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MEMORANDUM

TO: HRM Accessibility Advisory Committee
CC: Iain MacLean, Municipal Clerk;
Melissa Myers, Accessibility Advisor;
Annie Sherry, Legislative Assistant
Kate Greene, Director of Regional Planning
Jill MacLellan, Principal Planner, Social Policy, Regional Planning
FROM: Brandon Umpherville, Planner II, Social Policy, Regional Planning - Planning & Development
DATE: Wednesday, October 14, 2022
SUBJECT: **Accessibility Guidelines for Secondary and Backyard Suites**

Members of the Accessibility Advisory Committee,

On [September 1st, 2020](#), Halifax Regional Council approved region wide amendments to the Regional Municipal Planning Strategy (RMPS) and land use by-laws (LUB), to allow secondary and backyard suites accessory to single-unit, two-unit and townhouse dwellings. On [September 30, 2020](#) Regional Council passed a motion requesting a supplementary staff report that explores approaches to ensure the secondary units are accessible from streets or driveways and discusses how the Municipality will monitor the overall success of the region wide amendments. This memo will address the request to explore approaches to ensure the secondary units are accessible from streets or driveways.

Accessibility for secondary or backyard suites is an important consideration to ensure that all residents, including those with accessibility needs, can benefit from new housing permissions. To respond to Council's motion staff reviewed requirements relating to accessibility in the provincial building code and explored how other jurisdictions incorporate accessibility requirements into requirements for secondary and backyard suites. Also included in this memo is an analysis of the existing language in the secondary and backyard suite regulations, as well as an outline of the proposed approach to create Secondary and Backyard Suite Accessibility Guidelines.

Building Code Requirements

- Accessibility requirements in the code apply to residential buildings that have 4 or more units.
- A secondary or backyard suite accessory to a single-unit, two-unit, or townhouse dwelling would not pass that 4-unit threshold to trigger those requirements.
- Adaptability requirements were introduced to the Nova Scotia Building Code in 2019. The requirements ensure that a residential unit can be easily adapted for use by a person with mobility issues and applies to all residential units, including secondary and backyard suites.
- The new rules include specifications for minimum door and corridor widths, lower switch heights, higher electrical outlets, and grab bars in bathrooms. Importantly, Section 3.8.4 also includes a

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requirement that exterior doors must “be capable of being made barrier-free from a sidewalk or parking area.”

Jurisdictional Review

- Staff studied ten Canadian municipalities who have adopted or are in the process of adopting secondary and backyard suite provisions.
- In most jurisdictions, accessibility of a pathway connecting the suite to the street is limited to a requirement for unobstructed access of a specified width.
- The majority of jurisdictions include a set of comprehensive guidelines for secondary and backyard suite development with references to accessibility.
- Two jurisdictions require that this path be hard surfaced.
- Two jurisdictions don't have an unobstructed access requirement in their zoning by-law but have included it in a set of guidelines.

Current Secondary and Backyard Suite Requirement Language

The region wide amendments adopted in September of 2020 include the following provision for backyard suites:

“where the main dwelling unit does not have a side yard on both sides, a backyard suite must have unobstructed access upon the same lot in which the backyard suite is located to a public street.”

Regional Council has discussed the idea of unobstructed access and the potential that simply requiring unobstructed access may not meet the needs of all people with different abilities. The intent of this provision is to ensure that every backyard suite has direct access to a public street and also ensures that crossing adjacent properties is not required for practical considerations such as emergency service access and deliveries.

Staff do not recommend amending the land use requirements to further specify requirements for the unobstructed path required for the following reasons:

- There is no one size fits all approach that could be added to the current provisions for secondary and backyard suites in all parts of HRM. For example property conditions will be different in rural areas of HRM vs the Regional Centre.
- There will be properties where a requirement for hard surfacing will impact the feasibility for the whole project.
- A set of guidelines is an approach used in other jurisdictions and allows for a nuanced approach that considers many different kinds of properties and levels of accessibility.

Proposed Guidelines

Staff are confident that in conjunction with the Building Code, existing land use by-law language, that the inclusion of accessibility guidelines will achieve accessibility while not negatively impacting project feasibility.

Staff have developed a set of accessibility guidelines for secondary and backyard suites, similar to other jurisdictions. These guidelines were adapted from the Rick Hansen Universal Design Recommendations, which are based on the Canadian Standards Association (CSA) B651-18 Accessible design for the built environment standards. This document will serve as a set of recommendations for secondary and backyard suite developments. In offering this resource as a guideline document, there is an opportunity to provide a more exhaustive list of universal design elements than would be possible if included as a provision in HRM's land use by-laws. Halifax would offer the most comprehensive encouragement of accessibility considerations of the jurisdictions reviewed in this report.

HRM's Secondary and Backyard Suite Accessibility Guidelines (attached) will be included with permit application information and available publicly with other backyard and secondary suite resources.

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Accessibility staff with HRMs Office of Diversity and Inclusion/ANSAIO have been engaged through the development of these guidelines. The document includes design considerations in the following categories:

- Entrances & Doors
- Ramps
- Parking
- Passenger Drop-off and Pick-up Zones

Questions for Discussion

I would encourage members of the Accessibility Advisory Committee to reflect on the following questions to prepare for this discussion:

- Do you have any feedback regarding the attached Accessibility Guidelines or the proposed approach as a whole?
- Are there any strategies you would recommend we consider in distributing and sharing these guidelines?
- Do you have further comments or experience regarding secondary and backyard suites, or housing issues generally?

I look forward to our upcoming discussion.

Sincerely,

Brandon Umpherville
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Attachment A: Proposed Accessibility Guidelines for Secondary and Backyard Suites

Attachment A: Proposed Accessibility Guidelines for Secondary and Backyard Suites

Secondary & Backyard Suites

ACCESSIBILITY GUIDELINES

We encourage property owners developing secondary and backyard suites to include accessibility features in their plans. HRM has many unique geographies and varied climate that will require context specific accessibility considerations.

Before your permit for a secondary or backyard suite is approved, a Development Officer and a Building Official will ensure that your plans meet the requirements of the relevant Land Use By-laws and Building Codes. The guidelines in this document are intended to encourage stronger universal design while also allowing for some flexibility as each property owner plans for their unique lot and potential tenants.

The guidelines listed below have been adapted from the Canadian Safety Association (CSA) [B651-18 guidelines](#) and the Rick Hansen Foundation's [Universal Design Guidelines](#).

Entrances & Doors

Approach to Entrance

- Distinguish entrances to the suite from the rest of the building with colour or architectural element.
- Ensure pedestrian pathways to the main entrance is accessible from parking, passenger drop-off or other arrival points.
- Pathway surface should be firm, stable, and slip resistant.
- Consider tactile direction indicators where approaches to building entrances include large open areas.
- Ensure the primary entrance of the suite is accessible if multiple entrances are provided.
- Include clearly visible civic address or signage for approach to suite or site.
- Ensure there is a level landing at the entrance to the suite for people to wait, enter, and exit.
- Mount any included entrance operating mechanisms no higher than 1100 mm above the finished floor level with clear space in front of them.
- Ensure entrances are well-illuminated for safety after dark.

Entrance Door

- Clear opening door width should be no less than 850 mm for existing buildings and 1000 mm for new buildings.
- Wherever possible, the threshold should be flush with the external ground surface and internal floor finish.

Ramps

- Slope should not exceed 1:20 (5%).
- Ramp surface should be firm, stable, and slip resistant.
- Level landings at the top and bottom of ramp, and at intermediate location(s) if ramp changes direction or is longer than 9 metres.
- Colour-contrasted and slip resistant strips at landings that extend the full width of the ramp to signal slope change.
- A curb or raised wall should protect users from ramp edges.
- Easy to grasp handrails should be installed on both sides of ramp with horizontal extensions at the bottom and top of the ramp to assist persons on and off the ramp.
- Ramps and landings should be well-illuminated.

Parking

- Parking spaces provided should be at least 3.6 metres wide and include a curb, wheel stop or painted line to ensure a 0.90 metre pathway in front the vehicle.
- Ensure accessible parking spaces can be easily identified by providing directional signage to and vertical signage at the accessible parking space.
- Ensure the path of travel between the accessible parking spaces and the building entrance is safe and kept clear at all times.

Passenger Drop-off and Pick-up Zones

- Provide clearly designated passenger drop-off and pick-up zones for site users, by marking space with paint and installing signage. A dedicated curb ramp should be provided, if there is a level change.
- Provide seating and shelter at passenger drop-off/pick-up zones. Seating and shelter are important for seniors, people with mobility or vision disabilities as they often need a comfortable and weather protected place to wait.

If you are looking to include or consider further universal design elements with a specific need or tenant in mind, please visit the following resources:

<https://www.rickhansen.com/become-accessible/accessibility-resources>

<https://www.homeforlifedesign.com/>

<https://universaldesign.org/features>

<https://www.homemods.ca/home-modifications/>