



COUNCIL – AGENDA REPORT

Meeting Date: 7 May 2024

Subject: Overview of the Governance of Supportive Living and Residential Facilities

Directorate: Community Safety and Social Services

Issue:

Council is being provided with information on the Acts and Regulations that govern supportive living and residential facilities. Administration is also providing a brief overview on the municipality's role and responsibility in these matters.

Policy / Council Direction:

This report provides information in response to the Notice of Motion endorsed by all of Council on April 16, 2024. Municipal regulatory involvement for supportive living and residential facilities is directed by Land Use Bylaw No. B-01/2016, Safety Codes Permit Bylaw No. B-45/2023, and Business Licensing Bylaw No. B-52/2006.

Background:

This report will highlight two legislative frameworks that govern supportive living accommodations and residential facilities. It will also outline the roles and responsibilities of the Province of Alberta and the municipality.

Legislative Frameworks

First, a new piece of legislation that came into effect April 1, 2024, the *Continuing Care Act* which replaces the old legislation governing supportive living accommodations. Supportive living accommodations are licensed facilities serving four or more adults that allow them to live as independently as possible with the support of services to meet their needs (e.g., adult group homes, lodges, senior residences, etc.).¹ This new legislation replaces a number of previous acts and regulations to put all continuing care facilities under one legislative

¹ Province of Alberta. 2024. *Supportive living accommodations in Alberta: A guide to new continuing care legislation*. Retrieved April 17, 2024, from <https://open.alberta.ca/dataset/0befe2fe-a2f9-4305-b271-108f4979c72d/resource/792fff02-bacd-4598-a8f4-5bec3c58bf57/download/hlth-supportive-living-accommodations-alberta-guide-2024.pdf>.

framework. Any changes from previous legislation are mostly minor and intended to streamline and provide consistency across settings.

Second, residential facilities are governed by the *Child, Youth, and Family Enhancement Act* and Regulation and the Residential Facilities Licensing Regulation. Residential facilities provide residential care to a child in the custody or under the guardianship of an authority responsible for the administration of child protection, but does not include a facility that primarily provides medical care, educational services or correctional services (e.g., residential facilities, foster homes, etc.).²

Provincial Role and Responsibilities

The primary responsibility for overseeing, regulating, licensing, inspecting, and enforcement belongs to the Province of Alberta. While there may be slight differences between the two legislative frameworks, there are many similarities. For example, licensing regulations and standards require operators to obtain criminal record and vulnerable sector checks and written job descriptions for employees/volunteers. The licensing requirements listed in the legislative frameworks span hundreds of pages and can be found in the [Accommodation Standards and Licensing: Information Guide](#) and the [Residential Facilities Licensing Regulation](#).

Municipal Role and Responsibilities

In regards to the municipal role regarding these facilities, the City's role falls in three general areas:

- Land Use District (zoning) approvals and Development Permits;
- Building Permit reviews and inspections; and
- Business Licensing.

The Provincial Continuing Care Licensing Office (CCLO) requires applicants to provide a “zoning letter” (land use districting) from the municipality of any proposed facility with four or more residents. The minimum standard is indication that the applicable land use district has a care facility as an acceptable use. The local municipality may define a further process, such as Development Permit approval, before signing supporting documentation for the applicant.

The City requires development permits for supportive living facilities, and this requires the applicant to conduct public engagement in the area surrounding the facility. The City does not impose any restrictions on the occupants of a property, but rather, focuses on the usage of the property itself. The City of Airdrie ensures Development Permit approval before providing documentation to the respective applicant(s).

The Planning department evaluates applications for compliance with regulations of Land Use Bylaw No. B-01/2016, with particular reference to the regulations found in Section 6.24 – Supportive Housing. The regulations of Section 6.24 are designed to ensure compatibility with the neighbourhood and mitigate potential impacts to neighbouring properties. These regulations restrict the ability to modify the exterior of the proposed residential conversion and ensure minimum parking and landscaping for each site. Section 6.24(8) requires the

² Province of Alberta. 2023. *Child, Youth and Family Enhancement Act*. Retrieved April 17, 2024, from https://kings-printer.alberta.ca/1266.cfm?page=C12.cfm&leg_type=Acts&isbncln=9780779841639.

Development Authority to evaluate the cumulative impact on the neighbourhood of multiple facilities in the same limited area. Additionally, the Bylaw prohibits property owners from combining supportive housing with other uses like secondary suites or home-based businesses on the same property.

Development permit applications for supportive housing are also reviewed by a number of other departments (including Building Inspections as mentioned above, Fire, and Engineering Services) to ensure compliance with Municipal and Provincial requirements and codes.

Specifically, supportive living and residential facilities are also required to be in compliance with the National Building Code – 2023 Alberta Edition, the National Fire Code – 2023 Alberta Edition, the National Energy Code of Canada for Buildings 2020, the Safety Codes Act of Alberta, and the Alberta Permit Regulation.

The 2023 National Building Code update established B4: Home-Type Care Occupancy as a new type of care occupancy intended to address support services for residents longer than 24 consecutive hours living in a residential home. The occupancy is defined as follows:

Home-type care occupancy (Group B, Division 4) means the occupancy or use of a building consisting of a single detached housekeeping unit where care is provided to residents and may include the living space of the caregiver and their family.

These facilities can provide “care”, which means services to assist residents with cognitive, physical, or behavioral limitations. Examples of care facilities include assisted supportive living facilities, children's custodial homes, group homes, hospices without treatment, respite centers, nursing homes – all without medical “treatment” (meaning medical or health-related intervention) being provided.

The 2023 National Building Code for Home-Type Care Occupancy now allows these uses to be in ‘Part 9 – Residential’ buildings, as long as the building is a detached house less than 600m² and is less than three storeys. A Home-Type Care Occupancy is restricted to 10 persons and must have a fire safety plan and suppression system. However, a fire suppression system may be exempted if the occupancy has four persons or less, barrier-free means of egress with a travel distance of 30m or less, and a fire warning system installed. There are specific requirements for emergency lighting and if the occupancy is to be located in the basement.

Supportive living facilities and residential facilities have been treated as exempt from the business license fee based on Business License Bylaw No. B-52/2005, but are required to apply for a no-fee license. The bylaw also requires the applicant to provide any required Provincial license with their application as the final step in the municipal regulatory process.

Council Committee Routed Through:

This item is for Information and is not required to be routed through a Council Committee.

Administration Recommendation:

That Council accepts the report entitled “Overview of the Governance of Supportive Living and Residential Facilities” for information.

Alternatives/Implications:

This item is for information.

Budget Implications:

There are no budget implications.

Communications and Engagement:

No communications or engagement is required.

Recommendation:

That Council accepts the report entitled “Overview of the Governance of Supportive Living and Residential Facilities” for information.

Pauline Clark
Team Leader, Social Planning

Staff Presenter:	Pauline Clark, Gail Gibeau, Colleen Kinley, Pertti Harkonen
External Presenter:	There is no external presenter
Department:	Social Planning, Current Planning, Policy Planning, Municipal Enforcement, Building Inspections
Reviewed by:	Kevin Weinberger, Stephen Utz
Attachments:	There are no attachments