

NO: R205

COUNCIL DATE: December 4, 2023

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **November 30, 2023**

FROM: **General Manager, Community Services**

FILE: **4815-01**

SUBJECT: **Proposed Bylaw Amendments for the Management of Supportive Recovery Homes**

RECOMMENDATION

The Community Services Department recommends that Council:

1. Receive this report for information;
2. Approve the proposed amendments to the *Business License By-law, 1999, No. 13680* (the “Business License Bylaw”), as per Appendix “I”;
3. Approve the proposed amendments to the *Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508* (the “MTI Bylaw”), as per Appendix “II”;
4. Approve the proposed amendments to the *Surrey Bylaw Notice Enforcement Bylaw 2016, No. 18691* (the “BEN Bylaw”), as per Appendix “III”;
5. Direct the City Clerk to give public notice in the form of newspaper advertisements, once a week for two consecutive weeks of the proposed amendments to the Business License Bylaw in accordance with Section 59 of the *Community Charter* to provide an opportunity to persons who consider they are affected by the Business License Bylaw amendments to make written representations to Council;
6. Direct staff to report back to Council on any written representations received prior to Council considering the final adoption of the Business License Bylaw amendments; and
7. Authorize the City Clerk to bring forward the proposed amendments to the Business License Bylaw, the MTI Bylaw and the BEN Bylaw for the required readings.

INTENT

The purpose of this report is to obtain Council approval to amend the Business License Bylaw, MTI Bylaw, and the BEN Bylaw (collectively “the Bylaws”) to remove the requirement for Supportive Recovery Home operators to complete a Housing Agreement.

BACKGROUND

Persons who are recovering from a substance abuse addiction may seek residential and treatment services in an assisted living residence for supportive recovery (“Supportive Recovery Home”). Supportive Recovery Homes provide care and supervision for adults who require low to moderate support before returning to independent settings in their community. Supportive Recovery Homes are typically located in single-family homes and operated by either not-for-profit agencies or for-profit businesses.

As one of the largest municipalities in Metro Vancouver, Surrey has the greatest number of licenced recovery homes of any municipality in the province necessitating the increased focus on enforcement with provincial regulations.

On December 16, 2016, Council authorized the introduction of a business license requirement for Supportive Recovery Homes and set a cap of number of licenses in the city at 55. Corporate Report No. R262; 2016 is attached as Appendix “IV” for reference. Currently, there are 39 business licences approved by Council and issued to operators of Supportive Recovery Homes. There are currently 11 licences in varying stages of completion by staff.

In June 2020, Council approved the recommendations of Corporate Report No. R104; 2020, attached as Appendix “V”, requiring operators of Supportive Recovery Homes to enter into a Housing Agreement with the City in order to improve the quality of care being provided to residents of Supportive Recovery Homes. Additionally, Housing Agreements served to highlight for operators their obligations under the provincial legislation and increased the visibility of these facilities to allow the City to better monitor their operations, as regulation of Supportive Recovery Homes is outside the City’s authority and staff do not have powers to inspect sites for this purpose. The City’s Bylaw Services Division can only respond to property use issues with the owner of the property who is often not the operator of the Supportive Recovery Home.

In February 2021, Council authorized amendments to the Business License Bylaw requiring Supportive Recovery Homes to complete a Housing Agreement as a condition for obtaining a new business license and all business license renewals, effective November 1, 2021. Corporate Report No. R026; 2021 is attached as Appendix “VI”. Although not mentioned in Corporate Report No. R026; 2021, changes were also made to the MTI Bylaw to align with the changes noted in the report.

DISCUSSION

Substance use services that seek to assist persons receiving supportive recovery services are regulated by the Province under the *Community Care and Assisted Living Act, S.B.C., 2002, c.75*. Private operators are required to be registered by the Assisted Living Registrar (“ALR”) through the Ministry of Health.

Staff regularly liaise with staff from the ALR to ensure alignment of the City’s approach with the mandate of the Province.

The ALR has recently confirmed that it will be increasing its monitoring and inspection of Supportive Recovery Homes in Surrey consistent with its responsibility as the provincial regulator. The ALR will soon have a team of nine staff located full-time in Surrey. This team, which includes senior investigators, will be responsible for responding to complaints and

ensuring the safe operation of Supportive Recovery Homes in Surrey. This increase in provincial staff with a mandate to conduct inspections will enhance the regulation of Supportive Recovery Homes in Surrey. The ALR will work closely with City staff to ensure the timely exchange of information.

Given that the ALR is employing additional inspectors to fulfil its responsibility for provincial regulation of Supportive Recovery Homes, staff recommend that the City amend the Bylaws to remove the requirement for a completed housing agreement, as outlined in Appendices “I” “II” and “III”.

Public Notice and Bylaw Readings

Under section 59 of the Community Charter, public notice must be given of an amendment to the Business License Bylaw. Staff therefore recommend that Council grant three readings to the proposed amending bylaw and direct that notice be provided in the usual course in the newspapers once a week for two consecutive weeks before final adoption of the bylaw is granted at the next available Council Meeting.

Legal Service Review

Legal Services has reviewed this report.

CONCLUSION

With the addition of nine new ALR staff located full-time in Surrey, staff recommend amendments to the Bylaws to remove the requirement for housing agreements which have proven an ineffective policy tool.

Terry Waterhouse
General Manager, Community Services

Appendix “I”: Proposed amendments to the *Business Licence By-law, 1999, No. 13680*

Appendix “II”: Proposed amendments to the *Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508*

Appendix “III”: Proposed amendments to the *By-law Notice Enforcement By-law 2016, No. 18691*

Appendix “IV”: Corporate Report No. R262; 2016

Appendix “V”: Corporate Report No. R104; 2020

Appendix “VI”: Corporate Report No. Ro26; 2021

CITY OF SURREY

BYLAW NO. XXXX

A bylaw to amend the provisions of Business License By-law, 1999, No. 13680, as amended.

.....

The Council of the City of Surrey ENACTS AS FOLLOWS:

- 1. Business License By-law, 1999, No. 13680, as amended, is hereby further amended as follows:
 - a. Section 2 "**Interpretation**" delete "Housing Agreement" in its entirety as follows:

"Housing Agreement" means an agreement between the City of Surrey and the operator of an alcohol and drug recovery house, as authorized by separate bylaw."
 - b. Section 39 "**Alcohol and Drug Recovery Houses**" delete sub-sections 39(5) and 39(6) in its entirety as follows:
 - "(5) Every operator of an alcohol and drug recovery house must complete a Housing Agreement with the City as a condition precedent to the renewal of an existing business license.
 - (6) Every applicant for an alcohol and drug recovery house must complete a Housing Agreement with the City as a condition precedent to the issuance of a new business license."
- 2. This Bylaw shall be cited for all purposes as "Business License By-law, 1999, No. 13680, Amendment Bylaw, 2023, No. XXXX".

PASSED FIRST READING on the th day of , 2023.

PASSED SECOND READING on the th day of , 2023.

PASSED THIRD READING on the th day of , 2023.

NOTICE OF INTENTION ADVERTISED in the SURREY NOW LEADER, PEACE ARCH NEWS and CLOVERDALE REPORTER newspapers on the [] and [] day of [], 2023 and posted on the Public Notice Posting Place and the City’s website from [] to [], 2023.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the th day of , 202 .

_____MAYOR

_____CLERK

CITY OF SURREY

BYLAW NO. XXXX

A bylaw to amend the provisions of Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, as amended.

.....

The Council of the City of Surrey ENACTS AS FOLLOWS:

1. "Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508", as amended, is hereby further amended as follows:

a. Amend Schedule 3 by deleting row 4 in its entirety and re-number the rows accordingly:

" 4. Fail to comply with housing	39(6)	\$200.00"
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2. This Bylaw shall be cited for all purposes as "Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, Amendment Bylaw, 2023, No. XXXX".

PASSED FIRST READING on the th day of , 2023.

PASSED SECOND READING on the th day of , 2023.

PASSED THIRD READING on the th day of , 2023.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the th day of , 202 .

_____MAYOR

_____CLERK

CITY OF SURREY

BYLAW NO. XXXX

A bylaw to amend the provisions of Surrey Bylaw
Notice Enforcement Bylaw, 2016, No. 18691 as
amended.

.....

The Council of the City of Surrey ENACTS AS FOLLOWS:

- 1. Surrey Bylaw Notice Enforcement Bylaw, 2016, No. 18691, as amended, is hereby further amended, as follows:
 - a. Amend **Schedule A CONTRAVENTIONS AND PENALTIES Part 1** by deleting the following in its entirety:

"13680	39(6)	Fail to comply with Housing Agreement	\$200.00	\$150.00	\$250.00	Yes "
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- 2. This Bylaw shall be cited for all purposes as "Surrey Bylaw Notice Enforcement Bylaw, 2016, No. 18691, Text Amendment Bylaw, 2023, No. XXXX".

PASSED FIRST READING on the th day of , 2023.

PASSED SECOND READING on the th day of , 2023.

PASSED THIRD READING on the th day of , 2023.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the th day of , 202 .

_____MAYOR

_____CLERK



CORPORATE REPORT

NO: R262

DATE: December 19, 2016

REGULAR COUNCIL

TO: Mayor & Council DATE: December 19, 2016
FROM: Manager, Bylaw Enforcement & Licensing Services FILE: 4815-01
SUBJECT: Recovery Homes Update

RECOMMENDATION

The Bylaw Enforcement & Licensing Division recommends that Council:

1. Receive this report as information; and
2. Approve the implementation of a cap on the number of registered recovery homes in the City of Surrey to 55.

INTENT

The purpose of this report is to update Council regarding the implementation of a business licensing requirement for recovery homes within the City of Surrey, as well implementing a cap on the number of registered homes.

POLICY CONSIDERATIONS

Recovery homes are required to be registered with the Province of British Columbia through the Assisted Living Registry (ALR).

The City of Surrey's Business License Bylaw includes a section for recovery homes, and as such, no further action from Council is required to enact this section. A cap of 55 homes will also be implemented through this process until the Province has completed their review; at which time we will reassess our requirements and regulations.

BACKGROUND

Staff have been reviewing the operations of recovery homes within the City of Surrey, which included reviewing the requirements of a business license, as well as a cap on the number of recovery homes in Surrey. The review has led to the recommendations of:

1. Adding a requirement for business licenses;

2. Implementing a cap on the number of registered recovery homes in the City to 55; and
3. Providing operational guidance for all homes licensed under the program.

The cap will be adjusted to accommodate those applications already in stream. A review of bylaws and regulations related to recovery homes was conducted with Legal Services and it was determined that a cap can be implemented and the business licensing requirement for recovery homes can be utilized.

Staff have also engaged with operators on the approved ALR list to further understand some of their concerns. A majority of their concerns are associated to not having clear direction from the City on the requirements to operate a recovery home.

DISCUSSION

There are currently 50 recovery homes in the City of Surrey that are registered with the ALR. In addition, 20 recovery homes have been identified as illegal, non-registered homes. The number of recovery home complaints received is down from 110 in 2015 to 79 year to date for 2016. This signifies a 28% decrease as a result of the enforcement efforts over the past year, as well as the additional applicant screening process the City has been doing in conjunction with the ALR.

Staff have the appropriate legal authority to impose the business license requirements along with the cap, no further council resolution is required.

Staff have also reviewed all internal processes associated with operating a recovery home within the City of Surrey. Currently the requirements and order of steps are:

1. Application to Bylaw Department
 - a. Operator Screening /Property Owner Screening/Property History Check
2. Fire Safety Inspection(s)
3. Building Inspection(s)
4. Application to ALR (in some cases this is done prior to the above).

The current application process is not efficient for staff or operators. The chart attached as Appendix "I", titled "Proposed Recovery Home Application Process" illustrates a streamlined process moving forward.

By implementing a business license requirement and streamlining the application process, we will improve the overall management of recovery homes from a regulatory perspective and the applicant's overall experience. The proposed changes will result in:

- Greater enforcement tools;
- Increase safety for those who reside in recovery homes;
- Streamlined application process – i.e. one point of contact for applicants;
- Improved data and information associated with recovery homes;
- Improved alignment with ALR requirements; and
- Improved coordination between city departments.

With the City of Surrey facing increased challenges related to homelessness, mental health, and fentanyl use, recovery homes are required to help assist those individuals who are dealing with such issues. However, given the challenge in assisting individuals dealing with these issues, the appropriate screening is required. The proposed changes above will streamline and ensure recovery homes are operating in a safe manner and that they are registered with the ALR, which has the jurisdiction to oversee recovery from a health perspective.

In the Speech from the Throne on February 9, 2016, government pledged to “*introduce legislation to modernize community care and assisted living.*” Subsequently, the Ministry of Health advised that our previous work, done in collaboration with the Ministry of Health, will be reviewed as they implement new legislation and revise applicable regulations and policies.

SUSTAINABILITY CONSIDERATIONS

Implementing a business license requirement for recovery homes will support the Public Safety theme in the Sustainability Charter 2.0 – **Public Safety and Wellness**.

CONCLUSION

Staff will formally advise the Ministry of Health and the Assisted Living Registry on the requirements of a business license for all recovery homes within the City of Surrey.

Staff will continue to advocate to the Province of BC the importance of regular monitoring of recovery homes to ensure operators are maintaining adequate standards of care for their vulnerable residents, sufficient funding for the Supportive Recovery House (SRH) Per Diem Program and a fair regional distribution of beds.

Staff will also be in contact with all registered homes within the City of Surrey to start the process for a business license.

Finally, staff will prepare a proactive media release outlining the changes in procedures in order to operate a recovery home in the City of Surrey.



Jas Rehal, CPA, CMA
Manager, Bylaw Enforcement & Licensing Services

JR/mm

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MM 12/15/16 2:20 PM

c.c. City Manager
City Solicitor
RCMP OIC
Fire Chief
Director, Public Safety Strategies

Appendix available upon request
Appendix "I" Proposed Recovery Home Application Process



CORPORATE REPORT

NO: **R104**

COUNCIL DATE: **June 29, 2020**

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **June 25, 2020**

FROM: **Director, Strategic Initiatives & Corporate Reporting** FILE:

General Manager, Planning & Development

SUBJECT: **Opportunities to improve the quality of care being provided and the number of Supportive Recovery Homes operating in Surrey**

RECOMMENDATION

The General Manager, Planning & Development and the Director, Strategic Initiatives & Corporate Reporting recommends that Council:

1. Receive this report for information;
2. Approve the recommended direction to improve both the quality of homes operators and the quality of care being provided at these homes as attached as Appendix "I" and as described in this report;
3. Direct the City Clerk to provide a copy of this report to each operator of a licensed Supportive Recovery Home in Surrey, each property owner that contains a licensed Supportive Recovery Home in Surrey, and each Community Association in Surrey; and
4. Direct staff to report back to Council on any written representations received prior to Council considering the revisions to *Zoning By-law, 1993, No. 12000* ("Zoning Bylaw") and the *Business License By-law, 1999, No. 13680* ("Business License Bylaw").

INTENT

The purpose of this report is to advise Council of the current regulation and licensing requirements in place for drug and alcohol recovery houses and to approve the recommended direction to improve both the quality of homes operators and the quality of care being provided at these homes.

BACKGROUND

Persons who have substance use related challenges have various substance use services available to them. Many of these services are regulated by the Province under the *Community Care and Assisted Living Act* and provided by the Fraser Health Authority or through a contracted service provider. A summary of the services available from the Fraser Health Authority in Surrey and the regional service available to persons from Surrey is provided in the Surrey Mental Health and Substance Use Service Fact Sheet, a copy of which is attached is Appendix “II”.

Assisted Living Residences for Supportive Recovery

In addition to, or as an alternative to the services provided by the Fraser Health Authority, persons who are recovering from a substance use addiction may consider moving into assisted living residence. An assisted living residence for supportive recovery (“Supportive Recovery Home”) provides care and supervision for adults who require low to moderate support such as structured activities, group work and peer mentoring for recovery from substance abuse before they move back to independent settings in their community.

Supportive Recovery Homes are privately run facilities typically in residential homes. These facilities are also commonly referred to as group homes, sober living homes, and transition homes. Supportive Recovery Homes are regulated by the Province under the *Community Care and Assisted Living Act*, and operators are required to be registered by the Assisted Living Registrar through the Ministry of Health.

In 2016, the Province updated the *Community Care and Assisted Living Act, S.B.C., 2002, c.75* to enhance the powers of the Assisted Living Registrar to provide greater oversight.

Council on December 16, 2016, as part of Corporate Report R262; 2016, a copy of which is attached as Appendix “III”, authorized the introduction of a business license requirement for Supportive Recovery Homes, and set a cap of number of licenses in the City at 55 (the “business license cap”). Currently 52 business licenses have been issued.

In 2019, the Province introduced the *Assisted Living Regulation, B.C. Reg. 189/2019*, effective December 1, 2019, to improve the quality of care being provided, at Supportive Recovery Homes.

Based on the updated *Community Care and Assisted Living Act*, and new *Assisted Living Regulation*, the core services of a Supportive Recovery Home consist of two services: hospitality service and assisted living service.

Hospitality Services include:

- Planning and providing meals and snacks;
- Housekeeping services;
- Laundry services;
- Planning and providing social and recreational opportunities; and
- 24-hour personal emergency response system.

Assisted Living Services may include:

- Assistance with managing medication;
- Programming (or psychosocial) supports;
- Behaviour management support;
- Therapeutic diets support;

- Safekeeping of money and other personal property; and
- Support with activities of daily living.

An operator only needs to provide **one** assisted living service to be eligible for registration as a Supportive Recovery Home.

Supportive Recovery by BC Housing

In addition to the housing options provided by the Fraser Health Authority and those available in Supportive Recovery Homes, BC Housing also has Supportive Housing that could be an option for persons who have substance use related challenges. BC Housing and their contracted service providers (such as the Lookout Housing and Health Society) provide housing and support services to persons who are homeless, or at risk of homelessness. Supportive Housing by BC Housing is not licensed by the Fraser Health Authority (except for supervised consumption services if they are available within the facility), nor registered by the Assisted Living Registrar, nor licensed by the City. In Surrey, BC Housing has the following supportive housing facilities:

- Nancy Gerard Building at 10662 King George Boulevard;
- Nickerson Place at 13550 105 Avenue;
- Steve Cobon Building at 13425 107A Avenue; and
- Timber Grove Apartments at 13922 101 Avenue.

In addition to these, staff are working with BC Housing to deliver a number of new supportive housing facilities:

- Peterson Place at 13245 King George Boulevard (anticipated completion in September 2020);
- Guildford at 14706 104 Avenue (anticipated completion in April 2021); and
- Newton at 13620 80 Avenue (anticipate TUP application to Council in July 2020).

The Nancy Gerard Building, Nickerson Plan and the Steve Cobon Building are all temporary facilities and various stages of being replaced with permanent facilities.

A listing of all the Supportive Housing available in the region is attached as Appendix "IV".

Zoning for Supportive Recovery Homes

The *Zoning Bylaw* defines alcohol and drug recovery houses (referred to as Supportive Recovery Homes in this report) as a building which contains sleeping units for persons receiving on-site care and support for recovery from alcohol or drug dependency which is regulated under the *Community Care and Assisted Living Act*. The *Zoning Bylaw* states that these homes can accommodate no more than 10 persons where not more than 6 of whom are persons in care, and may be located in any residential Zone.

The *Zoning Bylaw* also has a specific zone, RMS-1A (Special Care Housing 1A Zone), for Supportive Recovery Homes operating in a single-family dwelling. In this zone, Supportive Recovery Homes may accommodate up to 12 persons.

The *Zoning Bylaw* defines care facilities as a building which contains sleeping units for persons receiving care or assistance where the building and/or operator are regulated or funded by

provincial or federal agencies, including care and assisted living as defined and regulated under the *Community Care and Assisted Living Act*.

The *Zoning Bylaw* also has specific zones, RMS-1 (Special Care Housing 1) and RMS-2 (Special Care Housing 2), that permit care facilities.

Business Licensing for Supportive Recovery

The *Business License Bylaw* requires that:

- Every applicant for an alcohol and drug recovery house license must submit to a criminal background check;
- Every operator of an alcohol and drug recovery house must keep a register book of all persons provided accommodation, including dates of arrival and departure;
- The operator of an alcohol and drug recovery house must require every person provided accommodation to sign the register; and
- The registration records must be produced for inspection at the request of an Inspector or the Chief Constable.

DISCUSSION

There are more Supportive Recovery Homes in Surrey than in every other community in British Columbia combined. There are many contributing factors that have resulted in this discrepancy as will be discussed further in the report.

The introduction of the business license cap has been effective to limit the number of Supportive Recovery Homes operating in the City, and the new regulations by the Province should help to improve the quality of Supportive Recovery Home operators and the quality of care they provide.

While efforts are being made to ensure Supportive Recovery Homes are operated appropriately, there are still several concerns and challenges with Supportive Recovery Homes operating in Surrey.

Quality of care being provided by operators

Since December 2018, two residents of a Supportive Recovery Home in Surrey have tragically died. While the Province has cancelled the registration and the City has cancelled the business licenses for the operator that operated the Supportive Recovery Homes where these residents lived, and while the Province has also brought about new regulations and that they are prioritizing their efforts on Supportive Recovery Homes in Surrey, it is expected that it will take at least 2-years for the Province to meet with every operator in Surrey, and for these operators to satisfy the requirements of the new regulations.

Disproportionate number of Supportive Recovery Homes in Surrey

The Province's Assisted Living Registry website, which is available at https://www.health.gov.bc.ca/assisted/mentalhealth_locator/index.php, lists all of the registered Supportive Recovery Homes and assisted living residences for mental health in the Province. The majority of the homes listed on the registry are Supportive Recovery Homes.

Municipality	Assisted Living Registry as of June 3, 2020			
	Number of ALR Registrations	Total Number of Units Registered	% of ALR Registrations in the Region	% of Units in Region
Surrey	56	396	62.90%	49.00%
Abbotsford	10	76	11.20%	9.40%
Vancouver	5	51	5.60%	6.30%
Maple Ridge	4	58	4.50%	7.20%
Coquitlam	3	48	3.40%	5.90%
Port Coquitlam	3	12	3.40%	1.50%
Burnaby	2	17	2.20%	2.10%
Langley Township	2	74	2.20%	9.20%
Richmond	1	38	1.10%	4.70%
Delta	1	7	1.10%	0.90%
North Vancouver District	1	19	1.10%	2.40%
New Westminister	1	12	1.10%	1.50%

Based on Assisted Living Registry data available at this time, Surrey is home to approximately 63% of the registrations in the region (Metro Vancouver member municipalities and Abbotsford), accounting for 49% of units (bedrooms) in the region.

Zoning

Most Supportive Recovery Homes in Surrey are operating out of a single-family home. There are four Supportive Recovery Homes operating out of each unit of a four-unit multi-family (townhouse) development. There are two Supportive Recovery Homes operating on RMS-1 (Special Care Housing 1) zoned properties, and one Supportive Recovery Home operating on a CD (Comprehensive Development) zoned property based on the RMS-2 (Special Care Housing 2) zoning. There are no Supportive Recovery Homes operating on an RMS-1A (Special Care Housing -1A) zoned property.

While Supportive Recovery Homes can have an impact on a community, Supportive Recovery Homes operating out of a single-family home currently have fewer zoning requirements in place as compared to other home-based uses. For example:

- **Licensed Childcare Facilities** - under the *Community Care and Assisted Living Act* that accommodate up to eight children are permitted in any residential zone. In addition to the children in care, someone must live in the residence. Licensed childcare facilities that accommodate more than eight children are not permitted in any single-family residential Zone, and a rezoning is required to change the Zone to either Child Care Zone (CCR) or one of the other zones that permits this use.
- **Bed and Breakfasts** - are permitted in some residential Zones. When they are permitted, not more than six patrons shall be accommodated within one dwelling unit, not more than three bedrooms shall be used for the bed and breakfast operation, and no patron shall stay within the same dwelling for more than 30 days in a 12-month period.
- **Home Based Business Occupations** - are permitted on some or all residential Zones, depending on the type of home. When they are permitted, in the case of rental premises, the business license applicant is required to obtain the permission of the owner of the premises before a business license can be issued.

Clustering of supportive recovery homes in some neighbourhoods

Some operators in the City operate multiple Supportive Recovery Homes, and in some cases these homes are next door to one another or in close proximity to one another, and as previously indicated, one operator occupies each townhouse in a four-unit townhouse complex, thereby creating informal supportive recovery clusters.

Conditions of Release from Custody or Parole

Some persons from outside of Surrey and with no relation to Surrey may be required to stay at a Supportive Recovery Home in Surrey as a condition of their release from custody (bail hearing) or their parole. This requirement essentially mandates these persons stay in Surrey for the duration of their bail conditions. It is likely that the large number of Supportive Recovery Homes operating in Surrey, and the lack of other homes in other communities, allow for these conditions to occur.

There is no information currently available to determine the number of persons who have court ordered conditions that require them to stay at a Supportive Recovery Home in Surrey.

Enforcement

Most Supportive Recovery Homes operating out of a single-family home are generally providing care to ten persons, which is four more than is permitted within the *Zoning Bylaw*.

While there are some known low quality operators of Supportive Recovery Homes operating in the City and many operating beyond the provisions of the *Zoning Bylaw*, enforcement by the Province or by the City is challenging, as any enforcement will likely result in residents being displaced and at risk of homelessness as high quality operators do not have the capacity to accept new residents and they are unable to open new facilities with the current business license cap in place.

Funding

Supportive Recovery Homes are funded through user-pay, public subsidization (per diem), or a combination of the two.

The majority of Supportive Recovery Homes operating in Surrey are funded through a per diem from the Ministry of Social Development and Poverty Reduction to the operator for each person in residence who is eligible to receive some form of income assistance. The per diem is currently \$35.90 per day, after being increased by \$5.00 from \$30.90 on October 1, 2019.

Given the cost of owning or renting a home, related home operating costs (i.e., insurance, maintenance, and utilities), providing nutritious meals, programming, other supports, and staffing; operators are financially challenged to provide quality service. To mitigate this challenge based on the current per diem, operators seek to maximize the number of persons living in a home and seek to secure other forms of funding like private donations.

Current State

There are likely several factors that contribute to why Surrey has a disproportionate number of Supportive Recovery Homes as compared to the rest of the region. Surrey's *Zoning Bylaw* provisions, Surrey's supply of large and relatively low-cost housing as compared to other

communities in the region, and the lack of Supportive Housing available in Surrey as compared to other communities in the region are likely contributing factors.

Opportunities to improve the quality of care being provided and the number of Supportive Recovery Homes operating in Surrey.

Most communities in the region require Supportive Recovery Homes to be located in a specific zone established for that use. No other community in the region permits Supportive Recovery Homes on multi-family zoned land uses. The only other community in the region besides the City of Surrey that permits Supportive Recovery Homes on single-family zoned land use is the City of Abbotsford. Similar to Surrey, the City of Abbotsford requires operators to obtain a business license, however unlike Surrey, they also require operators to:

- Conduct a neighbourhood consultation meeting before the opening of any new Supportive Recovery Home;
- Not operate within 200 metres of an existing Supportive Recovery Home or school; and
- Enter into a Housing Agreement.

The Housing Agreement, which Council authorizes the City to enter as a Bylaw, and is registered on title, is an agreement between the operator, the property owner (if different from the operator) and the City. The Housing Agreement requires the operator to:

- provide a safe and secure home for its residents;
- operate the home so that it does not negatively impact the neighbourhood;
- maintain various agreements and plans for each resident outlining their planned care and support; and
- ensure that residents maintain certain standards conducive to living in a home with others with a substance use history.

A sample of a City of Abbotsford Housing Agreement is attached as Appendix "V".

While the City of Abbotsford has the second most number of registered Supportive Recovery Homes in the region, City of Abbotsford staff have advised that their requirements have been very effective to ensure that only quality operators are operating and that there is no impact to the Community as they have suggested that only quality operators are prepared to go through their process and commit to the conditions of their Housing Agreement.

While staff at the City of Abbotsford have advised that their requirements have been very effective, these requirements do not provide Council the ability to effectively regulate the number of homes in their community. While not explicitly stated within the *Local Government Act*, Council does not have discretionary authority when approving Housing Agreements; meaning that Councils are generally obligated to approve Housing Agreements when the applicant agrees to satisfy all of the conditions in the Housing Agreement.

Recommended Direction

Based on the concerns and challenges identified and the experience in the City of Abbotsford, staff are of the opinion that the most effective path to improve the quality of care being provided and the number of Supportive Recovery Homes operating in Surrey is to require new supportive recovery homes to rezone to a land use specific for Supportive Recovery Homes and complete a Housing Agreement.

Given the above, it is recommended that staff work to bring forward amendments to the *Zoning Bylaw* and the *Business License Bylaw* as outlined in Appendix "I":

Business License Cap

While the business license cap has been an effective tool to limit the number of Supportive Recovery Homes operating in the City, staff recommend that the application of a cap be abandoned following the establishment of new zoning requirements given that the new zoning requirements and related Housing Agreement allows the City to both improve the quality of care being provided and manage the number of Supportive Recovery Homes operating in Surrey.

Implementation

With the introduction of the proposed new zoning requirements, all existing licensed Supportive Recovery Homes would be considered pre-existing non-conforming and will be allowed to continue operating as long as there is no change to or expansion of the use. While existing licensed Supportive Recovery Homes will not be required to satisfy the new zoning requirements, existing licensed Supportive Recovery Homes be required to execute a Housing Agreement in advance of the renewal of their business license in 2022 – thereby providing the operators approximately 18-months to satisfy these new requirements, most of which are generally consistent with the recently introduced Provincial requirements.

Consultation

Given the number of Supportive Recovery Home operators and property owners that have a licensed Supportive Recovery Home in the City and physical distancing requirements in place at this time, it is not possible to have meaningful dialogue on the recommend direction with each operator and property owner in a traditional open house forum. As such, it is recommended that each licensed operator and property owner be given notice of the City's intentions by being provided a copy of this report and be requested to provide written comments to the City by July 31, 2020. This approach is similar to the approach used during the consideration of the *Professional Mixed Martial Arts Events Bylaw, 2020, No. 20000* and the *Inter-Municipal TNS Business License Bylaw, 2020, No. 20031*.

It is also recommended that each Community Association in the City be provided a copy of this report and be requested to provide written comments to the City by July 31, 2020.

Next Steps

In an effort to improve both the quality of home operators and the quality of care being provided at these homes, staff are preparing to:

- Report back to Council on any written representations received prior to Council considering and related *Zoning Bylaw* and *Business License Bylaw* amendments;
- Continue to work with the Province (Ministry of Health and Ministry of Mental Health and Addictions) to identify opportunities to continue to work together to improve the quality of care being provided;
- Continue to work with the Province (BC Housing / Ministry of Municipal Affairs and Housing) to find opportunities for further BC Housing supportive housing projects in Surrey;

- Request that the Province (Ministry of Social Development) increase the per diem provided to Supportive Recovery Homes; and
- Upon final adoption of the proposed *Zoning Bylaw* amendments, bring forward Housing Agreements and their associated Bylaw for each existing Supportive Recovery Home to Council for their consideration. To streamline the administrative effort for staff and Council, Housing Agreements and their associated Bylaw will be forwarded to Council in batches of no less than 5 per Corporate Report.

Legal Services Review

The City's Legal Services Division has reviewed this report and have no concerns.

SUSTAINABILITY CONSIDERATIONS

The proposed amendments to the *Zoning Bylaw* and *Business Bylaw* and the next steps outlined in this report support the objectives of the City's Sustainability Charter 2.0. In particular, this work relates to the Sustainability Charter 2.0 themes of Health and Wellness and Inclusion and Public Safety. Specifically, the proposed amendments to the *Zoning Bylaw* supports the following Strategic Directions ("SDs") and Desired Outcome ("DO"):

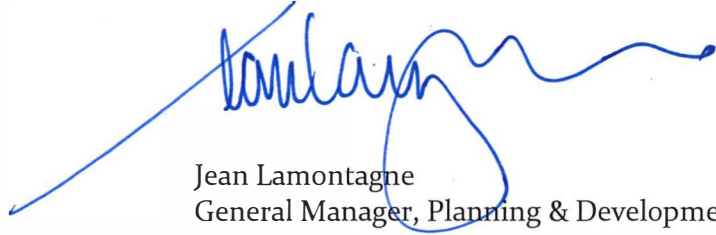
- Health Services and Programs SD4: Improve the regulation and funding of recovery houses in Surrey;
- Community Safety and Emergency Services SD2: Increase community engagement and mobilization in order to enhance personal and public safety;
- Community Safety and Emergency Services SD4: Enhance intergovernmental relations, and ensure broad partnerships and collaboration to address multi-jurisdictional social issues (e.g., homelessness, mental health, addictions, etc.);
- Housing SD9: Facilitate the development of shelter facilities and supportive housing as outlined in the Master Plan for Housing the Homeless in Surrey; and
- Community Safety and Emergency Services Do5: Surrey is recognized and perceived as a leader in establishing and maintaining collaborative partnerships for community safety and well-being.

CONCLUSION

Persons who have substance use related challenges have various substance use services available to them. Many of these services are regulated by the Province under the *Community Care and Assisted Living Act* and provided by the Fraser Health Authority or through a contracted service provider. The City can further improve the quality of care being provided and the number of Supportive Recovery Homes operating in Surrey by implementing new requirements on operators as outlined above.



Jeff Arason, P.Eng.
Director, Strategic Initiatives &
Corporate Reporting



Jean Lamontagne
General Manager, Planning & Development

JA/

Appendices available upon request

Appendix "I": Recommended Direction

Appendix "II": Surrey Mental Health and Substance Use Service Fact Sheet

Appendix "III": Corporate Report R262;2016

Appendix "IV": Supportive Housing in the Lower Mainland

Appendix "V": City of Abbotsford sample Housing Agreement



CORPORATE REPORT

NO: 2026

COUNCIL DATE: FEBRUARY 8, 2021

REGULAR COUNCIL

TO: Mayor & Council DATE: February 4, 2021

FROM: Director, Strategic Initiatives & Corporate Reporting
General Manager, Planning & Development
General Manager, Corporate Services FILE:

SUBJECT: Opportunities to improve the quality of care being provided in Supportive Recovery Homes in Surrey

RECOMMENDATION

The General Manager, Planning & Development and the Director, Strategic Initiatives & Corporate Reporting recommends that Council:

1. Receive this report for information;
2. Endorse the Housing Agreement attached as Appendix "I";
3. Approve amendments to the *Business License By-law, 1999, No. 13680* ("Business License Bylaw"), as documented in Appendix "II" of this report;
4. Direct the City Clerk to give public notice in the form of newspaper advertisement, once a week for two consecutive weeks, of the proposed amendments to the Business License Bylaw as documented in Appendix "II" of this report and to provide an opportunity to persons who consider they are affected by the proposed bylaw to make written representations to Council;
5. Direct the City Clerk to provide a copy of this report to each operator of a licensed Supportive Recovery Home in Surrey, each property owner that contains a licensed Supportive Recovery Home in Surrey, and each Community Association in Surrey;
6. Direct staff to report back to Council on any written representations received prior to Council considering final adoption of the amendments to the Business License Bylaw, as documented in Appendix "II" of this report; and
7. Authorize the City Clerk to bring forward to the amended Business License Bylaw for the required readings.

INTENT

The purpose of this report is to obtain Council's approval to amend the Business License Bylaw to require assisted living residences for supportive recovery ("Supportive Recovery Homes") to complete a Housing Agreement with the City as a condition of a new business licence and all business licence renewals as of November 1, 2021 in an effort to improve the quality of care being provided to residents of Supportive Recovery Homes.

BACKGROUND

On June 29, 2020, Council received Corporate Report R104; 2020, a copy of which is attached as Appendix "III" and subsequently directed staff to complete additional research and consultation on opportunities to improve the quality of care provided and the number of Supportive Recovery Homes operating in Surrey.

Assisted Living Residences for Supportive Recovery

Persons who are recovering from a substance use addiction may consider moving into a Supportive Recovery Home. A Supportive Recovery Home provides care and supervision for adults who require low to moderate support such as structured activities, group work and peer mentoring for recovery from substance use before they move back to independent settings in their community.

Supportive Recovery Homes are privately run facilities typically in residential homes. These facilities are also commonly referred to as group homes, sober living homes, and transition homes. Supportive Recovery Homes are regulated by the Province under the *Community Care and Assisted Living Act, S.B.C., 2002, c.75* and operators are required to be registered by the Assisted Living Registrar through the Ministry of Health.

In 2016, the Province updated the *Community Care and Assisted Living Act* to enhance the powers of the Assisted Living Registrar to provide greater oversight.

In 2019, the Province introduced the *Assisted Living Regulation, B.C. Reg. 189/2019*, effective December 1, 2019, to improve the quality of Supportive Recovery Homes.

Based on the updated *Community Care and Assisted Living Act*, and new *Assisted Living Regulation*, the core services of a Supportive Recovery Home consist of two services: hospitality service and assisted living service.

Hospitality Services include:

- Planning and providing meals and snacks;
- Housekeeping services;
- Laundry services;
- Planning and providing social and recreational opportunities; and
- 24-hour personal emergency response system.

Assisted Living Services may include:

- Assistance with managing medication;
- Programming (or psychosocial) supports;
- Behaviour management support;
- Therapeutic diets support;

- Safekeeping of money and other personal property; and
- Support with activities of daily living.

An operator only needs to provide one assisted living service to be eligible for registration as a Supportive Recovery Home.

Business Licensing for Supportive Recovery

The Business License Bylaw requires that:

- Every applicant for an alcohol and drug recovery house licence must submit to a criminal background check;
- Every operator of an alcohol and drug recovery house must keep a register book of all persons provided accommodation, including dates of arrival and departure;
- The operator of an alcohol and drug recovery house must require every person provided accommodation to sign the register; and
- The registration records must be produced for inspection at the request of an Inspector or the Chief Constable.

DISCUSSION

As discussed in Appendix “III”, there are a significant number of Supportive Recovery Homes in Surrey as compared to other communities in British Columbia. In addition, there are a number of challenges associated with Supportive Recovery Homes operating in Surrey.

Other communities, such as the City of Abbotsford and City of Maple Ridge have experienced similar concerns and/or challenges with Supportive Recovery Homes in their communities. In an effort to resolve these concerns and/or challenges, each community requires each Supportive Recovery Home operator and their property owner complete a Housing Agreement with their respective local government.

While staff previously proposed a Housing Agreement for Surrey based on the City of Abbotsford’s approach, following Council’s direction’s, staff established a Working Group of experienced substance abuse and recovery professionals to better inform the development of a Housing Agreement for Surrey. The Working Group was comprised of:

- Susan Sanderson - Executive Director, Realistic Success Recovery Society;
- Dr. Carson McPherson - Managing Director, Cedars Cobble Hill and Acorn Recovery;
- Brenda Plant - Executive Director, Turning Point Recovery and Chair, BC Addiction Recovery Association; and
- Keir MacDonald - Chief Executive Officer, Phoenix Society.

Over the course of two meetings, staff received guidance and advice from the Working Group to inform the development of the proposed Housing Agreement, a copy of which is attached as Appendix “I”.

The Housing Agreement, which is registered on title, is an agreement between the operator, the property owner (if different from the operator) and the City. Council would approve a Housing Agreement as a Bylaw with each Supportive Recovery Home. The notable components of the proposed Housing Agreement are as follows:

- The operator covenants and agrees with the City to operate the Supportive Recovery Home in accordance with the requirements of the *Community Care and Assisted Living Act* and the *Assisted Living Regulation*;
- The operator shall ensure that each Resident enters into a residency agreement within 24-hours of occupying a residential premise in the Supportive Recovery Home;
- The operator shall ensure that each Resident has a short-term Service Plan within 72-hours of occupying a residential premise the Supportive Recovery Home;
- The operator shall ensure that each Resident has a personal service plan within 7-days of occupying a residential premise the Supportive Recovery Home;
- The operator shall ensure that each Resident has a transition plan within 24-hours of occupying a residential premise the Supportive Recovery Home;
- No more than two Residents who previously resided outside of Surrey may have conditions related to their conditional release, bail, and/or judicial interim release that require them to stay at the Supportive Recovery Home;
- Each operator upon request, and no more than 4 times per calendar year, shall provide for every Resident in the preceding month; the date that they arrived, the date that they departed (if applicable), their year of birth, their city of birth, their city of residence prior to entering the Supportive Recovery Home (if applicable) and indicate if they have conditions related to their conditional release, bail, and/or judicial interim release that require them to stay at the Supportive Recovery Home; and
- The term of the proposed Agreement is 5-years from the date the Bylaw adopting each operator's Agreement is finally adopted. The City may, at its sole discretion, renew this Agreement for two additional 5-year terms provided that the property owner and/or the operator have not been in default of any of the conditions of this Agreement.

The Working Group has expressed their support for the Housing Agreement as detailed in the letter attached as Appendix "IV".

While providing support for the Housing Agreement, the Working Group expects that not all property owners will agree to execute the Housing Agreement. As such, the Working Group has requested for existing operators that the City support completing the Housing Agreement with just the operator should the property owner not agree to execute the Housing Agreement. The Working Group recommends that any new Supportive Recovery Home require that the property owner execute the Housing Agreement.

Staff see the merits of the request by the Working Group and as such would revise the proposed Housing Agreement to exclude the property owner from the Housing Agreement should a property owner of an existing Supportive Recovery Home unreasonably not agree to execute the Housing Agreement.

Business License Bylaw

It is recommended that the Housing Agreement be a condition of business licence for any new Supportive Recovery Home and that it be a condition of business license renewal for all existing Supportive Recovery Homes as of November 1, 2021. This grace period will provide existing operators and property owners sufficient time to work with staff to prepare the required Housing Agreement and associated bylaw well in advance of their renewal date.

A summary of the proposed amendments to the Business License Bylaw is outlined in Appendix "II" of this report.

Section 59(2) of the *Community Charter* requires that notice be given of the proposed bylaw and that an opportunity be provided for persons who consider they are affected by the bylaw to make representations to Council.

Staff recommend that persons who consider they are affected by the proposed bylaw make written representations to Council. Staff will summarize these comments and will bring a subsequent corporate report to Council prior to Council considering final adoption of amendments to the Business License Bylaw.

Should Council approve the proposed amendments to the Business License Bylaw, it is recommended that the legislative notice requirement be satisfied by placing a formal notice on www.surrey.ca, with links to the proposed Bylaws and this Corporate Report. This notice will be posted on the City website on Monday February 1, 2021 and will invite written comments until Friday February 19, 2021.

In addition, it is recommended that each operator of a licensed Supportive Recovery Home in Surrey, each property owner that contains a licensed Supportive Recovery Home in Surrey, and each Community Association in Surrey be advised of the proposed amendments to the Business License Bylaw and refer them to www.surrey.ca for more information.

Next Steps

In effort to improve both the quality of home operators and the quality of care being provided at these homes, staff are preparing to:

- Report back to Council on any written representations received prior to Council considering final adoption of the amendments to the Business License Bylaw;
- Upon final adoption of the proposed amendments to the Business License Bylaw, bring forward Housing Agreements and their associated Bylaw for each existing Supportive Recovery Home to Council for their consideration;
- Continue to work with the Province (Ministry of Health and Ministry of Mental Health and Addictions) to identify opportunities to continue to work together to improve the quality of care being provided;
- Continue to work with the Province (BC Housing / Ministry of Attorney General and Ministry responsible for Housing) to find opportunities for further BC Housing supportive housing projects in Surrey; and
- Request that the Province (Ministry of Social Development) increase the per diem provided to Supportive Recovery Homes.

Legal Services Review

The City's Legal Services Division has reviewed this report.

SUSTAINABILITY CONSIDERATIONS

The proposed amendments to the Business License Bylaw and the next steps outlined in this report are supportive of the objectives of the City's Sustainability Charter 2.0. In particular, this work relates to the Sustainability Charter 2.0 theme of Health and Wellness, Inclusion and Public

Safety. Specifically, the proposed amendments to the Business License Bylaw supports the following Strategic Directions (“SDs”) and Desired Outcomes (“DOs”):

- Health Services and Programs SD4: Improve the regulation and funding of recovery houses in Surrey;
- Community Safety and Emergency Services SD2: Increase community engagement and mobilization in order to enhance personal and public safety;
- Community Safety and Emergency Services SD4: Enhance intergovernmental relations, and ensure broad partnerships and collaboration to address multijurisdictional social issues (e.g., homelessness, mental health, addictions, etc.);
- Housing SD9: Facilitate the development of shelter facilities and supportive housing as outlined in the Master Plan for Housing the Homeless in Surrey; and
- Community Safety and Emergency Services DO5: Surrey is recognized and perceived as a leader in establishing and maintaining collaborative partnerships for community safety and well-being.

CONCLUSION

Persons who have substance use related challenges have various substance use services available to them. Many of these services are regulated by the Province under the *Community Care and Assisted Living Act* and provided by the Fraser Health Authority or through a contracted service provider. The City can further ensure that quality of care is being provided to residents in Supportive Recovery Homes operating in Surrey by implementing new requirements as outlined in this report.



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Director, Strategic Initiatives &
Corporate Reporting



Jean Lamontagne
General Manager, Planning & Development



Rob Costanzo
General Manager, Corporate Services

[https://surreybc.sharepoint.com/sites/cmcitymanageradmin/council/supportive recovery homes february 8 2021 council meeting.docx](https://surreybc.sharepoint.com/sites/cmcitymanageradmin/council/supportive%20recovery%20homes%20february%208%202021%20council%20meeting.docx)
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Appendices available upon request

Appendix “I”	Housing Agreement for Supportive Recovery Homes
Appendix “II”	Proposed Amendments to Business License By-law, 1999, No. 13680 Alcohol and Drug Recovery Houses
Appendix “III”	Corporate Report R104; 2020
Appendix “IV”	Working Group letter of support