

Supportive Living Accommodations for PDD-Funded Albertans: Recommendations for Effective and Appropriate Facilities Licensing

Recommendations – Summary

Create supportive and effective regulations for PDD-funded community living homes by:

1. Exempting all PDD-funded community living homes from licensing requirement, except accommodations where the number of residents far exceeds those typical in personal homes such that the setting resembles a facility-based care site

AND

2. Developing a new set of simplified core accommodation standards that are appropriate for all PDD-funded community living homes (regardless of number of residents), based on principles and practices supporting dignity, and the right to personal freedoms, self-determination, and independence

Background

- 10,665 Albertans with developmental disabilities receive home living supports funded by the Persons with Developmental Disabilities (PDD) program.¹
- 112 ACDS CET-accredited community service providers operate or manage PDD-funded homes across Alberta, which include overnight staffed residences, supported independent living accommodations, or independent support homes.
- The *Continuing Care Act 2022* (Bill 11)² directly impacts these Albertans with disabilities, their service providers, and workforces.

PDD-funded community living homes are currently governed by the *Supported Living Accommodations Act* (SLALA).³ The *Continuing Care Act 2022*, if passed, will replace SLALA. Among other permissions, the new Act allows creating regulations to:

¹ Alberta Community and Social Services Open Data. [Persons with Developmental Disabilities \(PDD\) Data Visualization to December 2021](#).

² Bill 11, [Continuing Care Act, 3rd Sess, 30th Leg, Alberta, 2022](#) (second reading April 27, 2022).

³ [Supportive Living Accommodation Licensing Act](#), Statutes of Alberta, 2009, Chapter S-23.5. Current as of February 20, 2015.

1. Exempt certain types of supportive living accommodation sites or operators from this Act, including specifying the extent, criteria, and circumstances to which the exemptions apply
2. Prescribe the minimum number of residents at a site for the Act to apply
3. Specify the licensing, standards, codes, guidelines, or other rules and the circumstances in which they apply to supportive living accommodations

This document summarizes the issues arising from SLALA, and provides recommendations for effective and appropriate oversight and standards for PDD-funded community living homes. Originally articulated in our [formal submission](#) to the Continuing Care Legislative Review in February 2021, the recommendations are based on input from ACDS members with extensive experience operating residential sites.

Learnings from SLALA

SLALA applies to supportive living homes with 4 or more residents, and has associated standards, licensing, and inspection requirements. If the *Continuing Care Act* regulations duplicate SLALA's minimum cut-off (4 or more residents) and implement similar licensing and standards, the new Act will perpetuate SLALA's unintended negative consequences for PDD-funded community living homes. These include:

- **Restricting residents' personal freedoms and their right to self-determination in homes shared by a few people**, by applying standards and practices more suitable for large care facilities
- **Enforcing inconsistent standards and oversight**, by having no standards or oversight for PDD-funded homes with 3 or fewer residents, while subjecting homes with 4 or more residents to standards and oversight appropriate for large facilities
- **Perpetuating unreasonable red tape for operators**, resulting in inefficiencies, and impacting quality service delivery
- **Curtailing the capacity and sustainability of the PDD program**, including reducing housing choice for individuals

SLALA restricts residents' personal freedoms and the right to self-determination in PDD-funded community living homes shared by a few people.

Alberta's community inclusion model rests on the foundation that community supports for people with disabilities must be guided by principles of dignity and choice, and assessed by standards and practices respecting the right to personal freedoms, self-determination, and independence. This is especially important when considering how one lives in one's own home.

SLALA's licensing requirement for homes with 4 or more individuals creates an institutional environment more appropriate for large, congregate care settings. Many Albertans live in homes with more than 3 people. Just as these homes do not require a license, nor should homes shared by more than 3 people with disabilities be subject to a licensing process to ensure quality of care.

- We recommend regulatory oversight for community living homes that resemble larger, facility-based care settings. However, the cut-off should be much larger than 3 residents, and is best determined in collaboration with service providers, families, and residents.

SLALA enforces inconsistent oversight by subjecting PDD-funded homes with 4 or more residents to standards and monitoring appropriate for large facilities, while homes with 3 or fewer residents have no forms of controls or oversight.

➤ We recommend developing a new set of standards for *all* PDD-funded homes (regardless of number of residents), based on principles and practices supporting dignity, and the right to personal freedoms, self-determination, and independence. A small set of more rigorous standards and accountability expectations could be reserved for residences that resemble larger, facility-based care settings. These standards should be developed in collaboration with service providers and PDD, and monitored by PDD.

SLALA creates unreasonable red tape and expectations for a community-based delivery model, resulting in administrative inefficiencies and impacting quality service delivery.

Red tape burdens created by SLALA include, but are not limited to:

- Multiple inspections, often with conflicting expectations and guidance on the same issue (e.g., water temperature guidance from AHS, SLALA standards, accreditation, Alberta Buildings Code, etc.)
- Immediate reporting of non-compliance even for minor issues rectifiable within 24hrs
- No recognition of prior history of successful compliance despite having multi-year licences
- Over-emphasis on operational policy statements rather than actual practice on site

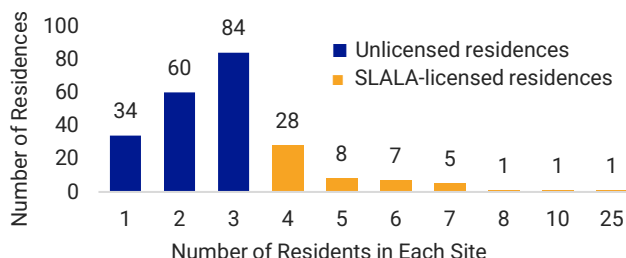
In addition to creating administrative inefficiencies, licensing requirements (e.g., intrusion into people’s homes by inspectors who are essentially strangers; posting of licenses and inspection results in visible areas of the home) create an unacceptable “institutional” feel in a private residence.

➤ We recommend exempting all PDD-funded community living homes from unreasonable levels of oversight and monitoring *except* sites resembling larger, facility-based care settings, which should have a new set of standards based on principles from Alberta’s community inclusion model.

SLALA licensing requirements curtail the capacity and sustainability of the PDD program by dissuading service providers from operating homes for 4 or more residents.

Operating 4-person homes is significantly more cost effective than operating homes with fewer people. However, SLALA’s licensing requirement discourages operators from providing this option, and creates a cost as well as a supply issue for a program that needs to both save funds and increase delivery capacity. Our research shows a drastic drop between the number of 3-person homes and those with 4 or more residents.⁴

Impact of SLALA Licensing in Community Operated Overnight Staffed Residences (n = 229 residences)



⁴ ACDS. May 21, 2021. ACDS Data Brief: SLALA Licensing and PDD-funded Community Living Residences. Calgary, AB.

The reduced supply of homes for 4 or more residents also limits choice and ability for people with disabilities to obtain housing. In some rural communities, for example, service providers are experiencing that, as PDD seeks to save service-delivery costs, it is more likely to encourage funded individuals to move miles away from familiar places to communities with larger shared-model homes. Removing the barriers to operate homes for 4 or more residents would enable PDD funding to be used more efficiently, create capacity in a system with a long wait list, and provide more choice for individuals.

The unintended negative consequences for PDD-funded homes due to inconsistent and inappropriate licensing requirements are avoidable by creating more supportive and effective regulations.

Recommendations – Detail

Create supportive and effective regulations for PDD-funded community living homes by:

1. Exempting all PDD-funded community living homes from licensing requirement, except accommodations where the number of residents far exceeds those typical in personal homes such that the setting resembles a facility-based care site
 - i. Exempt all PDD-funded community living homes from licensing requirement, except those that resemble larger, facility-based care settings rather than personal homes
 - ii. Determine the minimum number of residents before licensing is required, based on consultation with service providers and families

AND

2. Developing a new set of standards appropriate for community-based service delivery to apply to all PDD-funded community living homes, and having these regulated and administered by Community and Social Services:
 - i. Develop new set of simplified core accommodation standards that are appropriate for all PDD-funded community living homes (regardless of number of residents), based on principles and practices supporting dignity, and the right to personal freedoms, self-determination, and independence
 - ii. Reserve a small set of more rigorous standards and accountability expectations for PDD-funded community living homes that resemble larger, facility-based care settings