

DRAFT SUBMISSION TO COUNCIL RE ACCESSIBLE PATH

The Persons with Disabilities Advisory Committee has analyzed the proposed amendments to the Bylaw to see whether they will improve accessibility, adaptability, visitability and aging-in-place for Vancouver's population.

Accurate statistical data can be of great assistance when examining both the rationale, and the potential impacts, of a legislative amendment. However Vancouver has no statistical data that would help to determine whether the existing accessibility requirements, let alone the proposed ones, are meeting existing needs. Other presenters today will deal with the waiting lists for accessible housing but that is at best a partial indicator. Nobody knows how the current housing stock meets these needs, and nobody can tell whether the proposed changes will have any significant impact. But we do know that accessibility benefits EVERYONE. So accessibility should be the norm, it should not be perceived as only pandering to the needs of a select community.

So instead of addressing hard numbers, let's deal with principles. First, definitions so we all agree on terminology: visitable means that persons with disabilities can visit the home and socialize with residents. Adaptable means that the home is ready to receive modifications that will provide accessibility, and accessibility means that the home is suitable for a person with disabilities. Vancouver, like Canada, has an aging population. Abilities decrease with advancing age. The existing bylaw tries to promote adaptability and accessibility: 3-piece bathrooms on the ground floor of homes allow persons who age or become disabled to move down to the ground floor as the main living space and wide stairs allow them to install a chair-lift. The proposed amendments remove 3-piece bathrooms on the ground floor for all except for one-story units, and then only if in a development with over 90-ft frontage, and then only if there is no exemption for "unnecessary hardship". They also completely remove wide stairs. And the proposal leaves it entirely up to developers for one or two family dwellings. This proposed amendment removes the ability to age in place in most residences: the elderly or newly disabled will simply have to move.

PDAC cannot understand why the amendments move from "adaptability and accessibility" to "visitability". When City staff presented the package to us, we questioned this change of focus. City staff have calculated the cost of building-in visitability in townhouse and row-house developments, and these costs range from \$750 to a SAVINGS of \$990 depending on the type of unit. The average "cost" for 4 types of units is a SAVINGS of \$450. 450 bucks. And it's a savings! The CMHC did a study in 2016 that showed the additional costs of building-in full accessibility in different types of housing in four markets including Vancouver, and the additional costs were negligible. Apartment units saw almost no additional cost, the most expensive being a detached house with double garage where the additional expense was around 2,500 dollars. The CMHC presented this to City staff on December 8, 2016. Even if building-in full accessibility resulted in a small additional cost, let's put all this in perspective: housing units in Vancouver cost a minimum of hundreds of

thousands of dollars. The additional cost of full accessibility is negligible, it is a one-time expense, and it benefits everyone whether immediately or later. And by the way, it also benefits families with children, although the yellow memo implies that the City has to choose between accessibility or the needs of families with children.

PDAC also strongly objected to the arbitrary number of 20% of new townhouses and row-houses that would have an accessible path of travel. Staff said that the developers are ready to accept this, and that asking for greater compliance would cause processing delays affecting the provision of housing to families with children. With all due respect, PDAC does not accept these justifications. First, accessibility and inclusion should not depend on the wishes of developers, who do not represent persons with disabilities. Second, unlike the preferences of developers, accessibility is not a wish, it is a right. Third, there are no statistics or other evidence justifying the limit of 20%. Fourth, if City staff are worried about claims for exemptions, how can they at the same time try to sell these proposals by claiming that the 20% will be a "minimum" and a higher percentage of compliance can be expected? PDAC insists that 20% compliance is way too low. PDAC strongly advocates for the principle of 100% compliance as a principle. Exceptions can be made where the need is demonstrated. Once we start with this principle we don't know what percentage of new builds will be accessible after valid exemptions are considered, but then neither does the City. Since City staff have no statistics on requests for exemptions, we fail to see on what basis City staff argue that there will be sufficiently more requests to cause processing delays.

On the matter of evidence-based decisions, it was extremely instructive for us to learn that the City has no statistics on some crucial determinants for these recommendations: no percentage of current builds that are on lots with a frontage exceeding 90ft; no percentage of projects that receive exemptions for "unnecessary hardship"; no percentage of developments that have chosen to comply with non-mandatory requirements. But worse: the City has no data-base of successful solutions to existing accessibility problems, and has never developed a way to share novel solutions to accessibility issues with developers seeking exemptions. This is NOT acceptable for a City that claims it is promoting accessibility. This shows that the amendments are not based on a valid assessment that would also consider possible solutions to accessibility issues. 20% is a low-ball, convenient number because it does not require innovative thinking about accessibility, and it has the support of developers, this being the only factual support we were given. This is not moving the goal posts at all, at least not in the proper direction.

PDAC is particularly concerned because the housing stock barely changes from year to year. Even if all new townhouse, stacked townhouse and row-house developments were 100% accessible with an accessible path, the overall impact on the Vancouver accessible housing stock would be negligible for many years. And houses are not like policies or projects: once built they are there for 50 years! If you don't build-in accessibility this year, you are stuck with those inaccessible units for the next 50 years. We asked City staff for projections: how long will it take to meet

the accessibility needs of Vancouverites using their 20% (with conditions) number; they could not give an answer. So we ask Council to really think about the long-term impacts of these proposed amendments: do you really want to prevent accessibility and aging in place, and promote only visitability, and then only for 20% of some new units, and then only subject to exemptions?

In closing, PDAC also wants to clarify our position on the possible impact of the upcoming Inclusion and Accessibility Strategy on these proposals. City staff have told us that we should accept these low-ball proposals because this can all be adjusted later under the upcoming strategy. PDAC thinks they have turned the principle on its head: really, this current issue should be a catalyst for the development of a solid strategy. VBBL amendments should be used as a test-case to underline the City's commitment to accessibility. The strategy may be a ways off in the future, and current initiatives on accessibility must not be postponed, or be less professionally pursued, or worse be watered down, with the hope that all will be saved by an Inclusion and Accessibility Strategy somewhere down the road. That would be the worst message to leave to City staff.

No, PDAC asks that that Council not accept the report. Council should ask City staff to take this back in order to reconsider and improve the recommendations, in a way that truly supports the City's commitment to accessibility and inclusion.

Thank you.

REPORT:

1) Townhouses, stacked townhouses and row-houses:

a) *accessible path of travel with no-step entrance: required for a "minimum" 20% BUT ONLY IF:*

- *the site has more than 90 ft frontage*
- *no "undue hardship" to the developer*

b) *ONLY FOR THE MINIMUM 20% MANDATED:*

- *for one-story garden homes ONLY, a 3-piece adaptable bathroom;*
- *for multi-level units ONLY, a 2-piece bathroom with wheelchair-turning radius*

c) *FOR THE 80% NON-MANDATED:*

- *FOR ONE-STORY GARDEN HOMES IF ENTRANCE IS 5FT OR LESS ABOVE GRADE, 3-piece adaptable bathroom;*
- *FOR MULTI-LEVEL UNITS IF ENTRANCE IS 5FT OR LESS ABOVE GRADE: 2-piece bathroom with wheelchair-turning radius;*

d) *FOR ALL DWELLINGS WITH ENTRANCE 5FT OR LESS FROM GRADE (above or below): 2-piece bath with wheelchair-turning radius;*

e) *FOR ALL DWELLINGS WITH ENTRANCE MORE THAN 5FT ABOVE GRADE: no requirement for a 3-piece adaptable bathroom*

3) *Single family dwellings: no requirement*

4) *Laneway houses*

a) *accessible path ONLY IF:*

- *frontage of more than 50ft*
- *at least 40 sq m of "habitable space" on ground floor*
- *no "undue hardship" to the developer*

b) *bathrooms ONLY IF FRONTAGE OVER 50FT AND IF MORE THAN 40 SQ M HABITABLE AREA ON GROUND FLOOR (i.e. only if mandated accessible path):*

- *one-story units need 3-piece adaptable bathroom*
- *1.5 story units need 2-piece bathroom with wheelchair-turning radius on the ground floor*

5) *no accessible path requirements if new townhouses, stacked townhouses and row-houses are on frontage under 90ft, AND NO STATISTICS ON % OF SUCH DEVELOPMENTS OVER 90FT FRONTAGE (i.e. no way to know how many will have a 20% minimum requirements for accessible path IF THERE ARE NO UNDUE HARSHIPS)*

6) *no statistics on percentage of new townhouses or rowhouses that are garden suites i.e. no way to know how many units will have 3-piece adaptable bathroom*

7) *no accessible path for townhouses, stacked townhouses or rowhouses if compliance would result in "undue hardship"*

8) *only dwellings with a mandated accessible path of travel must provide a no-step entrance*

9) *VBBL currently requires townhouse/stacked townhouse/ row-houses to have wide stairs to accommodate a chair lift; THIS WILL BE LOST for townhouse/stacked townhouse/row-houses that are not mandated to have an accessible path*