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| <b>RCRS Secondary:</b> | GOV-02  | <b>Effective Date:</b>   | 2023-NOV-20 |
| <b>Policy Number:</b>  |   | <b>Amendment Date/s:</b> |             |
| <b>Title:</b>          | Emergency Shelter and Warming/Cooling Centre Regulation Enforcement Policy Resolution | <b>Repeal Date:</b>      |             |
| <b>Department:</b>     | Planning and Development  | <b>Approval Date:</b>    |             |

**PURPOSE:**

A policy resolution to temporarily address the City’s liability related to buildings used for emergency shelters and warming/cooling centres that do not meet the requirements in the BC Building Code and BC Fire Code.

**SCOPE:**

This policy applies to emergency shelters and warming/cooling centres that do not meet the requirements in the BC Building Code and BC Fire Code located within the City of Nanaimo.

**POLICY:**

GIVEN THAT

1. The City has recently experienced a crisis-level influx of homeless persons, some with mental health and/or addiction issues, and Council wishes to help address their life-safety needs as well as safety of persons using the City streets and other public areas;
2. The existence of shelters and warming and cooling centres is critical to the City’s efforts to address the homelessness emergency, and the City itself does not have financial or staff resources to construct and operate such facilities or to upgrade any facilities;
3. Various non-profit entities operate or will operate all-weather shelters and warming and cooling centres year-round;
4. Some shelters are designated by the Province as emergency shelters for temporary accommodation of a limited number of individuals per night;
5. Due to financial limitations of the non-profit entities combined with the lack of available structures in the City, some emergency shelters and warming and cooling centres may or may not comply with all British Columbia code requirements respecting seismic, fire, building, and other enactments;
6. The City’s fire department undertakes fire inspections;
7. The City’s building inspection section receives complaints, or becomes aware of a change of use without the required approvals, and undertakes building inspections;

8. The non-profit entities do not currently have the financial and other resources necessary to comply with all codes;
9. BC Housing typically does not provide capital upgrades to shelters, but they do not want the shelters in the City to close, based on the current situation, given the homeless population in Nanaimo; BC Housing says it will not fund upgrades if there is no certainty that a shelter will continue to operate for the foreseeable future;
10. The City has written to the Province to seek building code exceptions and funding;

NOW THEREFORE Council resolves:

- (a) not to enforce the building code, the fire code, its building regulation bylaw, or its zoning bylaw during the time when a non-profit emergency shelter operator or warming/cooling centre operator is demonstrating continuing reasonable efforts to satisfy the codes and is also seeking BC Housing funding for upgrades, and while the City is seeking reasonable provincial exceptions to the building code and funding;
- (b) to direct staff to communicate with the Province on an ongoing basis regarding funding and code exceptions to allow shelters and warming/cooling centres to provide certainty that they will continue to operate for the foreseeable future.

**PROCESS:**

Staff will continue to communicate the life safety requirements of the BC Building Code and BC Fire Code to the property owners and operators of shelters and warming/cooling centres such that they are aware of the risks and can make plans to address BC Building Code and BC Fire Code requirements.

**RELATED DOCUMENTS:**

- BC Building Code
- BC Fire Code
- Fire Protection and Life Safety Regulation Bylaw 2011 No. 7108
- City of Nanaimo Building Bylaw 2016 No. 7224
- City of Nanaimo Zoning Bylaw 2011 No. 4500

**REPEAL or AMENDMENT:**

N/A