this report is to advise Council of several Provincial initiatives that will have an impact on the development of City policies and regulations for "support recovery" uses in the City and to recommend that the development of amendments to City policies and regulations, related to such uses, be held in abeyance until more information on the new legislation and directions being considered by the Province is available.

## BACKGROUND

At the Regular Council - Land Use Meeting of January 21, 2002, Council considered Corporate Report L001 (attached as Appendix I) which provided information to Council on the Provincial changes to the *Community Care Facility Act*, with respect to the deregulation of alcohol and drug recovery houses and the implications of these changes on Surrey's regulations related to alcohol and drug recovery houses. The report provided recommendations with respect to changes to the City's regulations related to alcohol and drug recovery houses. In adopting the recommendations, Council directed staff to:

- Prepare a Corporate Report documenting the impact on the City by-laws and policies, of the changes in Provincial licensing requirements for alcohol and drug recovery houses and to recommend amendments to relevant City by-laws and policies, with a view to accommodating supportive recovery houses in the City and, further, that staff liaise with the appropriate officials of the Provincial government and the Fraser Health Authority in preparing the report and related recommendations; and
- Hold in abeyance in-stream rezoning applications for drug and alcohol recovery houses until Council has considered the Corporate Report referenced in the above recommendation.

## DISCUSSION

Over the past few months Planning and Development staff have met with Provincial health officials and other City departments to consider alternative approaches to mitigate the regulatory gap created as a result of the Province withdrawing from licensing alcohol and drug recovery houses. The City's current regulations require that an applicant for a proposed support alcohol and drug recovery house must obtain Provincial licensing before a rezoning by-law, to accommodate the use, is adopted by Council. Through discussions with the Provincial officials it has become apparent that the regulatory issues and possible solutions are complex and that the challenge of developing new policies and regulations for support alcohol and drug recovery houses is exacerbated by:

- The lack of expertise and mandate by local governments in the area of addiction services, in general and supportive housing, in particular; and
- The Provincial review and restructuring process that has yet to be completed, which leaves the City in a position of uncertainty about the extent to which the Province will remain involved in regulating different types of recovery uses.

Without a better understanding of key Provincial directions, any regulations the City may adopt would, at best, be interim and could create further problems for both the supportive recovery houses and the community as a whole. It is recommended that Council direct staff to postpone the development of new policies and regulations for recovery uses until more information is available from the Province, with respect to addiction services and supportive housing.

There are three areas where additional information from the Province would be useful in relation to the development of new City regulations and policies, with respect to support recovery houses, as follows:

- The results of the Provincial review of adult residential addiction services;
- The ramifications of the new *Community Care Facility Act* as proposed under Bill 16; and
- The new regulatory tools that may be available under the proposed *Community Charter*.

It is anticipated that more information in each of these areas will be available by the fall of this year.

## Provincial Review of Adult Residential Addiction Services

The Provincial government is currently moving towards a new framework for delivering addiction services in the Province, to better serve persons needing such services and to provide more effective care and support. As part of the new framework, the direct delivery of addiction services was recently transferred from the Ministry of Health Services to each Health Authority, including the Fraser Health Authority. To aid the Health Authorities in meeting their new mandated responsibilities in this area, the Ministry of Health Services is currently undertaking a comprehensive review of Provincially funded adult residential addiction services. This review affects Provincially funded detox facilities or beds, as well as other Provincially funded supportive recovery facilities or beds in the community.

According to the Ministry of Health Services, the review is intended to provide a broad overview of existing services, develop recommendations on alternative service delivery models and provide recommendations on performance standards and criteria for supportive care recovery beds/facilities where Provincial licensing no longer applies. The review, to be completed by October 2002, will bring clarity to the Province's intent and assist municipalities in developing appropriate policies and regulations in response. The results of the review will assist City staff in developing policies that create a reasonable fit between the needs of support recovery houses and the needs of the community.

### New *Community Care Facility Act* – Bill 16

The Provincial government recently introduced a proposed new *Community Care Facility Act* to replace the existing *Act*. The proposed *Community Care Facility Act* is outlined in the press release and backgrounder information attached as Appendix II. Under the new *Act*, to be debated and finalized in the Legislature this fall, only those facilities providing care to "vulnerable and dependent persons" will require Provincial licensing. Facilities deemed to be providing care to persons "able to direct their own care" will no longer require or be eligible for Provincial licensing.

The current *Community Care Facility Act* defines a "community care facility" as "any facility that provides care, supervision, social and educational training or physical or mental rehabilitative therapy, ... to three or more persons". In contrast, the proposed new *Community Care Facility Act* provides that, "licensing will be restricted to facilities where care is provided to three or more vulnerable and dependent people" and the term "care" is defined to mean, "the supervision provided to a child or adult who is:

- (a) vulnerable because of family circumstances, age, disability, illness or frailty, and
- (b) dependent on caregivers for continuing assistance or direction in the form of a prescribed service or program provided by a licensee to persons in care."

Based on the information available, to date, from the Province, it appears that only those persons who require assistance in following prescribed medical instructions or in taking medication will be eligible to be accommodated in licensed community care facilities. Information as to the precise licensing requirements, under the proposed new *Act*, will not be available until new Adult Care and Child Care Regulations are developed after the adoption of the new *Act*.

According to Provincial information, "the legislation is designed to reduce unnecessary regulation of facilities serving individuals with a greater level of independence – such as supportive housing for seniors, or supportive recovery houses for persons with substance dependencies". At this point it is not clear as to the impact the new *Community Care Facility Act* will have on existing and future community care facilities in Surrey. However,

City staff have some concerns about the direction the Province is taking in its regulations of care facilities.

Under Surrey's Zoning By-law "care facilities" are defined as those "buildings which contain sleeping units for persons receiving care or assistance which are licensed or funded by Provincial or Federal agencies". Alternatively, buildings providing sleeping units for persons receiving care or assistance which are not licensed or funded by Provincial or Federal agencies are considered to be boarding and lodging arrangements and are limited to no more than two persons per dwelling. Thus the regulatory gap created by the Provincial withdrawal from the licensing of alcohol and drug recovery houses in December 2001, is now being widened to include many more residential group living arrangements, such as supportive and assisted housing.

From the perspective of City staff, the proposed new *Community Care Facility Act* represents a significant shift away from the coordinated regulatory approach that has been the norm between the City and the Province in regulating facilities providing supervision and care to persons in need of assistance or support. The proposed new *Community Care Facility Act* has the potential to significantly impact Surrey and other local governments that are trying to accommodate and regulate these needed facilities in their communities. Local governments are not in a position to determine and evaluate the services or support and treatment programs provided by unlicensed care facilities. Without Provincial licensing, Surrey and other local governments, are limited to regulating unlicensed care facilities based exclusively on land use regulations, such as the physical location of the facility, the size and design of the facility, the maximum number of clients that may be accommodated in the facility and the provision of adequate parking and landscaping. Regulating the day-to-day operational aspects of such facilities is neither within the mandate nor the capability of local governments, due to lack of resources and expertise. Consequently, while some unlicensed care facilities may provide appropriate care and supervision, the City is concerned about the potential proliferation of sub-standard facilities that may compromise the safety and security of both the clients of such facilities and the broader neighbourhood and community.

For the Province to deem individuals "vulnerable and dependent", based solely upon the need for assistance and supervision with respect to the need for a "prescribed service or program" (i.e. medical service) is an extremely narrow criterion. Some individuals may be "vulnerable and dependent" without the need of medical services or medication and, as such, should also be under the scrutiny and purview of Provincial health professionals and licensing requirements. Individuals recovering from drug or alcohol addiction may fall into this category.

It is the Planning and Development Department's position that the interests of the Province, the City and residents are best served by maintaining a coordinated regulatory approach between the Province and the City for a broad range of care facilities, including supportive housing, assisted living housing and alcohol and drug recovery houses. A coordinated approach will help to ensure that such facilities provide responsive and effective services to those in need and enable affected persons to reintegrate into the community with minimal time and cost to the Provincial housing and health care system. It will also allow these much needed facilities to be integrated into neighbourhoods, based on the confidence provided by Provincial regulations and monitoring.

It is recommended that Council authorize the City Clerk to forward a copy of this report, on the potential impact of the new *Community Care Facility Act*, to the UBCM and request the UBCM to present Surrey's concerns, together with those of other local governments, to the Province.

### Pending *Community Charter* Legislation

The Provincial government has recently released Phase 1 of the proposed *Community Charter* for input from municipalities. The *Community Charter*, when adopted, will replace the existing *Local Government Act*. Phase 2 of the *Community Charter*, which will address land use and development prerogatives of local government, is expected to be released later this year and is expected to include modified regulatory tools, in relation to dealing with zoning/land use matters. The new provisions under the *Community Charter* may assist the City in developing effective policies and regulations for controlling the location and operation of supportive care recovery facilities.

## CONCLUSION

In January 2002, Council directed staff to prepare a Corporate Report outlining the impact of the recent Provincial changes affecting "support recovery houses" and to bring forward modified regulations to accommodate "supportive recovery houses" under the City's Zoning By-law and related policies. It is recommended that the preparation, by City staff, of new regulations and policies, in relation to support recovery houses, be held in abeyance pending the completion of the Provincial review of adult residential addiction services, the detailed review of the proposed new *Community Care Facility Act* and Regulations and the general review by municipalities of the proposed *Community Charter* legislation. Staff will provide a status report to Council in the fall of 2002. It is further recommended that Council authorize the City Clerk to forward a copy of this report to the UBCM, with a request that the City of Surrey's concerns, with respect to Bill 16, be included in UBCM's presentation to the Province on the proposed *Community Care Facility Act*.

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Planning and Development Department

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Appendix I - Corporate Report L001

Appendix II - Provincial News Release

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