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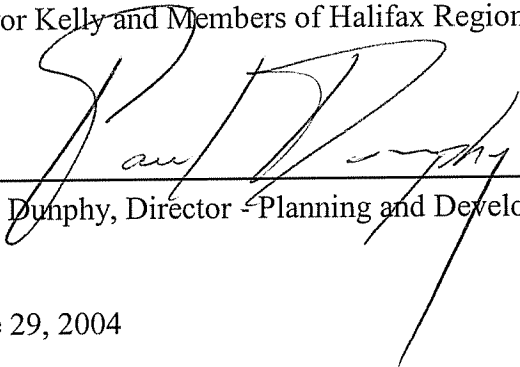


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
July 6, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Paul Dunphy, Director - Planning and Development Services

DATE: June 29, 2004

SUBJECT: Accessible Housing for Persons with Disabilities

INFORMATION REPORT

ORIGIN

- At the November 25, 2003 meeting of Regional Council, a request was made for a report addressing the possibility of enhanced standards for Accessible Housing for Persons with Disabilities.
- On May 17, 2004 staff submitted a report to HRM's Persons with Disabilities Advisory Committee outlining the process to amend the Building Code Regulations which govern the accessibility of residential occupancies.

BACKGROUND/DISCUSSION

The Province is currently reviewing the barrier-free regulations of the Provincial Building Code Regulations. HRM's interest and input regarding this issue is therefore very timely.

On May 17, 2004 staff submitted a report to HRM's Persons with Disabilities Advisory Committee. The report outlined the process to amend the Building Code Regulations which govern the accessibility of residential occupancies (see Attachment A).

- The Persons with Disabilities Advisory Committee has struck a subcommittee to review the current regulations and proposed amendments.

- The subcommittee will report back to the Persons with Disabilities Advisory Committee, who will make recommendations to Regional Council.
- The Persons with Disabilities Advisory Committee intends to make their recommendations this fall.
- If Council supports these recommendations, these will be forwarded to the Province for consideration.

Planning and Development staff are working with the subcommittee to assist them in the interpretation of the regulations and in preparing their recommendations to the Committee.

BUDGET IMPLICATIONS

None.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

None.

ATTACHMENTS

Attachment A - May 17, 2004 Accessible Housing for Persons with Disabilities Report

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:

Ed Thornhill, Manager - Permits and Inspections

490-4480



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

May 17, 2004

TO: HRM Persons with Disabilities Committee

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Ed Thornhill", written over a horizontal line.

Ed Thornhill, Manager - Permits and Inspections

DATE: May13, 2004

SUBJECT: Accessible Housing for Persons with Disabilities

ORIGIN

At the November 25, 2003 meeting of Regional Council (Item #10.3.2), a request was made for a report addressing the possibility of enhanced standards for Accessible Housing for Persons with Disabilities.

RECOMMENDATION

It is recommended that the Persons with Disabilities Committee:

1. **Review** the Response by the Nova Scotia Building Advisory Committee to the Discussion Paper and Questionnaire on Barrier-free requirements.
2. **Prepare** a written submission and recommended amendments for Regional Council's consideration and submission to the Building Advisory Committee and the Minister of Environment and Labour.

BACKGROUND

In the fall of 2001 the Nova Scotia Building Advisory Committee issued a discussion paper, "The Barrier-free Requirements of the Nova Scotia Building Code Regulations."

The committee sought and received opinions from the disabled community, building owners, design and construction industry stakeholders, and many interested Nova Scotians on barrier-free building design standards in the province.

Attached as Appendix A, is the Response by the Building Advisory Committee to the input received from interested stakeholders.

DISCUSSION

The process for affecting changes to the Building Regulations is outlined in Appendix A. In summary, the Minister of Environment and Labour prescribes the Regulations into law following a review process and recommendations by the Building Advisory Committee. The amendments are then advertised publicly for 45 days prior to proclamation. The current Barrier-free review is in the draft regulation stage in preparation for adoption in the spring of 2005, therefore there is still ample opportunity for public input. The PWD Committee's interest in this issue is very timely.

The Building Code Act includes provisions for municipalities to adopt bylaws "not inconsistent with the regulations". (excerpt from the NS Building Code Act)

Municipal by-laws

7 (1) The council of the municipality may pass by-laws not inconsistent with this Act or the regulations made by the Minister.

Such bylaws are generally restricted to administrative issues such as classes of permits, fees, inspections, etc. Under the Building Code Act, municipal bylaws are not permitted to increase the Provincial Building Code requirements, therefore an HRM bylaw is not a viable option for the Committee to achieve its objectives.

Should a municipality wish to impose increased or additional Building Code requirements, there is a provision in the Building code Act which provides for amendments which would apply exclusively to a specific municipality. (excerpt from the NS Building Code Act)

Additional standards

(2) Upon the recommendation of the council of a municipality, the Minister may, by regulation, prescribe additional standards applicable to the construction or demolition of buildings in that municipality, where such standards are more stringent than the standards in the Building Code or relate to matters not regulated by the Building Code.

There are currently no such “exclusive” standards in the Building Code Regulations.

It is staff’s understanding that the Committee’s primary concern is with regard to the required ratio of Barrier-free residential suites in new multi-tenant residential buildings. The current “proposal” provides for 5% of all suites in such buildings to be fully accessible.

It is staff’s experience through hypothetical discussion, that the Building Advisory Committee is generally reluctant to recommend amendments which are exclusive to a specific municipality. The BAC feels that any proposed amendments should affect the entire province, rather than one municipality exclusively. One objective of the Provincial Building Code Regulations initial adoption in 1987 was to ensure consistency across the province, any deviation from that would be contradictory to that objective. Generally, if one municipal unit can benefit from an amendment, other NS municipalities would benefit as well.

Having said that, the Building Advisory Committee and/or the Minister would very likely take notice of HRM’s Persons With Disabilities Committee recommendations.

Staff is available, and prepared to support the PWD Committee in it’s review of the Response by the Nova Scotia Building Advisory Committee as well as the preparation of any recommendations to Regional Council and/or the Minister.

BUDGET IMPLICATIONS

There are no budget implications to this report.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ATTACHMENTS

1. A Response “by the Nova Scotia Building Advisory Committee” to What Was Heard from the Public on the Barrier-free Requirements

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Ed Thornhill, Manager - Permits and Inspections

490-4480