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FINAL VERSION OF *UNDERSTANDING BARRIERS*: YORK REGION'S FIRST ANNUAL ACCESSIBILITY PLAN

The Community Services and Housing Committee recommends the adoption of the recommendations contained in the following report, August 26, 2003, from the Commissioner of Community Services and Housing:

1. RECOMMENDATIONS

It is recommended that:

1. The amendments to the draft of *Understanding Barriers* based on the feedback received during the consultation and from the York Region Accessibility Advisory Committee on the draft Plan be approved (*see Attachment 1*).
2. The final version of *Understanding Barriers: York Region's First Annual Accessibility Plan* be approved as amended in Attachment 2, subject to Council approval of the 2004 Budget.
3. The recommendations that fall outside of York Region's jurisdiction and mandate be shared with the appropriate jurisdiction to help inform their accessibility planning processes (*see Attachment 3*).
4. York Region permanently align each annual accessibility planning process with the Region's annual business planning process, beginning in 2004.
5. The final version of *Understanding Barriers: York Region's First Annual Accessibility Plan* be shared with the area municipalities, members of the Municipal Staff Reference Group and the Accessibility Directorate of Ontario for their information following the public launch in October 2003.

2. PURPOSE

The purpose of this report is to present the final version of *Understanding Barriers: York Region's First Annual Accessibility Plan* (Attachment 2) and the release strategy for *Understanding Barriers* for approval by Committee and Council. This report also provides a summary of the consultation process that was held on the draft version of *Understanding Barriers* and the feedback received from the public.

3. BACKGROUND

The *Ontarians with Disabilities Act, 2001* (ODA) was proclaimed on September 30, 2002. Its intent is to improve opportunities for persons with disabilities through the identification, removal and prevention of physical and other barriers. The ODA includes specific requirements for all municipalities. One key requirement is the development of an accessibility plan each year. The first plan must be completed by September 30, 2003.

The annual accessibility plan must show what the Region has done so far and will do in the future to identify, remove and prevent barriers to persons with disabilities in its by-laws, policies, practices, programs and services.

On May 22, 2003 Regional Council approved the release of the consultation draft of *Understanding Barriers: York Region's First Annual Accessibility Plan*, as well as a public consultation strategy to gather public input and feedback on the draft Plan.

4. ANALYSIS AND OPTIONS

Regional Council has taken a strategic approach to accessibility planning that is grounded in Vision 2026. This approach has enabled the Region to strategically focus its efforts in a way that supports and balances the needs of residents in York Region.

4.1 Public Consultation on the draft Plan

A public consultation on the draft Plan was held between May 22, and June 20, 2003. During this time, residents had the option of submitting their written comments on the draft Plan via the website, by email, by regular mail, by phone or by fax. Residents could also attend an open public consultation session at the York Region Administrative Centre on the evening of Tuesday, June 17, 2003.

The public consultation on the draft version of *Understanding Barriers* was designed to:

- gather input and feedback on the draft Plan
- involve stakeholders and individuals in the accessibility planning process, with a view to identifying common issues and concerns
- demonstrate the Region's commitment to enhancing accessibility to its programs and services
- assist the Region in better understanding the barriers faced by people with disabilities

4.1.1 Summary of Consultation Activities

The public consultation strategy included a variety of proactive outreach activities to make the draft Plan widely available across the Region and invite comments on the draft Plan. The York Region Accessibility Advisory Committee (AAC) and the Human Services Planning Coalition also promoted the consultation on the draft Plan through their various networks. Other activities included:

- Posting the draft Plan on the Region's website (the draft Plan received nearly 600 hits on the Region's website during the consultation period).
- Establishing a voice mailbox to receive comments by phone.
- Sending emails to community and social services agencies in York Region with an electronic link to the draft Plan on the Region's website.
- Making the draft Plan available in both large print and Braille.
- Assistance from some area municipalities who promoted the public consultation session on their websites and others who included information in their local newspapers.
- Issuing a news release, public service announcement and ads in all Metroland York Region community newspapers to publicize the availability of the draft Plan and the public consultation session.

- Distribution of over 400 copies of the draft Plan including to each of the area municipalities and inviting members from local Accessibility Advisory Committees, hospitals and school boards to the consultation session.

A feature article about the York Region AAC that also promoted the consultation on the draft Plan was published in Metroland York Region community newspapers on June 12, 2003.

4.1.2 Consultation Session – June 17, 2003

Over 50 people from across York Region of all ages (ranging from 12 to 80) and diverse backgrounds attended the consultation session on June 17, 2003. Participants included: people with a range of disabilities; people from various organizations that represent or provide services to people with disabilities in York Region; members representing some area municipal Accessible Advisory Committees, as well as representation from the local school boards. The consultation provided an opportunity for staff and members of the York Region AAC to learn and hear directly from individuals who use the Region's programs and services about ways to enhance accessibility for people with disabilities across the Region.

The strong participation at the consultation session illustrates a desire from the community to see action taken and to be involved in accessibility planning and in identifying, removing and preventing barriers for people with disabilities.

4.1.3 Summary of Public Feedback

Overall, the draft Plan was well received and considered easy to read. Participants were positive about the progress that has been made so far in many of York Region's programs and services for people with disabilities, including:

- availability of and broader eligibility criteria for specialized transit
- countdown and beeping at some lights that warn people of how much time is left until the light changes
- sensitivity training for York Regional Police on how to relate to people with mental health problems
- the Region's accessible website
- acknowledgement that people with disabilities need job opportunities
- the clear message that the Region intends to support the integration of people with disabilities in the community
- the Region's commitment to implementing the ODA, the development of the Plan and its sensitivity to the need to use appropriate terminology.

The public especially appreciated having the opportunity to provide feedback on the draft Plan. While participants appreciated what has already been done to make transit, buildings and the community more accessible, they believe that more must be done to improve life for people with disabilities. Participants want the Region to give them the opportunity to remain aware of, and stay involved in the accessibility planning process.

Positive feedback has also been received from the Provincial Government and other municipalities across the Province acknowledging York Region as a leader in the work done to implement the ODA and develop *Understanding Barriers*.

In fact, the Province has begun, on its own, to showcase the work done by York Region as a best practice to other municipalities across the Province. This has resulted in many enquiries from other municipalities for information, advice and guidance to assist them in meeting the ODA requirements. York Region has been asked and has accepted the Province's request to present a training workshop on our experience and process to staff from across Ontario who work for the Ministry of Citizenship's Regional Services Branch. This training will support our municipal counterparts across the Province as the training is for staff whose job it is to be a resource for municipalities in the implementation of the ODA. As the letter from the Province said, "...Because York Region has represented such an excellent example of how to do the entire process right...we are eager to showcase and learn from your experience". The Province has also asked to include a profile of accessibility planning in York Region on the Accessibility Directorate of Ontario's website.

4.2 Highlights of *Understanding Barriers*: York Region's First Annual Accessibility Plan

The final version of *Understanding Barriers*: York Region's First Annual Accessibility Plan includes initiatives that will enhance accessibility for people across the Region with all types of disabilities – physical, sensory, cognitive and other. The initiatives that will be implemented in 2004 encompass every aspect of the Region's businesses including programs, services, regional facilities, policies, practices, by-laws and procedures.

A key strength of the final Plan is that for the first time all of the initiatives that will be taken by the Region to enhance accessibility for people with disabilities are consolidated in one document. It is important to recognize that prior to the ODA, the Region had already begun to eliminate barriers in different ways. *Understanding Barriers* and annual accessibility planning is an extension of this work and an opportunity to strategically focus efforts.

The consultation activities provided valuable feedback on many areas of the draft Plan. Regional Departments were asked to consider the advice received and how it may be incorporated into the final version of the Plan. On August 6, 2003, a presentation was made to the York Region AAC seeking their feedback on the changes recommended by staff to the final Plan. The York Region AAC agreed with all of the recommendations made by staff and suggested a few modifications. A Summary of the Consultation Feedback, the advice received from the York Region AAC and the Departmental recommendations for the final Plan, are outlined in Attachment 1.

Overall, the majority of comments received from the consultation were already addressed in the Plan or could be incorporated with minor modifications in the final Plan. It is recommended that the draft Plan be amended to include this feedback where appropriate in the final Plan.

Other comments addressed additional areas for consideration in barrier identification or removal and will require further planning. It is recommended that these items be considered in the development of the Region's future accessibility plans.

There were a few comments received where it was felt that it would not be warranted to include the comment in the Region's accessibility Plan. Each of these areas was discussed with the York Region AAC and the AAC concurred with the recommendations from staff not to include these items in the Plan.

A number of the comments received on the Plan identified issues or barriers that crossed Regional, Provincial or Area Municipal jurisdictions. In determining the scope of the Region's Accessibility Plan, Regional Council previously directed that *Understanding Barriers* focus on legislated municipal requirements and address only those matters within the Region's jurisdiction. Therefore, while the Region's Plan will not specifically address issues that relate to other jurisdictions or agencies, it is recommended that these issues (outlined in Attachment 3) be shared with the appropriate jurisdiction to help inform their accessibility planning processes.

Other additions or modifications made to the final Plan include: a section that describes the consultation activities undertaken in the development of the final Plan; a message from the York Region AAC; and a plain language edit of the Plan, including a terminology review.

4.3 Release Strategy for the Final Plan

To meet the requirements of the ODA that accessibility plans be made available to the public by September 30, 2003, the final version of *Understanding Barriers* will be posted on the Region's website, following approval of the Plan by Council.

At the next Regional Council meeting on October 16, 2003, the official public launch of *Understanding Barriers: York Region's First Annual Accessibility Plan* will take place.

The public launch will include the following activities:

- Issuing a news release to all local media announcing the launch of the final Plan
- Mailing the Plan to individuals, agencies and organizations that represent or provide services to people with disabilities in York Region
- Making copies available at both the Administrative Centre and at the South Services Centre
- Sending copies to the nine local municipalities and to members of the Municipal Staff Reference Group.

Implementation of *Understanding Barriers* will begin in October 2003.

4.4 Provincial Direction for the Development of Future Plans

In accordance with the recommendations contained in the Ministry of Citizenship's accessibility planning guidelines, Regional Council adopted a recommendation in February 2003 that accessibility planning in York Region be integrated with the annual

business planning process. This will enable accessibility planning to become an integral part of the Region's business planning process, ensure fair access to Regional resources and allow accessibility measures to be balanced with other Regional Plans.

As directed by Regional Council in February 2003, regional staff wrote to the Accessibility Directorate of Ontario to advise them of this recommendation and request the Province's support for this approach.

On June 24, 2003 the Province responded to York Region's request. The Province acknowledged the importance of the Region's issue but believed that municipal financial calendars should not impact on the timing of the preparation and public release of the Plan. The Province's expectation is that York Region's accessibility plans will be approved by Council and available to the public in September of each year. As a result of the response received from the Province, this matter was further reviewed by the Region's Legal Services Branch.

A review of the requirements specified in the ODA indicates that in preparing this legislation, the Ministry envisioned an annual planning cycle that would be based upon a calendar year which would align with the annual municipal budget process. Following the proclamation of the ODA, the Ministry issued a statement with respect to the compliance dates, which states that municipalities "should have their first accessibility plan in place for Council approval and publication by September 30, 2003 at the latest, which is one year from the date of proclamation of the ODA." However, this is not a legislative proclamation date but rather a directive from the Ministry and, as such, it has no statutory force and effect. Consequently, at this time the ODA remains silent as to implementation and compliance dates, and the only specific timeframe is the requirement to prepare a Plan each calendar year.

At the present time the enforcement provisions of the ODA are not in effect. In the event that the Ministry introduces regulations or legislative amendments to introduce specific compliance dates for the implementation of accessibility plans, such provisions could not be enforced retroactively.

The Region will be in compliance with the existing requirements of the ODA if it prepares an accessibility plan each calendar year.

It is therefore recommended that the Region integrate its annual accessibility planning process with the development of the annual business Plan and budget.

4.5 Next Steps

In 2004 there will be two rather than one key requirement. There is a legislated requirement not only to create the next Plan, but to also implement the first one. Therefore, an important component of the Region's accessibility planning process will be the review, monitoring and evaluation of its initiatives in order to meet the ODA's requirement that progress be reported publicly on an annual basis. The Community

Services and Housing Department will develop appropriate evaluation methodologies and tools in co-operation with the ODA Staff Committee and the York Region AAC.

4.6 Relationship to Vision 2026

The implementation of the ODA, including the development of *Understanding Barriers: York Region's First Annual Accessibility Plan*, has been grounded in the strategic direction and goals established in Vision 2026. Ongoing accessibility planning will assist the Region in continuing to think strategically to enhance accessibility across its programs and services and build on the Vision 2026 framework and goals.

5. FINANCIAL IMPLICATIONS

The financial implications have been divided into two sections to present a more complete picture of the costs associated with *Understanding Barriers*.

5.1 Cost Analysis of Initiatives Included in *Understanding Barriers*

Many of the initiatives in *Understanding Barriers* will be completed within existing Departmental base budgets. However, Departments have also identified these costs in the near term to be approximately \$1,643,640 in additional costs to enhance accessibility to their programs, services and facilities. Of this, an estimated 30% of the cost will be funded by the Province of Ontario for initiatives relating to long-term care facilities and housing; 50% is related to transit and solid waste initiatives; and the remaining 20% will be for initiatives in the other Regional Departments. Many of these initiatives were identified earlier in the Region's longer-term strategies and initiatives (e.g. York Region Transit 5-Year Service Plans).

These costs will be confirmed over the next two months, and brought forward in the respective 2004 Business Plans for consideration by Council in conjunction with all other new initiatives and budget pressures. The lack of integration between the budget and accessibility planning processes has resulted in an accessibility Plan that has been created in somewhat of a vacuum. Initiatives will need to be reviewed again in the context of the whole business planning process, which may result in some initiatives not being implemented in 2004. A further report back will be made to Council on all costs associated with the implementation of *Understanding Barriers*, following the approval of the 2004 budget.

5.2 Costs to Implement ODA

All costs for the legislated duties associated with the development and production of *Understanding Barriers*, the Accessibility Plan Policy Framework, consultations and the recruitment and ongoing support to the York Region Accessibility Advisory Committee were approved as part of the 2003 Budget.

Development of the first Plan was completed with existing staff resources. Their tasks have included support to the Interim AAC and the York Region AAC, creation of all policies, reports and tools, supporting local municipalities as needed, issue resolution with the Province as well as managing the recruitment of the York Region AAC and the public consultation process. They are also responsible for synchronizing the efforts of

Departments and co-ordinating the publication of the Plan. In 2004, in addition to this support/work, there will be the additional task of supporting/synchronizing the Plan's implementation and integrating the impact of anticipated regulations into the process, planning and development of York Region's second accessibility plan. Consideration will need to be given to establishing a small basic core of dedicated staff and financial resources for the implementation of the ODA, to ensure its success and the Region's ability to meet Provincial and Council's requirements. Additional resources will be identified during the 2004 budget process.

6. LOCAL MUNICIPAL IMPACT

An invitation was extended to each local municipality to attend the June 17, 2003 consultation session and representatives from some local municipalities and their Accessibility Advisory Committees were in attendance. Many of the local municipalities also helped to promote the session and their support and assistance is greatly appreciated. Each local municipality is also in the process of developing their own accessibility plan as required by the ODA. Opportunities to share information will continue through the Municipal Staff Reference Group (which also includes representatives from the local hospitals and school boards) on the implementation of the first set of accessibility plans.

7. CONCLUSION

Upon enacting the ODA, the Province did not provide any additional financial resources and provided very few tools to assist with accessibility planning or implementation. Despite the challenges that this presented, through the strategic approach adopted by Council and the dedication of Regional staff and the York Region AAC, *Understanding Barriers* has been successfully developed and has established York Region as a leader in the Province in accessibility planning.

The Region has achieved many successes since the implementation of the ODA began. Among these successes are:

- Creation of an Interim Accessibility Advisory Committee who laid the foundation by establishing the Terms of Reference for the York Region AAC and overseeing its recruitment
- Development of an Accessibility Plan Policy Framework and planning tools. This set the strategic direction for a "made in York Region" focus for this and future accessibility plans and provided a consistent planning tool that was used across regional Departments
- A recruitment strategy for members to the York Region AAC that resulted in almost 60 applications from people with a range of disabilities, from various walks of life and included broad geographic representation.
- Appointment of the Region's first Accessibility Advisory Committee
- Creation of a Municipal Staff Reference Group that includes representatives from school boards, hospitals and local municipalities involved in accessibility planning across the Region to share information in order to avoid gaps and unnecessary duplication,

- A consultation draft of the Plan that is considered a Provincial model in terms of style and content
- broad citizen participation in the development of the first accessibility Plan through a very successful multi-faceted consultation strategy
- an increased understanding of issues that affect people with a broad range of disabilities and many opportunities that staff are beginning to seize in their day-to-day work to look at initiatives through an “accessibility lens”. Initiatives put forward by Departments will expand on these beginnings.

York Region has always recognised the importance of ensuring that all its residents can participate in all the Region has to offer. This is enshrined in Vision 2026 and is echoed in the Region’s longer-term strategies and initiatives. The Region remains committed to taking a balanced approach doing what we can with the resources we have available.

The legislated requirements of the ODA will expand and become more complex in the next year. Without the injection of the necessary resources, it will be challenging for the Region to meet its legislated requirements, continue to be a leader in accessibility planning and to truly work towards meeting the needs of the approximately 16% of its residents who are persons with disabilities.

The Senior Management Group has reviewed this report.

(A copy of the attachments referred to in the foregoing are included with this report and are also on file in the Office of the Regional Clerk.)