

Item:



Committee of the Whole Report

DATE: Tuesday, January 22, 2019

WARD(S): ALL

**TITLE: HOUSING FOR PERSONS WITH DISABILITIES
RESPONSE TO COUNCIL RESOLUTION
(ITEM 13, REPORT NO. 44)**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management
Nick Spensieri, Deputy City Manager, Corporate Services

ACTION: FOR INFORMATION

Purpose

To respond to Council's resolution of December 11, 2017, requesting that staff report back to Council by June 2018 on a Study to require new high-density development to provide accommodation for persons with disabilities.

Report Highlights

- To provide an overview of the Provincial, Regional and Municipal legislation and policy framework concerning the creation of accessible and affordable housing.
- To provide an update on current City studies which will consider the provision of accessible and affordable housing.

Recommendations

1. THAT Staff be directed to review and consider opportunities that encourage the provision of accommodations for persons with disabilities in high-density development through the upcoming update of the Multi-Year Accessibility Plan in 2019;
2. THAT staff forward Council's resolution to York Region for consideration through the review of the Region's Housing Strategy as part of the Municipal Comprehensive Review; and

3. THAT the current review of the Vaughan Official Plan 2010 (Official Plan Review), City-wide Comprehensive Zoning By-law, and Multi-Year Accessibility Plan, which include consideration of accessible and affordable housing, be deemed to satisfy the Study requirements identified in Council resolution, Item 13, Report No. 44, of the Committee of the Whole.

Background

On December 11, 2017 (Item 13, Report No. 44, of the Committee of the Whole) Council resolved the following by way of a member's resolution:

***Whereas**, there is a well-documented, very significant shortage of housing available and suitable for people with disabilities in the Greater Toronto and Hamilton Area (GTHA); and*

***Whereas**, there is a great need for housing for our residents with a disability in the City of Vaughan; and*

***Whereas**, the integration of affordable residential accommodation for persons with a disability within general housing is a preferable option rather than only providing exclusive forms of housing; and*

***Whereas**, there is significant high-density housing growth currently in the City.*

It Is therefore recommended:

- 1. That City staff conduct a study to determine the feasibility of, and the process that might be used by the City of Vaughan to require new high-density development to provide accommodation for persons with disabilities;*
- 2. That the study consider, amongst other matters, such aspects as percentage of units that might be provided and the type (height, density) of development that would be bound by this policy;*
- 3. That within the study, staff provide options for consideration by Council;*

Previous Reports/Authority

Council - December 11, 2017 – Member's Resolution - Housing For People with Disabilities which can be found at the following link:

http://www.vaughan.ca/council/minutes_agendas/AgendaItems/CW1205_17_13.pdf

Analysis and Options

There is an existing Provincial Policy Framework that addresses the provision of Accessible and Affordable Housing

The *Planning Act*

Housing and accessibility are key areas of provincial interest and is central to developing inclusive, complete communities. Through amendments to the *Planning Act*, including the introduction of second unit permissions, the Province has identified affordable housing as an area of increased focus. Under Part I, S.2 (h.1), Provincial Administration, the *Planning Act* also establishes "...accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;" as a matter of Provincial interest.

The *Provincial Policy Statement (PPS 2014)*

The PPS 2014 outlines the Provincial interest in the regulation of land use planning and development and includes specific policies concerning affordable housing and accessibility. To address the housing market, Section 1.4.1 establishes the general objective "to provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents...". To achieve this objective, the PPS 2014 requires municipalities to establish minimum affordable housing targets in their Official Plan and provides a definition of affordable housing.

Section 6.0 defines affordable as:

- a) in the case of ownership housing, the least expensive of:
 - 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for *low and moderate income households*; or
 - 2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the *regional market area*;
- b) in the case of rental housing, the least expensive of:
 - 1. a unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
 - 2. a unit for which the rent is at or below the average market rent of a unit in the *regional market area*.

The PPS 2014 also provides guidance concerning accessibility. Section 1.1.1 f) of the PPS 2014 articulates the policy objective of "improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society".

The *Accessibility for Ontarians with Disabilities Act (AODA), 2005*

The AODA establishes standards regarding accessibility. The goal of the AODA is to develop and implement accessibility standards across public, private and non-profit sectors to achieve full accessibility in Ontario by 2025.

Currently, there are five accessibility standards under the AODA. The five standards include the following:

1. Customer Service Standard
2. Information and Communications Standard
3. Transportation Standard
4. Employment Standard
5. Design of Public Spaces Standard

The Design of Public Spaces Standard under the AODA does not have requirements pertaining to accessible and affordable housing.

Part I, S.2 of the AODA defines disability as:

- “(a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- (b) a condition of mental impairment or a developmental disability,
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*; (“handicap”)

The Ontario Building Code (OBC), (2012, as amended)

The OBC requires builders to adhere to accessible and barrier-free design standards. The OBC identifies that in multi-unit residential buildings, that are 4 storeys or higher in building height, a minimum of 15% of all residential suites are required to meet prescriptive barrier-free performance standards.

The Growth Plan for the Greater Golden Horseshoe (2017)

The Growth Plan acknowledges the significance of affordable housing within the context of growth management. The Growth Plan reinforces the objectives of the PPS 2014 and requires the provision of a range and mix of housing types, including affordable housing. Upper- and single-tier municipalities are also required to complete a Housing Strategy that identifies how the objectives will be achieved (Section 2.2.6.1 Housing).

Further policy requirements and guidance specific to affordable housing is provided in the Province’s Long Term Affordable Housing Strategy (2016). A recent update to the strategy introduced new policies and funding programs oriented toward the production

of affordable housing as well as the requirement that municipalities develop a 10-year Housing Plan. In response to growing concern regarding affordability in the housing market, the Province also introduced Ontario's Fair Housing Plan which includes a suite of policy tools and programs to protect and facilitate the production of affordable housing.

Staff have reviewed the delegated authority legislated to the City under the *Planning Act*, PPS 2014, AODA, OBC, Growth Plan and Affordable Housing plans regarding the provision of accessible residential units affordable to individuals with disabilities. The legislation mandates requirements for accessible access outside and within buildings. The legislation does provide the City the authority to require new development to provide a minimum number of residential units within new high-density buildings to accommodate persons with disabilities as prescribed by the requirements of the OBC.

Both the Region and City of Vaughan have policies that address the issue of providing for Accessible and Affordable Housing

York Region

York Region Official Plan

The York Region Official Plan (YROP) requires the development of diverse, inclusive communities as described in Chapter 3 (Healthy Communities) that provides for the consideration of housing affordability and accessibility. The objectives of "healthy communities" is "to promote human health and well-being in York Region, where people can live, work, play and learn in accessible and safe communities" and provide "an appropriate mix and range of acceptable housing to meet the needs of residents and workers". Building on the general objectives to produce affordable and accessible communities, Section 3.5.6 requires that 25% of all new development in York Region meet the established threshold for "affordability" and specifies that a "portion should be accessible for people with disabilities". The housing policies of the YROP will be reviewed through the Municipal Comprehensive Review process.

Affordable Housing

As a provincially designated "Housing Service Manager" under the *Housing Services Act*, 2011, which transferred responsibility for social housing programs to the municipal level, York Region has produced several supporting documents concerning affordable housing as required by this legislation. These documents include a 10-year Housing Plan (Housing Solutions: A Place for Everyone), and Affordable Housing Implementation Guidelines 2015. Affordable Housing production is also monitored in annual Progress Reports by Regional staff. Specific policies concerning accessibility are implemented through the Region's Multi-Year Accessibility Plan 2015-2021.

City of Vaughan

Vaughan Official Plan 2010

Section 7.5 (Housing Options) of VOP 2010 establishes the policy framework for the supply of housing in the City, including affordable housing. The policies emphasize the

need for the provision of a mix and range of housing types and tenures. The need for accessible housing is specifically addressed in the following sections:

- Section 7.5.1.1 – “To encourage and support the provision of a full range of housing options including...accessible housing that meets the needs of people with disabilities...”
- Section 7.5.1.2 – “To work with York Region in implementing its affordable housing policies as follows:
 - a. Requiring 25% of all new housing units in Vaughan be affordable and that a portion of these units should be accessible for people with disabilities.”
- Section 7.5.1.4. – “To support and prioritize the following housing initiatives:
 - c. Considering universal accessibility and accommodations for people with disabilities in the development of design guidelines and standards for new residential development.”

City staff are currently working with York Region on several initiatives regarding affordable housing to develop the strategies and implementation tools necessary to achieve the affordable housing targets established in VOP 2010, including a provision for accessible units. As part of the Region’s Municipal Comprehensive Review, City staff will participate in the review of the Housing Strategy for York Region, which will include an analysis of the affordable housing sector and policy framework in York.

Multi-Year Accessibility Plan Update

The City plays an important role in ensuring access for residents with disabilities through the Vaughan Accessibility Advisory Committee (VAAC). The role of the VAAC is to advise Council to support the City’s work in identifying and removing barriers to lay the foundation for a barrier-free, inclusive community. Vaughan’s Multi-Year Accessibility Plan outlines corporate and departmental objectives related to addressing accessibility issues and services at a corporate level.

The public and private sector are required to comply with the AODA, however, the City is only responsible for ensuring that the City of Vaughan’s buildings, programs and services are accessible and inclusive.

The City of Vaughan does not have legislative authority to require the private sector to implement accessibility requirements through the AODA. However, the City can consider encouraging the private sector to build accessible and affordable housing through communication and incentives as part of the upcoming Multi-Year Accessibility Plan update.

Further Consideration of Accessible and Affordable Housing addressed in review of Municipal Policies.

In light of the existing policy framework concerning accessibility and affordable housing at the Provincial and Municipal level, Staff consider the provision of affordable housing for persons with disabilities to be addressed through the existing policy mechanisms. As described in the report entitled “Housing Solutions: A Place for Everyone”, York Region 10-Year Housing Plan - 2017 Progress Report, the majority of affordable housing units produced in Vaughan is characterized by high-density development. Under the OBC, multi-unit residential buildings, that are 4 storeys or higher in building height, are subject to the requirement that 15% of new units meet barrier-free performance standards.

It is Staff’s opinion that the current review of the Vaughan Official Plan 2010 (Official Plan Review), City-wide Comprehensive Zoning By-law, and Multi-Year Accessibility Plan include consideration of accessible and affordable housing. As such, the review of these City policies are deemed to fulfill the request for a Study identified in Council Resolution, Item 13, Report No. 44, Committee of the Whole.

Financial Impact

There is no economic impact associated with this report.

Broader Regional Impacts/Considerations

City staff recommend that the Council Resolution regarding housing for persons with disabilities be forwarded to York Region for inclusion in the Housing Strategy as developed through the Municipal Comprehensive Review process.

Conclusion

Accommodations for persons with disabilities within new high-density development is a desired need within the City. While the current legislation (OBC) does provide the City with the legislative authority to require builders to include a minimum percentage of “accessible” units within certain new development, there may also be opportunities to provide further analysis and to expand the City’s mandate to private sector development, where possible, to encourage the provision of accessible units through the upcoming review of the City’s Multi-Year Accessibility Plan in 2019. It is recommended that the Plan include within its update opportunities to encourage new high-density development to provide accommodation for persons with disabilities.

City staff will also participate in the review of the Region’s Housing Strategy through the current Municipal Comprehensive Review process. City staff will forward the Council resolution to York Region for consideration through this process as contained in the recommendation.

For more information, please contact: Bill Kiru, Director of Policy Planning and Environmental Sustainability, ext. 8633

Attachments

1. Extract from Council Meeting Minutes of December 11, 2017

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