



**Council Member Motion
For the Committee of the Whole Meeting of June 20th, 2024**

To: Committee of the Whole

Date: June 13, 2024

From: Mayor Alto

Subject: Zoning for Social Services for Unhoused Victorians

Background

We are in a homelessness crisis. Chronic homelessness is a reality affecting our community, the province, and the country. Homelessness has many causes – poverty, addiction, mental illness, inadequate health care, diminishing social cohesion, fading collective compassion. Municipalities cannot – alone – address these root causes of homelessness, nor are they able to provide housing for all who need it. However, municipalities are on the frontline of this crisis, responding to its effects as they affect housed and unhoused Victorians. Most persons experiencing homelessness live within municipal boundaries and shelter, as best they can, on municipally owned property, primarily streets and parks.

In 2008, the BC Supreme Court ruled that persons experiencing homelessness have a constitutionally protected right to erect an overnight shelter in City parks when there is inadequate shelter space available for them. Since that decision, the City amended its Parks Regulation Bylaw to expressly allow for overnight sheltering in City parks by homeless persons, subject to specific conditions. But sheltering in parks is not an answer to homelessness.

Sheltering in parks limits homeless persons' access to health and social services, subjects them to the risk of violence and loss of their possessions and exposes them to health hazards associated with being unhoused. Regardless of anyone's unique causes for homelessness, sheltering in parks is not conducive to improving their circumstances.

Municipal parks are not intended or designed to shelter unhoused persons. Urban parks serve the very important purpose of providing open space for residents in an otherwise built-up area. For many residents, municipal parks are the only accessible green space. Children living in apartments and condominiums depend on urban parks for outdoor recreation opportunities, whether as part of structured activities such as organized sports or simply as a shared backyard. As private spaces become smaller, housed residents rely on larger, accessible public spaces. Sheltering activity negatively impacts these primary purposes of City parks. Unlike provincial campgrounds, municipal parks are not designed to handle prolonged sheltering activity. Greenspaces in municipal parks are vulnerable to intentional or unintentional damage inevitably associated with prolonged overnight sheltering.

We are also in a substance abuse and overdose crisis. Homelessness is often associated with mental health and addiction issues. Unhoused residents experiencing such health challenges

are particularly vulnerable because of difficulty accessing health and social services due to lack of reliable place for overnight shelter and all the associated survival struggles. Making it easier for persons experiencing homelessness to access available social and health services, or to be reached by social and health service providers, is essential to provide unhoused residents an opportunity to improve their condition and to give them a chance to break the cycles of addiction, mental illness, and homelessness.

The City has been working with other orders of government and other stakeholders to create more housing, including supportive and affordable housing. However, building new housing takes time, and, in the meantime, unhoused residents are in urgent need of services and assistance.

Non-profit organizations, with support from other levels of government, have been exploring possibilities for providing services to persons experiencing homelessness while they wait for longer term indoor shelter or housing spaces. These services include food service, counselling, group meetings, emergency day or night shelter and opportunities to connect with housing, vocational, mental health and other social services. It would not include permanent residency, health care facilities, or safe consumption space, although some overdose prevention services, like an episodic overdose prevention service, may be included. Essentially, these would be social service centres whose primary focus would be on connecting unhoused residents with these social services and providing some necessities of life, including limited overnight shelter. The exact nature of services offered will vary with each establishment depending on the abilities of the service provider and availability of funding.

Existing City land-use regulations do not contemplate such land use. As a result, establishing social service centres may, depending on location, require lengthy site-specific land-use approval processes. The uncertainties related to these processes often make such proposals too risky for funding partners and result in missed opportunities for provision of essential services to unhoused Victorians. Amending the City's zoning bylaws to recognize social service centres as a distinct use and to permit it as of right in appropriate parts of the City would remove this regulatory barrier to providing essential services to some of the City's most vulnerable residents.

The City's Official Community Plan recognizes the importance of encouraging and supporting an equitable distribution of community services, social services, and facilities across the City to support all residents (Policy 15.1) and more specifically to maintain partnerships with senior governments, the health authority, and other stakeholders to provide a range of facilities and community services, including:

- social services to support attainment of basic needs (Policy 15.16.1)
- a range of local health and wellness services (Policy 15.16.2)
- access to essential services and facilities that meet people's basic needs necessary to maintain public and personal health (Policy 13.39)
- support services for people who are homeless or at-risk-of-homelessness (Policy 13.37)
- updating City policies and initiatives to support efforts of public and non-profit agencies to break the cycle of mental illness, substance abuse, and homelessness (Policy 13.36)

In terms of land management and development, the Official Community Plan explicitly recognizes that community services and institutional uses can be permitted in all urban place

designations in accordance with zoning (Policy 6.6). Thus, all that is required to facilitate establishment of social service centres are appropriate zoning changes.

Proper review and analysis of all issues and consequences of such zoning changes, including necessary engagement with various stakeholders and the public, will take considerable time. But vulnerable residents who would benefit from such social service centres cannot wait for the City's usual processes to run their course. Therefore, it is recommended that, in addition to the City exploring regulations for a new social service centre use, the City immediately amend its zoning regulations to permit social service centre use throughout Victoria. To minimize the risk of unintended consequences, it is recommended that these interim regulations include the following restrictions on social service centres:

- overnight shelter spaces be limited to 50;
- social service centres be located at least 100 metres away from each other or other similar land-uses already in existence;
- a legal agreement requiring each social service centre property to be kept and maintained in a manner that minimizes impacts on its neighbouring community; and
- the use be conditional on each social service centre, including associated activities outside the property, not causing nuisance in the neighbouring community.

This would facilitate development of social service centres when locations and funding for them become available, without a need for lengthy municipal approvals. At the same time, this would only be a temporary solution. It would not impede ongoing policy work, as part of the Official Community Plan update and modernization of zoning project, which may result in more careful and detailed regulations for social service centre locations and operations, including potential location criteria, proximity to transit services and design guidelines.

Implementing a quick solution may result in some undesirable consequences, in particular, a risk that a social service centre is established in a location that, once more detailed policy and regulations are developed, is considered less than ideal. This risk is considered acceptable given the dire need for these services and that, even in a best-case scenario, only a few such social service centres are likely to be established due to limited available resources. To further manage this risk, it is proposed that legal agreements be required to ensure proper operation of each social service centre and that its operation be conditional on not causing nuisance in the neighbouring community.

Recommendation

1. That Council direct the Director of Sustainable Planning and Community Development to initiate, as part of the Official Community Plan update and zoning modernization projects, work exploring the appropriate regulation for social service centres in Victoria and report back to Council on the results of that work as part of future reports back on Official Community Plan update or zoning modernization projects as appropriate.
2. That Council instruct the City Solicitor and the Director of Sustainable Planning and Community Development to bring forward zoning amendments to permit, as a temporary measure, social service centres throughout Victoria subject only to the following conditions:

- a) The number of overnight shelter spaces not to exceed 50;
 - b) Must not be located within 100 metres of another social service centre;
 - c) An agreement, to the satisfaction of the Director of Sustainable Planning and Community development and in the form satisfactory to the City Solicitor, requiring that the property is well kept and maintained at all times to reduce impacts on the neighbouring community; and
 - d) Operation of the social service centre, including activities outside its property, must not cause nuisance or otherwise negatively impact neighbouring community.
3. That Council waive the holding of a public hearing prior to the adoption of these zoning amendments.
 4. That, subject to publication of notices required under the Local Government Act, these amendments be expedited and brought forward for Council's consideration and adoption at the earliest opportunity.
 5. That this matter be brought forward to the June 20, 2024, daytime Council meeting.

Respectfully submitted,



Mayor Alto