



TO:	CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE PUBLIC PARTICIPATION MEETING ON August 23, 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 & Compliance Services and Chief Building Official, the Informal Residential Care Facility Licensing By-law (attached hereto) **BE INTRODUCED** at the Municipal Council Meeting on August 30, 2016, to ensure proper controls are in place confirming that safe and stable housing and support services are provided to vulnerable persons living independently within in our community.

PREVIOUS REPORTS

- March 30, 2016 – CPSC – Community Response to Situations of Potential Vulnerable Occupancy
- June 21, 2016 – CPSC – Business Licensing By-law
- July 19, 2016 – CPSC – Draft Licensing By-law

BACKGROUND

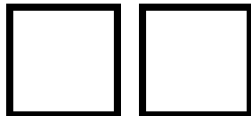
On March 30, 2016, Civic Administration presented a report on responses to unsafe housing conditions of vulnerable occupancy. Since a fire occurrence in November 2014, a number of community based actions were initiated and have continued (as recently as July 8, 2016 – were a response team of inspectors 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.

On July 19, 2016, Civic Administration presented a report on a draft by-law addressing informal residential care facilities. This by-law and regulations will apply municipal standards, licensing, and enforcement to those un-funded and otherwise unregulated facilities that operate as stand-alone as “Informal Residential Care Facilities” and provide related services to tenants. On July 26, 2016, Council referred the draft by-law to a public participation meeting in August 2016.

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.

The draft by-law report presented to CPSC in July 2016 outlined the key terms and definitions as well as the licence conditions and prohibitions. These are not repeated in this report.



The proposed by-law delegates legislative powers to the Licence Manager. Section 7.9 states:

7.9 In addition to any other power, duty or function prescribed this By-law, the Licence Manager may make regulations under this By-law including:

- (a) prescribing the information that must be included in a file for each tenant as required under section 6.4;*
- (b) prescribing the Operational Standards including without limitation any matter relating to the health, safety, well-being and protection of the tenants of such facility;*
- (c) prescribing the form of and any information required to be provided to the Licence Manager in report under sections 6.11 and 6.12;*
- (d) prescribing the format and content of any forms or other documents required under this By-law;*
- (e) prescribing the form of and minimum requirements for criminal record checks and insurance policies; and*
- (f) prescribing criteria for any requirements or approvals not otherwise specified in this section.*

Section 23.2 of the *Municipal Act, 2001* authorizes the delegation of legislative powers, provided that, in the opinion of the council of the municipality, the power being delegated is of a minor nature. In determining whether or not a power is of a minor nature, the council, in addition to any other factors it wishes to consider, shall have regard to the number of people, the size of geographic area and the time period affected by an exercise of the power.

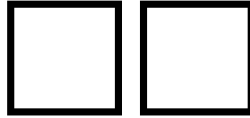
Subsections (a), (c), (d), (e) and (f) are items that address information gathering, prescribed forms and related processes and criteria. These matters are considered administrative and minor in nature in accordance with the *Municipal Act, 2001*.

Subsection (b) authorizes the Licence Manager to prescribe Operational Standards for the facilities including, without limitation, any matter relating to the health, safety, well-being and protection of the tenants of the facility. Section 6.14 of the By-law requires licensees to comply with the prescribed Operational Standards.

The Licence Manager will establish operational standards in accordance with Section 6.13 to define specific service delivery and compliance expectations that provide the capacity of the Licence Manager to ensure the intent of the by-law is supported through the business processes of the licensee.

Such standards and policies will prescribe the tools, forms, and expectations related to:

1. Solicitations for potential tenant and facility selections, including but not limited to:
 - Advertisements or marketing materials related to informal residential care facility housing and services used to solicit new tenants in written, electronic, or other forms;
 - Supports to potential or existing tenants related to finding and securing housing including but not limited to housing facilities directly addressed within this by-law; and
 - Other standards to ensure the appropriate location of care facilities with proximity to amenities and community services for tenants.
2. Tenant application and administration standards including but not limited to:
 - availability, use and retention of application forms and processes;
 - storage and availability of house rules and expectations for tenants and guests; and
 - any administrative forms, processes, procedures, role profiles, or other policies required in the administration and delivery of informal residential care facility services.



3. Physical accommodation requirements, including but not limited to:
 - standards of facilities and maintenance, including but not limited to:
 - regularly scheduled cleaning and maintenance of all common and personal spaces,
 - expectations of tenants related to general care and maintenance of private as well as common spaces,
 - provision of shared facilities, furnishings, and other equipment,
 - availability, maintenance, and cleaning of appliances,
 - provision of appliances and utensils for independent meal preparation,
 - provision of utilities including heat, hot and cold water, electricity, and other services to ensure safe and comfortable living environments;
 - size and conditions of personal space (eg. windows and natural light); and
 - requirements related to tenant security and security of controlled materials or supplies (including medications) as well as other privacy and security requirements.
4. Direct service delivery standards and practices, including but not limited to:
 - availability to tenants of weekly meal menus that meet defined nutritional standards;
 - provision of clean linens, blankets, towels, and other household items for daily living;
 - standards related to the provision of emergency medical care and responses
 - tenant transportation assistance (provided directly or through service agencies);
 - protocols associated with the safe, secure, and confidential storage of medications;
 - first aid, emergency response, and safety and risk management required standards; and
 - direct provision and access to social and recreational supports;
5. Provision of any financial assistance and supports including authorizations and related record keeping, which include but are not limited to:
 - All transactional financial services provided on behalf of the tenant including tenant rental or other accommodation payments as well as payments for basic living needs and services; and
 - any supports or services provided by tenants as employment or in exchange for other services or for any in-kind remunerations; and
6. Any other business process or standard deemed by the Licence Manager as being required for the administration and provision of services defined within the by-law by the business licensee or the Licence Manager to ensure compliance with the same.

Final operational standards will be reviewed with the City Solicitor and City Clerk to ensure they are compliant with the conditions of delegated authorities defined in the Municipal Act, 2011 and information collection parameters defined within the Municipal Freedom of Information and Protection of Privacy Act, 1990, noting that the collection of personal information is necessary to ensure the proper administration of this by-law, and a vital component to achieve the municipal purposes of health, safety and consumer protection of tenants.

The information required to be collected has been established based on:

- the protection of the tenants and the information required by the licensee to provide services and supports that respond to tenant needs;
- the protection of the licensee and their agents, staff, or volunteers to ensure that they are aware of risks and issues that would extend beyond those of standard tenancy arrangements;
- the needs of the Licence Manager to ensure the licensee's compliance to the by-law through regular reviews and potential responses to incidents;
- and the need to ensure that, in the event of an emergency situation as outlined in Section 6.12, the licensee would have the ability to rapidly respond to emergency services officials with vital information related to tenants.

Access and use of tenant information by the licensee must be in compliance with the applicable legislation and access and use by the Licence Manager will be limited to verifying compliance of the licensee to this by-law and administering this by-law through regular reviews or through responses to potential complaints or incidents. The use of information in the event of an emergency would be directed through authorized emergency officials. Administrative practices to accompany this by-law will further prescribe the forms and business expectations related to these conditions.

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Since the last committee meeting, there have been many discussions with licensing administration and enforcement staff as well as external stake holders. As a result of these discussions there have been some changes made to the draft by-law.

Key changes include:

- The number of clients has been reduced from eight to five. The City’s Zoning by-law limits the number of bedrooms in single detached dwellings to five and the Residential Rental Unit Licensing By-law includes conditions addressing conformity with the Zoning By-law. Informal residential care facilities are different from licensed and funded group homes and limiting the number of tenants to five would be more in keeping with the neighbourhood fit in the communities these types of facilities are expected to be locating.
- The Penalty Provisions have been amended to address continuous offences and a graduated fine protocol.
- The date the by-law will come into force has been added (November 21, 2016). This will allow for the development of several operational matters including application for set fines, preparation of regulations which be developed to assist applicants with preparing standard operating procedures for which the approval is delegated to the Licence Manager in consultation with applicable agencies, and the development of IT systems and a dedicated web site.

The intent of this by-law is to ensure proper controls are in place confirming that safe and stable housing and support services are provided to vulnerable persons living independently within in our community. Civic Administration would like to thank all the external social service stakeholders who participated in this by-law review and initial development of the VOP (Vulnerable Occupancy Property) rapid response protocol.

PREPARED BY:	RECOMMENDED BY:
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Attachment: By-law