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ALERT

MEMBER COMMUNICATION

ALERT N°: 09/067

To the attention of the Clerk and Council
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AMO's Message to the Province: Accessibility and Municipalities at Risk with Initial Proposed Built Environment Standard

Issue:

On July 14, 2009, the government released the initial proposed Accessible Built Environment Standard under the *Accessibility for Ontarians with Disabilities Act* for public Review. The initial proposed standard sets out specific requirements for making the built environment in Ontario accessible, including all new construction.

AMO is strongly encouraging municipalities to respond to the public review. The deadline to respond is **October 16, 2009**.

Background:

AMO continues to support the need for increased and improved accessibility for Ontarians in all aspects of community and civic life. AMO believes that since the enactment of the AODA four years ago, important advancements have been made in discussions on the key barriers to achieving accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises.

AMO also appreciates the government's inclusive approach to the standard development process and at the same time appreciates the challenges associated with reaching "consensus" on issues in a process where common ground has not been clearly defined.

Bearing this in mind, it is unclear the degree to which the initial proposed Built Environment Standard as written will improve accessibility for people with disabilities.

It is important to note, that the financial burden and expectations the proposed standard places on municipalities will not only undermine the objectives of the *Act* and the potential for greater accessibility for all Ontarians, but conflict with the provincial objective of "*Open for Business*". The timelines, requirements and cost of implementing all of the requirements proposed in the standard may undermine Ontario's competitiveness.

AMO will be providing a detailed response to the Built Environment Standard Development Committee and will be responding to the Minister Meilleur. Addressing key areas of concern related to the continued lack of harmonization across standards, the overall scope and applicability of the standard and the cost impact on municipalities if the standard is implemented as proposed, AMO's key recommendations are:



1. **AMO is recommending that the Government adopt the proposed model for harmonization, The Case for Harmonization of AODA standards.**
2. **AMO is recommending that in the absence of financial support to municipalities to implement the AODA, the Province should reject retrofit requirements. In addition, the Government should conduct a thorough impact analysis on the economic implications of implementing the standard as proposed.**
3. **AMO recommends that if the standard is to include compliance when undertaking renovations, flexibility must be provided in recognition that in some cases compliance is not feasible. Rather than a specific definition for compliance, degrees of accommodation should be considered. However, prior to any acceptance of the standard into regulation, high minimum thresholds for compliance must be developed in consultation with the building sector and construction industry representatives.**
4. **AMO recommends that maintenance be removed from the proposed built environment standard as standards currently exist in municipal by-laws and provincial legislation such as the Highway Traffic Act.**
5. **AMO recommends that the technical requirements set out in the proposed standard be reviewed by industry experts prior to finalizing any aspects of the standard. AMO also recommends that the cost implications be understood by way of an impact analysis and that the cost implications be considered in timelines to implement as well as through appropriate provincial funding.**
6. **AMO recommends that administration responsibilities be significantly reduced and be integrated into existing Provincial government processes. And, that increased administrative costs and impacts resulting from implementation and compliance review of the standard be paid for by the provincial government.**
7. **AMO recommends in light of the potential province-wide financial impact of the proposed standard, further impact analysis is required to ensure that the Ministry is fully aware of the economic implications prior to the adoption of a regulation.**

Regarding the proposed harmonization model, AMO believes that if the government chooses to adopt the proposed harmonization model, many of the concerns, including the cost and human resource implications of implementing any and all of the proposed standards will be addressed and significantly mitigated.

Action: AMO recommends that municipalities endorse *The Case for Harmonization of the AODA Standards* and include the model as a recommendation in your public review response to the initial proposed Built Environment Standard. AMO will continue to work with the government and municipalities to ensure the implementation of the AODA is fiscally responsible and manageable and to ensure the intent and objectives of the Act are achieved by 2025.

This information is available in the Policy Issues section of the AMO website at www.amo.on.ca.