



## COUNCIL REPORT

Report Date: June 11, 2024  
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Meeting Date: July 9, 2024  
[Submit comments to Council](#)

TO: Vancouver City Council  
FROM: Chief Equity Officer  
SUBJECT: Equity Lens Review of City By-Laws

### Recommendations

- A. THAT Council receive the findings of the by-law review and endorse the high-level work categories identified in Appendix A, which indicate how staff will scope the work to amend by-laws based on the Equity Framework.
- B. THAT Council direct staff to apply the Equity Framework to future by-laws being amended or conceived, through a pilot led by the Equity Office.

### Purpose and Executive Summary

Council directed staff to create an inventory of City of Vancouver by-laws that potentially require amendments to align with the Equity Framework. This review identifies:

- Nine priority recommendations where work is already underway, initiated or planned; and
- Seven recommendations with a long-term focus to be included in future work programs.

This report includes an implementation plan for how staff will conduct further analysis to develop amendments to bring to Council in the future. This report also contains a summary of correspondence and public feedback the City has received regarding by-laws, as well as information on how staff plan to integrate equity analysis into the conception of future by-laws.

## **Council Authority/Previous Decisions**

- City of Vancouver [Equity Framework](#) (July 2021)
- Council Motion: [“Equity Lens Review of City By-laws to Ensure Equity is at the Forefront”](#) (February 2023)

## **City Manager’s Comments**

The City Manager concurs with the foregoing recommendations.

## **Context and Background**

### Role of Municipal By-laws

The scope of this review is limited to the impact of City of Vancouver by-laws on equity. While this is an important step, by-laws are only one of many ways the City influences equity outcomes. The City’s policies, procedures, programs, and enforcement practices also have significant impacts. For example, decisions such as where to invest in new amenities and infrastructure, whether to provide interpretation and translation, or how much to fund a community program all have direct implications for equity but are not governed by by-laws.

This review also does not include recommendations which would require changes to the Vancouver Charter or other Provincial legislation. For example, the definition for what can be considered heritage in City by-laws is set at the Provincial level, and currently protects physical buildings and landscape features. This means the City currently cannot protect intangible cultural heritage through by-laws; this creates an equity impact for diverse ethnic and racialized communities whose histories have been removed from the built environment, but have been key to the City’s culture and vitality. While examples like this are not included in this review, staff continue to communicate with Provincial staff regarding these impacts of existing legislation.

### Review of Public Input and Jurisdictional Scan

A review of public data sources, included in Appendix B, highlights public concerns related to equity within various areas, focusing primarily on the impacts of homelessness on public facilities, the lack of affordable housing near essential services, and the need for clarity on transportation modes to ensure safety and accessibility. Data sources include Vancouver’s public call centre (311) data, citizen correspondence to Mayor and Council, and reports from various civic advisory committees, spanning from January 2018 to October 2023.

A jurisdictional scan, included in Appendix C, was conducted to examine how various cities are integrating equity considerations into their bylaws. This analysis identified diverse approaches, with many municipalities establishing equity analysis tools for their policy creation process, with fewer jurisdictions doing review of existing by-laws. The City of Edmonton and Louisville Metro conducted reviews of their zoning and land development by-laws. From this scan, it appears that Vancouver is the first major jurisdiction in North America to conduct a comprehensive inventory of by-laws in this manner.

## Methodology

### Applying the Equity Framework

The Equity Framework sets the following vision for equity at the City of Vancouver:

*We envision a city where those who are most marginalized are not excluded from care and opportunity for flourishing, rather, they are systematically prioritized for it.*

This vision is based on an idea of *equity* which acknowledges that to achieve fairness, some groups need to be prioritized based on the context of need, opportunity, and historic or structural inequities. When those who are most marginalized are centred, it benefits everybody. As an example, an elevator not only helps those with wheelchairs, but also someone moving boxes.

When understanding by-laws, it is important to note that *equity* is distinguished from an idea of *equality* that treats people the same regardless of need or circumstance. A by-law that seems to apply to everybody equally may unintentionally create inequities or disadvantages for some. For example, a Fire By-law requirement to receive approval for all outdoor fires except for barbecues seems neutral, but can create barriers to having ceremonial fires as part of Indigenous cultural practice. The by-law is applied equally, but the outcomes are inequitable if one group's practice (i.e. barbecuing) is accommodated but not another's.

When reviewing by-laws, the Equity Framework directs staff to consider who is disadvantaged or excluded in each area where by-laws have impact, and to prioritize them. For example:

- For by-laws affecting housing, those who are homeless, low-income, and renters should be prioritized to have affordable housing that meets their needs;
- For by-laws affecting economic activity, those who face barriers to making a living should be prioritized when developing/revising by-laws that have economic security implications.
- For by-laws affecting accessibility, those with disabilities and physical/mobility needs should be prioritized to have access to buildings and infrastructure; and
- For by-laws affecting cultural practice, those who are Indigenous, racialized communities, and other minorities should be prioritized to freely practice their culture.

### Consultation and Prioritization

In responding to the Council motion, the project team conducted a technical review of by-laws, internal consultation workshops with City staff, and consultation workshops with Council advisory committees (Appendix B). In these workshops, participants were asked to identify equity impacts created by by-laws, how City by-laws create these impacts, and what solutions are possible. These inputs were developed into this report's recommendations (Appendix A).

Staff then prioritized the recommendations based on equity impact using the following criteria:

- Degree of impact: Is there a significant harm created by the by-law?
- Role of By-laws: Is this issue most effectively addressed only through by-law, as opposed to policies, programs, or public investment?
- Impacted Groups: Does the recommendation prioritize multiple marginalized groups, or groups that face multiple overlapping barriers?

## Discussion

This review produced multiple recommendations (Appendix A), which staff have grouped into two categories based on their equity impact and whether they are currently resourced:

- Priority Work – Underway, Initiated or Planned: recommendations with a high equity impact where work by staff has started, or is planned for in upcoming work programs.
- Long-Term Focus: recommendations that are not currently resourced and not a priority.

The implementation approach to each of these categories is included below. Note that this is a high-level review with initial recommendations, not a work plan with fully scoped projects. The staff teams responsible for each by-law will have to conduct detailed scoping and feasibility assessments and may conclude that certain amendments are not recommended. Because staff teams are generally working at their capacity, there are limitations to what new work can be taken on without requiring additional resources of delaying an existing priority.

### Priority Work – Underway, Initiated or Planned

This review identified nine areas of work with a high equity impact. In many areas where the City has a significant equity impact, there is already ongoing work to improve by-laws (work underway). In some cases, this review identified work that is high priority, but was not part of team work programs at the time. In these instances, Equity Office staff worked with project teams to identify staff capacity to initiate scoping work for potential amendments (initiated work). Finally, there are some priority items where work is anticipated in future work programs, such as through future Vancouver Plan implementation (planned work). Many of these items are related to other City strategies, such as the Housing Vancouver Strategy and the Accessibility Strategy.

Areas of work in this category include:

- Enabling more rental and social housing;
- Enabling more opportunities for low-impact home-based business;
- Ensuring livable conditions for tenants;
- Enabling greater physical accessibility;
- Improving access to washrooms;
- Supporting cultural districts in zoning;
- Reviewing regulations on sex work-related businesses;
- Exploring remuneration for advisory body members; and
- Addressing the impacts of unsheltered homelessness.

To advance the implementation of these items, the Equity Office has met with the staff teams for each by-law item to share the results of this equity review. Because this is work that is already underway, initiated or planned for in existing department work programs, project teams will bring forward amendments to Council on their own timeline. No new tracking or reporting is recommended to reduce redundancy and demand on staff capacity. The Equity Office will provide support for ongoing equity analysis as needed.

### Long-Term Focus

Included in Appendix A are by-laws that are not an urgent priority for amendment and can be supported by equity analysis in the long term as capacity allows. Many of these items involve exploring or reviewing for potential equity impacts, and involve topics where the preferred policy direction is uncertain or more analysis is required.

These items are not currently resourced or in work programs, but the Equity Office has shared the results of this review with relevant teams. Departments are encouraged to find opportunities to implement these recommendations in future work programs. The Equity Office will provide support for ongoing equity analysis when this work is underway.

### Supporting Implementation – Ongoing Equity Analysis

Given that departments have different capacity and resources to embed an equity lens to by-law development and amendment, the Equity Office will provide ongoing equity impact consultation in the form of a pilot. While sharing the findings of this review with departments, the Equity Office will identify opportunities to support departments in tailoring an equity approach that would be most relevant for their purposes (e.g., checklists, equity criteria, etc.) The Equity Office will also identify opportunities to share examples and align approaches where appropriate. Over time these efforts will help build overall capacity and a more structured approach across the City in applying the Equity Framework in future by-law development and amendment.

### **Financial Implications**

There are no financial implications associated with this report's recommendations.

### **Legal Implications**

There are no legal implications associated with this report's recommendations. Any by-law amendment that results from this report will undergo a separate legal review when it is brought forward to Council.

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## APPENDIX A BY-LAW EQUITY REVIEW FINDINGS

### *Priority Work – Underway, Initiated or Planned*

#### **Recommendation 1: Enable more rental housing and social housing**

Equity-denied groups face a shared, pressing need for affordable housing. The Housing Vancouver Strategy indicates there is a significant need for rental and social housing options in particular. The Zoning and Development By-law is one of the most direct ways that City influences housing delivery, and thus the quality of life of those in marginalized groups. There is already much ongoing work on rental and social housing delivery, including through implementation of the Vancouver Plan. This review identifies some considerations for how by-laws related to housing can improve equity and access to housing:

- Provide appropriate density to ensure that rental and social housing is viable;
- Prioritize housing delivery in areas underserved by rental and social housing options;
- Minimize tenant displacement of existing secured rental and social housing units while ensuring appropriate tenant relocation and protection policies;
- Provide rental and social housing options located away from impacts of arterial roads;
- Prioritize the creation of secured rental units to ensure security of tenure; and
- Prioritize housing delivery and quality of public realm over solely aesthetic concerns.

Given these considerations, it may be particularly impactful to prioritize exploring housing options in lower-density areas where there is a shortage of existing rental and social housing, lower displacement of tenants, and reduced impacts from arterial roads. Amendments may also look at reducing barriers to developing rental and social housing, such as parking and egress requirements, or enabling greater discretion around non-profit projects.

By-laws with related equity considerations include:

- Zoning and Development By-law
- Vancouver Building By-law
- Parking By-law
- Sewer and Watercourse By-law

#### **Recommendation 2: Enable more opportunities for low-impact home-based business**

Those with less access to capital and other economic means face barriers to making a living. Many commercial uses require that somebody have the means to lease a storefront or other commercial space, which can be a significant cost. Home-based businesses are one way to create options for lower-barrier economic opportunity that can be enabled through by-laws.

By-laws with related equity considerations include:

- Zoning and Development By-law

*Priority Work – Underway, Initiated or Planned (cont'd)***Recommendation 3: Ensure livable conditions for tenants**

Data shows that lower-income and marginalized groups are more likely to be renters. Renters have less direct influence over their living conditions compared to those who own their homes, and may be more greatly impacted by negative conditions such as extreme heat (e.g. if they are not able to install air conditioners). Work on the Vancouver Building By-law and Encroachment By-law is underway to enable cooler living spaces in some living spaces.

Some renters face additional housing precarity due to restrictions in the Zoning and Development By-law on multiple unrelated people living together – this disproportionately impacts groups such as the queer community, where reliance on chosen family is common.

By-laws with related equity considerations include:

- Zoning and Development By-law
- Vancouver Building By-law
- Street Use By-law
- Encroachment By-law

**Recommendation 4: Enable greater physical accessibility**

The City's Accessibility Strategy is a commitment to support the full participation of persons with disabilities in Vancouver, and also reflects a key aspect of the Equity Framework. Many of the actions in the Accessibility Strategy involve programs and public investment, as opposed to by-law changes.

However, this review identifies several by-laws that could advance the ongoing work of the Accessibility Strategy. They primarily relate to building requirements for accessible and adaptable buildings and paths of travel. Staff can also explore enabling discretion to provide accommodations for those with disabilities, such as allowing wheelchair ramps over City rights-of-way.

By-laws with related equity considerations include:

- Vancouver Building By-law
- Encroachment By-law
- Street and Traffic By-law
- Zoning and Development By-law

*Priority Work – Underway, Initiated or Planned (cont'd)*

**Recommendation 5: Improve access to washrooms**

Access to washrooms is a basic human need, but not every group has the same ability to have this need met. Limited access to public washrooms has equity impacts on those who use bathrooms more frequently (e.g. seniors, pregnant people, people with health conditions), those who lack access to private washrooms (e.g. those experiencing homelessness), and those who identify as non-binary. Early scoping is underway on a broader washroom strategy, beyond providing more public toilets, which may ultimately require by-law amendments.

By-laws with related equity considerations include:

- Vancouver Building By-law
- Zoning and Development By-law

**Recommendation 6: Support cultural districts in zoning**

Individuals from marginalized groups have historically relied on cultural districts for culturally-appropriate goods and services, social supports, and a sense of belonging. These include historic ethnocultural neighbourhoods like Chinatown, Hogan's Alley, Little Saigon, Paueru-Gai, and Punjabi Market (as identified in the Vancouver Plan), but also areas like Davie Village. Community planning efforts should also include smaller cultural hubs, such as those for the Filipino or Latin American communities. These districts face growing pressures with gentrification, cultural erasure, or displacement. Community planning processes can identify ways to support the success of these cultural districts and may result in by-law amendments.

By-laws with related equity considerations include:

- Zoning and Development By-law

**Recommendation 7: Review regulations for sex work-related businesses**

When applied to the regulation of businesses, the Equity Framework indicates that the City should prioritize the needs of those who face economic precarity and barriers to employment. People who face multiple, overlapping forms of marginalization are over-represented in sex work businesses, which provide an essential means of economic survival for individuals who otherwise face barriers to other forms of work. A policy review will help ensure that these businesses can continue to operate in a safe and less stigmatizing way that supports those who are most marginalized.

By-laws with related equity considerations include:

- Zoning and Development By-law
- Business Prohibition By-law
- Licence By-law



*Priority Work – Underway, Initiated or Planned (cont'd)***Recommendation 8: Explore remuneration for advisory body members**

The City relies on various advisory bodies to provide expertise from their professional and lived experience. Some of these are created through by-laws, and do not permit remuneration for members. This creates barriers to participation for those who cannot afford to contribute their time and effort for unpaid work; there is a high cost to participation. This can create a bias on the advisory bodies where those who are higher-income or economically secure individuals have more ability to participate than others. Staff work is underway to explore remuneration for advisory bodies, including those that are not governed by by-law.

By-laws with related equity considerations include:

- Public Art Committee By-law
- Vancouver Civic Theatres Board By-law
- Heritage Commission By-law
- Vancouver City Planning Commission By-law

**Recommendation 9: Address the impacts of unsheltered homelessness**

Vancouver's homelessness crisis continues to impact the City's most marginalized people and the broader community. The City has recognized the severity of this issue and has invested in and supported the development of social and supportive housing, the expansion of shelter spaces, and outreach programs, but the March 2023 homeless count still identified 2,400 people experiencing homelessness.

The City has by-laws that regulate sidewalks, parks, and fire safety. These by-laws are key to ensuring accessibility, mobility, physical safety, and fire prevention for residents, including those from marginalized groups, and amendments to these by-laws are not recommended. However, in the context of the homelessness crisis, enforcement of these by-laws has equity implications for those in public spaces where sheltering is not permitted, who often already face barriers and difficulties.

In recognition of this, City teams working in this area have been evolving enforcement practices based on community feedback and relevant trainings. For example, team members now receive trauma-informed and non-violent crisis intervention training, and the City has engaged non-profit providers to assist with service provision for people experiencing homelessness. The City should continue to advance measures that alleviate the causes of homelessness (e.g. the delivery of social housing and advocacy to the Province for income reform and regional responses to homelessness), and also continue to evolve its practices and decision-making processes around by-law enforcement, considering the lived experiences of those experiencing homelessness.

*Long-Term Focus***Recommendation 10: Review for potential infringements on the right to Indigenous cultural practice**

The City's adoption of the UNDRIP Strategy affirms a commitment to upholding Indigenous rights. This recommendation is a long-term focus because the most significant potential to advance the City's UNDRIP Strategy legislatively lie at the Provincial level. However, the City can review if by-laws may inadvertently infringe on Indigenous people's right to cultural practices like Indigenous food production or ceremonial fires.

By-laws with related equity considerations include:

- Zoning and Development By-law
- Vancouver Building By-law
- Fire By-law
- Urban Design Panel By-law
- Public Art Committee By-law
- Street Tree By-law

**Recommendation 11: Explore refinements to commercial use definitions**

While regulations regarding business are critical, overly complex by-laws can create barriers to operating businesses. The City has already taken steps to simplify regulations, for example, recently reducing the number of licence types from over 500 to fewer than a hundred. There is potential that further review can identify additional impacts and indirect ways to advance equity.

By-laws with related equity considerations include:

- Zoning and Development By-law
- Licence By-law
- Business Premises Regulation of Hours By-law
- Vancouver Building By-law

*Long-Term Focus (cont'd)***Recommendation 12: Allow equitable use of street space**

Everybody should have equitable opportunity to use street space, whether driving, taking transit, walking, rolling, cycling, or vending on the street. However, some groups have less ability to travel safely and comfortably on City streets. People with mobility issues—whether due to disability, age, or health issues—face barriers to using some street infrastructure. People with lower incomes are less likely to own a car, and face barriers in areas with car-dominant infrastructure. While the solution to this is primarily to invest in infrastructure, there are possible by-law changes that staff can explore.

By-laws with related equity considerations include:

- Street and Traffic By-law
- Street Utilities By-law
- Street Vending By-law

**Recommendation 13: Clarify permitted behaviours and standards for residents**

By-laws that describe permissible and non-permissible behaviours for residents must strike a balance: they should be clear and specific, while also leaving room for discretion (it is impossible to describe every possible scenario in a by-law). Greater clarity can prevent complaints that are malicious or not in keeping with the original intent of the by-law. For example, it should be clear that “offensive odour” is not intended to target something like highly fragrant cooking. An aesthetic standard of “tidiness” is subjective, and it would be clearer to focus primarily on health and safety requirements. A lack of clarity may have greater negative consequences to those with less familiarity with legal processes or access to legal resources.

By-laws with related equity considerations include:

- Noise Control By-law
- Untidy Premises By-law
- Zoning and Development By-law

*Long-Term Focus (cont'd)***Recommendation 14: Explore opportunities for fee concessions**

Some by-laws include schedules that identify the fees for City services. It is not inequitable to charge fees, but wherever possible, staff should consider how fees could reflect people's ability to pay. For example, the Zoning and Development Fee By-law already sets out lower fees for non-profit societies for an Application for Rezoning Advice. Staff can review other by-law fee schedules for opportunities to provide concessions to those who face barriers to access.

This recommendation applies to various by-laws with fee schedules.

**Recommendation 15: Review by-laws for plain and gender-neutral language**

Technical language and jargon are barriers for people trying to read and understand City by-laws. While a degree of complexity is always required in legal documents, there may be opportunity to use plain language in by-laws. The use of plain language is part of a broader recognition in the field of law that highly technical legal language creates barriers for various groups, including people with less formal education, limited access to legal resources, or low English proficiency. This would also be an opportunity to introduce more inclusive, gender-neutral language in by-laws, such as replacing "his or her" with "their", or "chairman" with "chairperson".

This recommendation applies generally to all by-laws and would require significant resources to undertake.

**Recommendation 16: Remove archaic rules that are no longer enforced**

There are by-laws which contain out-of-date rules the City no longer enforces. While a rule in a by-law may not be actively enforced, continuing to keep it in the by-law still has negative impacts: it may deter people from doing something allowable for fear of breaking the by-law, it leaves open the possibility of selective enforcement based on complaints from the public or the discretion of by-law enforcement, and it sends a signal about the values and priorities of the City. For example, the Street and Traffic By-law states that there must be a Union Jack flag at the front of every parade, reflecting outdated colonial values that do not align with the City's more recent reconciliation efforts.

This general recommendation applies broadly to all by-laws, and would require significant resources to undertake.

## APPENDIX B SUMMARY OF PUBLIC INPUT

### Analysis of All Comments Received

Staff reviewed various forms of public input, including 311 data and citizen correspondence to Mayor and Council. Perhaps due to the highly technical nature of by-laws, there were very few comments that proposed specific by-law amendments due to equity concerns. Many of the comments speak more generally to broader issues that have an aspect related to equity-denied groups. The primary responses the City has received fall within the following areas:

- a. Concern about the presence of homelessness and the impacts on public washrooms, overnight parking and safety of unhoused individuals in precarious temporary housing.
- b. Concern about limited affordable housing near services and amenities to meet needs for low-income individuals and people with disabilities.
- c. Clarity requested around which modes of transportation are allowed and where in order to optimize safety, accessibility and affordable transportation for everyone.

The following comments were received from the public on a less frequent basis:

- d. Identifying which activities allowed in parks, relating to the sharing of a public space.
- e. Requests to limit amplified music or sound.
- f. Requests to limit use of park space for low-barrier economic activities such as vending.

### List of Public Data Sources and Responses

	Date	Sample Size
311 Data related to by-laws *EmPro database with entries containing 'bylaws' or 'by-laws' <ul style="list-style-type: none"> <li>• Citizen Feedback Case</li> <li>• Tell us Online Webform / General Feedback Case</li> <li>• Parks and Recreation Feedback Cases</li> </ul>	Jan 1, 2018 to Aug 15, 2022	1,218 entries
Citizen Correspondence to Mayor and Council *EmPro database with entries containing 'bylaws' or 'by-laws'	Jan 1, 2018 to Aug 15, 2022	32 entries

Vancouver Plan Public Engagement	Nov 3, 2020 to Feb 24, 2021	655 individuals were engaged through 170 small sessions with under-represented communities
<p>Civic Advisory Committees presentations and written correspondence</p> <ul style="list-style-type: none"> <li>• 2SLGBTQ+ Committee</li> <li>• Children, Youth and Families Advisory Committee</li> </ul> <p>Written Correspondence</p> <ul style="list-style-type: none"> <li>• Racial and Ethno-Cultural Equity Advisory Committee</li> <li>• Transportation Advisory Committee</li> <li>• Urban Indigenous Peoples' Advisory Committee</li> </ul>	Oct 12, 2023 to Oct 24, 2023	2 Q&A with presentations 3 follow-up emails with feedback

## APPENDIX C JURISDICTIONAL SCAN

### Summary

An analysis of municipalities across North America revealed varied levels of maturity in the implementation of equity reviews. Among the 15 jurisdictions evaluated, the majority have established equity-related offices, units, or programs dedicated to promoting equity and facilitating the development and application of best practices. At the time of the scan, many cities have conducted reviews of policies and programs while only the City of Edmonton and Louisville Metro were found to have conducted equity reviews specifically of their zoning bylaw and land development code. Through this review, the City of Vancouver appears to be the first major jurisdiction in North America to conduct an inventory of all its by-laws in this manner.

Local governments employ a variety of tools and methodologies to ensure fairness: collecting equity-related data, utilizing policy assessment tools, and formulating equity-focused policies, plans, and guidelines. Additional strategies encompass the use of data story maps, conducting regular equity reviews, and preparing equity impact statements to monitor progress. Furthermore, some municipalities have advanced equity integration by legally embedding equity principles into their policies and mandating regular reporting to track ongoing improvements.

This diverse approach underscores the importance of tailored strategies to effectively promote equity within municipal governance.

### Findings

Many cities have established equity offices, policies, or strategies. This table highlights the types of publicly available equity initiatives that were of particular interest in the by-law review.

Type of Equity Work	Jurisdiction
Zoning by-law equity review	<ul style="list-style-type: none"> <li>• Edmonton</li> <li>• Louisville Metro</li> </ul>
Equity lens tool	<ul style="list-style-type: none"> <li>• Los Angeles County</li> <li>• Louisville Metro</li> <li>• Portland</li> <li>• San Francisco</li> <li>• Seattle</li> </ul>
Equity review of a city strategy	<ul style="list-style-type: none"> <li>• Calgary</li> <li>• Los Angeles City</li> </ul>
Mapped- equity indicator tool	<ul style="list-style-type: none"> <li>• Calgary</li> <li>• Los Angeles City</li> <li>• Los Angeles County</li> <li>• New York City</li> </ul>
GBA+ Equity Toolkit	<ul style="list-style-type: none"> <li>• Edmonton</li> </ul>
Required equity impact statement	<ul style="list-style-type: none"> <li>• Louisville Metro</li> </ul>