

# **Nova Scotia Building Code Regulations: Public Consultation**

Feedback from Department of Community Services – September XX, 2023

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## **Concern 1: B4 does not close the gap between B3 and C (Residential) – Occupancy in a way that will enable more access to housing for persons with disabilities:**

- B4 requirements align with B3 in requiring fire suppression systems, backup power sources, and physical layouts that enable full accessibility. These requirements are a significant barrier to any opportunities to retrofit or renovate homes for persons with disabilities if they are accessing a licensed DSP program (i.e. small option homes).
- Many DSP participants who receive supports through licensed programs are fully ambulatory, aware of their surroundings, and do not acquire daily reassessments of their abilities and functioning. The requirements listed above are likely not required to ensure the safety of these participants and exceed what would be required in the homes of other Nova Scotians.

## **Concern 2: Mandating B3/B4 for all licensed or service provider operated homes may be viewed as discrimination against people with disabilities because it prevents their timely access to housing.**

- This B3 building code has posed such significant challenges for organizations who are trying to make use of generic housing stock in accessible communities/neighborhoods. Building new often requires finding building lots outside of existing neighborhoods which can further segregate and isolate persons with disabilities.
- The length of time required for design, construction and inspection for B3/B4 homes can delay the ability for participants to transition to the community of their choice.
- Other government programs and priorities (e.g. grants through DMAH for seniors home adaptations), encourage aging-in-place and allow Nova Scotians to remain in their community. If a building permit to renovate an existing DSP home triggers a need for a full B3 retro-fit, it may prevent the home owner from implementing the required changes, requiring residents to leave if the home cannot be modified to meet their needs.

## **Request 1: Process to seek exceptions to B3/B4**

- DSP would benefit from the regulatory authority to seek an exception to B3/B4 building code requirements in certain situations (when working with individual municipalities), these could include:
  - A home which has been in use by DSP participants which requires a retrofit or renovation for aesthetic, structural or accommodation purposes. For instance, a new bathroom may be required to support an aging participant. This bathroom could be designed to B3 requirements without the need to apply those standards to the remainder of the home.
  - The ability for service providers or DSP participants in licensed programs to acquire and renovate existing community homes without B3/B4 being required, if the existing home meets the safety needs of the DSP participants who would reside in the home. Allowing new housing capacity to be added without B3/B4

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requirements would allow DSP participants to access the housing/rental market in the same manner as any other Nova Scotian, allowing them to live in the communities and locations of their choice, without facing barriers related to the extreme lack of accessible/B3 housing stock.

### **Request 2: Confirmation that B3/B4 is not required when DCS funding is provided to participants/families who then self-direct it to service provider agencies.**

- DSP is at the forefront of implementing the [Human Rights Remedy to Systemic Discrimination](#), a court ordered mandate that applies to the Province of Nova Scotia as a whole. The Remedy requires a whole of government approach to ensure barriers that cause systemic discrimination are removed from legislation, regulations and service systems.
- DSP is moving towards an individualized funding model where participants will have the option to self-direct their funding to the service providers of their choice. This would allow groups of participants to pool their funding to collectively purchase 24/7 supports from providers, that would be provided in a variety of housing settings, including homes owned by service providers. These homes would not be licensed by DCS and DCS would not be directly funding service providers for the cost of owning and operating the housing.
- DSP requires assurance that these types of support settings will not fall under B3/B4 regulations, to ensure that participants will not continue to face barriers to accessing housing.