



TO:	CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE MEETING ON JULY 19, 2016
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	INFORMAL RESIDENTIAL CARE FACILITY LICENSING BY-LAW

RECOMMENDATION

That on the recommendation of the Managing Director, Development and Compliance Services:

- (a) The report and attached proposed By-law to provide for the licensing and regulation of Informal Residential Care Facilities and Services in the City of London **BE RECEIVED**; and that
- (b) Civic Administration **BE REQUESTED** to hold a public participation meeting on August 23, 2016 with respect to the Informal Residential Care Facility Licensing By-law ; it being noted that Civic Administration has undertaken extensive consultation with various agencies involved with addressing issues regarding buildings housing vulnerable occupancies.

PREVIOUS REPORTS

March 30, 2016 – CPSC – Community Response to Situations of Potential Vulnerable Occupancy
 June 21, 2016 – CPSC – Business Licensing By-law

BACKGROUND

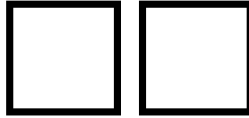
On March 30, 2016, Civic Administration presented a report on responses to unsafe housing conditions of vulnerable occupancy. Since a fire occurrence in November 2014, a number of community based actions were initiated and have continued (as recently as July 8, 2016 – were a response team of inspectors addressed numerous issues related to a vulnerable occupancy property – VOP) related to the understanding, advocating and responding to these situations.

On June 21, 2016, Civic Administration presented a report on proposed new categories and existing category regulations for the Business Licensing By-law. One of the proposed new categories for licensing is “Group Homes”. There was some urgency noted at the CPSC meeting to separate out some of the categories and report out individually in place of an omnibus approach.

This by-law and regulations will apply municipal standards, licensing, and enforcement to those unfunded and otherwise unregulated facilities that operate as stand-alone as “Informal Residential Care Facilities” and provide related services to tenants.

Civic Administration considers it necessary and desirable for the public to regulate “Informal Residential Care Facilities and Services” for the purpose of protecting the health, safety and well-being of persons, nuisance control and to address quality of life issues in London’s neighbourhoods. Due to the nature of vulnerable persons independent living in a group setting, community based supports are required to support safe and stable housing conditions.

Proper controls are required to ensure that safe and stable housing and support services are provided to vulnerable persons living independently within in our community. Without these supports , vulnerable persons may be at risk and there is an increase in neighbourhood nuisances (unkept properties, garbage containment). The quality of life diminishes when people are at risk and properties are not kept up to community standards.



KEY TERMS AND DEFINITIONS:

“Informal Residential Care Facility” means a residential facility that is occupied or intended to be occupied by three or more and a maximum of eight persons for the purpose of receiving Informal Care Services, whether or not receiving the services is the primary purpose of the occupancy but does not include a residential facility that is funded or licensed by the federal or provincial government or regulated under one of the following:

- (a) Long-Term Care Homes Act, 2007;
- (b) Retirement Homes Act, 2010;
- (c) Homes for Special Care Act;
- (d) Public Hospitals Act;

“Informal Care Services” means the provision of services to support the routines of daily life including without limitation to assistance with money management, assistance with facilitating the payment of rent, assistance with facilitating the payment of bills, housing finding and stabilization, meal preparation, the provision of food or meals, advocacy, or other services.

“Tenant” means a person other than an operator or employee who resides in an Informal Residential Care Facility and to whom the operator provides Informal Care Services and the term “tenant” has a corresponding meaning.

LICENCE CONDITIONS AND PROHIBITIONS:

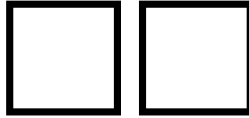
Licensing Conditions:

Regulations and standards will be prepared for the following:

- Intake process – the licensee shall, upon request, provide support to individuals to complete the application/intake process. It will be the responsibility of the licensee to assess an individual’s appropriateness for residency in the informal care facility.
- Tenant privacy - the licensee must have a written policy concerning the collection, use and disclosure of tenant information. All staff and volunteers must sign a confidentiality agreement during their initial training period.
- Staff qualifications - All staff who have the sole or primary job responsibility of providing direct personal care (assisting with bathing, dressing etc.) shall possess social work certification and / or post-secondary education in a related field or comprehensive demonstrated experience. The licensee shall ensure staff have training in First Aid, CPR and non-violent crisis intervention and conflict management.
- Inspections - The licensee shall cooperate with all City inspections, including those which are undertaken at the time of licence application / renewal, in response to complaints and randomly as determined by the City.
- Accommodation requirements – standards will be provided for living, sleeping and common areas.
- Activities for daily living - The licensee shall ensure that assistance with the routines of daily life is provided by facility staff, at a level required to meet individual tenant need while at the same time encouraging tenants to maintain independence. A schedule of supervised activities shall be determined by the licensee and tenants shall be afforded the opportunity to exercise choice/control in how assistance with activities of daily living is carried out.
- Medications – The licensee shall ensure that a tenants receive medication as prescribed by their physician and procedurally administered according to the instructions of the pharmacist with maximum protection of contamination or error. The licensee must ensure the proper and safe storage of all medications.

Prohibitions:

Within the by-law are listed a number of standard prohibitions (such as operating without a licence, failure to comply with conditions of a license), as well as a number of specific prohibitions related to informal residential care facilities. Civic Administration will apply to a Senior Regional Judge for set fines for all listed prohibitions. The initial fine applications will range from \$250 to \$750 per prohibition.



The prohibitions include but are not limited to:

- Maintenance of tenant files - The licensee shall ensure that a personal file is created for each new tenant containing relevant information to be used in emergency situations.
- Serious incidents - The licensee shall ensure that serious incidents are documented and available for review by the City. Serious incidents such as fire, death and/or critical injury must be responded to immediately and reported to a City of London official or his/her designate.
- Age of staff - All staff providing care to tenants shall be at least 18 years of age.
- Food preparation - Staff involved with food preparation shall obtain a Food Handler Certificate and at least 1 staff qualified (with certification) must be on duty when food is being prepared.
- Insurance – the licensee must maintain general liability insurance in an amount not less than Five Million (\$5,000,000.00) and certificate(s) of insurance evidencing insurance policies and shall be retained by the licensee and may be reviewed at any reasonable time by the City.
- Tenancy agreements - The licensee shall enter into a written tenancy agreement with each individual who is admitted as a tenant of the facility as per the Residential Tenancies Act (RTA). The agreement is to be signed by the tenant, retained in the tenant’s records and a copy is to be provided to the tenant.
- Standard operating procedures – approved standard operating procedures must be adhered to and an overarching prohibition will address noncompliance of approved procedures

NEXT STEPS:

These and other regulations will all be addressed in Standard Operating Procedures prepared by the applicant and approved by the City in consultation with relevant commenting agencies (Fire, Health Unit, Property Standards).

The City in consultation with relevant agencies will post specific regulations for provision of services in Informal Residential Care Facilities and Services. These regulations will assist applicants in developing Standard Operating Procedures which will be required during the application process.

These Standard Operating Procedures will be reviewed by relevant commenting agencies and the Licence Manager will be given the authority to refuse, amend or approve the submission.

The initial application process will involve the submission of various Standard Operating Procedures and other documentation such as proof of insurance. The initial application process will involve joint inspections by Property Standards, Fire Prevention, and the Health Unit.

The proposed licence fee is \$750. This cost covers administration, inspection and enforcement costs. Further inspections will take place in response to complaints and randomly as staffing permits. An application will be required for each property for which an Informal Residential Care Facility is proposed.

PREPARED BY:	RECOMMENDED BY:
<p>O. KATOLYK, MLEO (c) CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER</p>	<p>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL</p>

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