



# Corporate Report

NO: R037

COUNCIL DATE: March 3, 2003

## REGULAR COUNCIL

TO: **Mayor & Council**                      DATE: **February 20, 2002**

FROM: **General Manager, Planning & Development**      FILE: **4815-30**

SUBJECT: **Status of Provincial Initiatives in Relation to Community Care and Support Recovery Facilities**

## RECOMMENDATION

The Planning and Development Department recommends that Council receive this report as information.

## BACKGROUND

On June 24, 2002, Council considered Corporate Report No. R135, "Status Report on Regulations for Support Recovery Facilities" (copy attached as Appendix I) and requested that staff provide a further update in late 2002. Specifically, Council requested information on the status of the Provincial review of adult residential addiction services, the new **Community Care Facility Act**, Bill 16 and the **Community Charter** legislation, in relation to support recovery uses. This report responds to Council's request.

## DISCUSSION

### Provincial Changes to Licensing of Community Care Facilities

- **Province-wide consultation on Bill 16**

Throughout the summer of 2002, the Province undertook a consultation process to receive feedback on the proposed **Community Care Facility Act**, Bill 16, that was introduced in April 2002. Under the then proposed act, only those facilities providing care for vulnerable and dependent persons would require Provincial licensing while all other community care facilities would no longer be subject to Provincial regulations. The proposed legislation, in effect, eliminated basic health and safety regulations for a broad segment of community care facilities, including supportive recovery facilities.

- **New *Community Care and Assisted Living Act*, Bill 73, supercedes Bill 16**

On November 4, 2002, the Province introduced Bill 73, the **Community Care Facility and Assisted**

**Living Act**, to replace Bill 16. A copy of the Provincial news release announcing Bill 73 and a Provincial background bulletin are attached to this report as Appendix II. On November 26, 2002, Bill 73, **Community Care and Assisted Living Act** (the "**Act**"), received Royal Assent by the Province and will come into effect in the spring of 2003. The regulations associated with the **Act** are in the process of being developed for phased implementation.

The new **Act** includes a number of changes to Bill 16 in response to concerns raised during the Provincial consultation process. However, the most significant change between Bill 16 and Bill 73 is the addition of provisions for assisted living residences. Assisted living residences are those that provide accommodation and a low level of care to residents. Under Bill 73, community care facilities will continue to require Provincial licensing as set out in the previous Bill, but assisted living facilities will need to participate in a registration process to ensure basic health and safety standards. The scope and administrative framework for the registration process are currently under review by the Province. Attached as Appendix III are key definitions related to the new **Act** for Council's reference and information.

## • Preliminary Comments on the new Act

The proposed two-tiered approach (a licensing tier and a registration tier) to regulate community care facilities is a move in the direction of a graduated licensing system suggested in earlier staff reports to Council and in the City's correspondence to the Province. The definition of "care" remains focused on "vulnerable and dependent" persons and at this time excludes a wide spectrum of community care facilities previously licensed by the Province, such as support recovery houses. However, the effect of the **Act** on community care facilities and supportive recovery houses will not become completely evident until the supporting regulations are available. The regulations will set out the level and type of care that may be provided in assisted living residences and community care facilities, the nature of the regulatory process, and the details on the basic health and safety standards to be established.

Provincial community care facility licensing staff has indicated that the various sections under the newly adopted **Act** will come into effect in stages, starting in the spring of 2003. The implementation of the sections will be phased to coincide with the development of associated regulations. As such, staff is unable to advise Council, at this time, as to the impact of the new **Act** on Surrey's Zoning regulations, related to community care facilities and support recovery facilities. An evaluation will be provided to Council once the Provincial regulations are available for review.

### **Provincial Review of Adult Residential Addiction Services**

Over the past year the Provincial government moved towards a new framework for delivering addiction services in the Province. As part of the new framework, the direct delivery of addiction services was transferred from the Ministry of Health Services to each regional Health Authority. In this regard, addiction services were officially moved from the Province to the Fraser Health Authority on October 1, 2002. At the same time, the Ministry of Health Services had proposed undertaking a comprehensive review of Provincially funded adult residential addiction services to aid the Health Authorities in meeting their new mandated responsibilities in this area. It was anticipated that the results of the study would assist City staff in developing policies that would create a reasonable fit between the needs of support recovery houses and the needs of the community. However, during the process of developing a new framework for service delivery and the transfer of responsibilities to Health Authorities, it appears that Provincial resources and commitment to the study have evaporated and the anticipated study has not been undertaken.

### **Community Charter Legislation**

In 2001, the Provincial government released Phase 1 of the proposed Community Charter for input from municipalities. It was expected that Phase 2 of the **Community Charter**, which is to address land use and development authority of local government, would be released by the fall of 2002. New provisions were anticipated to assist the City in developing effective policies and regulations for controlling the location and operation of supportive care recovery facilities. However, to date, staff has not received any further information from the Province on the status of the **Community Charter** development process.

## CONCLUSION

The enactment of Bill 73, the new ***Community Care Facility and Assisted Living Act***, has done little to guide the City in developing appropriate policies and regulations for community care facilities, in general and support recovery houses, in particular, since regulations in support of the ***Act*** are still being developed by Provincial staff. The Planning and Development Department will provide a further report to Council when the supporting regulations to the ***Act*** become available in the next few months.

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Planning and Development

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### Attachments:

- Appendix I Corporate Report R135, "Status Report on Regulations for Support Recovery Facilities"
- Appendix II Provincial news releases announcing Bill 73 and background bulletin
- Appendix III Key definitions under the new Community Care and Assisted Living Act

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