

OPTIONS FOR REGULATING CONGREGATE SLEEPING AREAS FOR SHELTERS

Recommendation

That the April 1, 2025, Urban Planning and Economy report UPE02714, be received for information.

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| Requested Action | Information only | | |
| ConnectEdmonton's Guiding Principle | ConnectEdmonton Strategic Goals | | |
| CONNECTED This unifies our work to achieve our strategic goals. | Urban Places | | |
| City Plan Values | LIVE | | |
| City Plan Big City Move(s) | Inclusive and compassionate | Relationship to Council's Strategic Priorities | Community safety and well-being |
| Corporate Business Plan | Serving Edmontonians | | |
| Council Policy, Program or Project Relationships | <ul style="list-style-type: none"> • Zoning Bylaw 20001 • Emergency Shelter Best Practices Guide | | |
| Related Council Discussions | <ul style="list-style-type: none"> • August 27, 2024, Community Services report CS02526, Implications of Limiting Temporary Shelter Locations | | |

Executive Summary

- Edmonton shelters, primarily funded and operationally regulated by the Government of Alberta, provide a variety of sleeping arrangements from private rooms to large common spaces (sometimes known as congregate sleeping areas).
- Administration conducted an analysis of options to regulate congregate sleeping areas in Zoning Bylaw 20001.

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- This analysis included engagement with shelter providers and the Government of Alberta. Stakeholders found that congregate sleeping areas remain a necessity in order to meet current demand and indicated a preference for not regulating the size of congregate sleeping areas through the Zoning Bylaw. The current practice of not regulating congregate sleeping areas enables flexibility for shelters to provide accommodations to clients in times of need or emergency.
- Administration has prepared potential amendments to the Zoning Bylaw for Urban Planning Committee's consideration.
- Attachment 1, Markup and Rationale of Proposed Zoning Bylaw Text Amendments for Shelters in the Business Employment (BE) Zone, outlines amendments to revise how shelters are regulated if proposed in the Business Employment (BE) Zone.
- Attachment 2, Markup and Rationale of Proposed Zoning Bylaw Text Amendment for Congregate Sleeping Areas, outlines amendments that would limit congregate sleeping areas in shelters to 125 people, with an exemption for additional capacity in emergency situations for up to 90 days or the duration of the emergency, whichever is less.
- Based on a jurisdictional review and current best practices, Administration does not support regulating the size of congregate sleeping areas in year-round and seasonal shelters.
- Administration will proceed to Public Hearing with amendments to Zoning Bylaw 20001 as outlined in Attachment 1, Markup and Rationale of Proposed Zoning Bylaw Text Amendment for Shelters in the Business Employment (BE) Zone.
- A motion is required to direct Administration to proceed with Zoning Bylaw text amendments to regulate the size of congregate sleeping areas as outlined in Attachment 2.

REPORT

Edmonton emergency shelters provide accommodations with different arrangements to clients experiencing homelessness. Individuals may be housed temporarily in private rooms, semi-private rooms or large common spaces (sometimes known as congregate sleeping areas), depending on the shelter. Edmonton currently has 14 year-round shelters and one seasonal shelter operating.^{1,2} Currently, shelters are regulated through Alberta Health Service, Fire Code requirements and any funding arrangements between the operators and the Government of Alberta. There are no shelter-specific regulations in Zoning Bylaw 20001.

In response to the October 16, 2023, Urban Planning and Economy report UPE02036, Charter Bylaw 20001, To adopt a new Zoning Bylaw for the City of Edmonton and repeal Bylaw 12800 (the current Edmonton Zoning Bylaw), Administration was directed to investigate the appropriate size of shelters and provide any recommendations as necessary to regulate future shelters as part of the City of Edmonton Minimum Emergency Shelter Standards review.

¹ <https://www.alberta.ca/find-shelters>. Government of Alberta. Cited February 13, 2025.

² The seasonal shelter is operated by Al Rashid Mosque and funded by the City of Edmonton. They offer overnight shelter during extreme cold weather activations.

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Community Standards report CS02526 Implications of Limiting Temporary Shelter Locations - Providing the Emergency Shelter Best Practices Guide was presented to Urban Planning Committee on August 27, 2024 with proposed amendments to the Business Employment (BE) Zone. The meeting included discussion about regulating congregate sleeping areas in shelters.

At the September 10, 2024 City Council meeting, a motion was passed for Administration to prepare amendments to Zoning Bylaw 20001 to address the following:

1. Add section 3.12.2 "Year-Round Shelters and Seasonal Shelters are not permitted on a Site that abuts a Site in a Heavy Industrial Zone." as outlined in Attachment 7 of the August 27, 2024, Community Services report CS02526.
2. Limit the maximum floor space of congregate sleeping areas within Seasonal and Year-Round Shelters.
3. Add to section 3.12.1. "This does not apply to Year-Round Shelters and Seasonal Shelters.

In response, Administration conducted an analysis of options to regulate congregate sleeping areas in Zoning Bylaw 20001. This included engagement with shelter providers, the Government of Alberta and City staff. It also included a jurisdictional review of national, provincial and municipal standards and best practice documents on shelter design to better understand how appropriate sleeping area needs within shelters should be considered. Key findings of this review are:

- Congregate sleeping areas, where large groups of people sleep in a single common space, were generally discouraged.
- Some jurisdictions provide guidance on shelter size limits but do not recommend specific limits to congregate sleeping area size.
- Most jurisdictions recommended that shelters offer private and semi-private rooms as the most appropriate types of accommodations that would provide users with privacy, dignity, safety and care.
- Most jurisdictions recommend bed spacing to reduce the likelihood of disease and infection transmission.

Attachment 3, Jurisdiction Scan of Best Practices for Sleeping Area Considerations, details the full findings of the review.

Analysis

Administration considered different approaches to regulating congregate sleeping areas in shelters through the Zoning Bylaw, such as regulating through floor area limits, occupancy limits or continuing to rely on existing Alberta Health Services and Fire Code requirements and not introduce new zoning regulations. The risks and benefits to each approach is discussed in greater detail in Attachment 4, Congregate Sleeping Area Regulations Analysis. Engagement identified a preference to rely on existing requirements established by Alberta Health Services, the provincial fire code and any funding agreements and not introduce new regulations in the Zoning Bylaw.

However, when asked about the specific methods of regulation, many shelter operators felt if capacity were to be regulated through the Zoning Bylaw, they would prefer occupancy limits over

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floor area limits. Occupancy limits could provide some flexibility for operators to determine how a building space could be adapted to determine occupancy. While a floor area limit would provide a simple standard for review and compliance, it has the potential to allow for the sleeping area to be occupied by more people than the intent of the regulation.

Administration also considered how Zoning Bylaw regulations could allow shelters to accommodate additional people in times of increased need without adding the risk of becoming non-compliant with the Zoning Bylaw and associated enforcement actions.

Proposed Amendments to the Zoning Bylaw

Administration has prepared draft amendments to the Zoning Bylaw as outlined in Attachment 1, Markup and Rationale of Proposed Zoning Bylaw Text Amendment for Shelters in the Business Employment (BE) Zone and Attachment 2, Markup and Rationale of Proposed Zoning Bylaw Text Amendment for Congregate Sleeping Areas.

Shelters in the Business Employment Zone (Attachment 1)

The proposed amendments in Attachment 1 remove the floor area limit for shelters proposed in the Business Employment (BE) Zone in order to allow operators the flexibility to include wrap-around services as part of the site's operations. The proposed amendments also prohibit shelters from locating beside sites in a Heavy Industrial (IH Zone). This is intended to mitigate potential nuisances from industrial operations onto shelter users and provide some spatial separation from those impacts. Restricting this sensitive use from being located next to Heavy Industrial sites also helps mitigate the unintentional effects shelter locations may have on industrial uses. These industrial uses may require spatial separation due to potential risks and nuisances, and could be prevented from locating on Heavy Industrial sites if shelters are located nearby.

Administration continues to recommend the proposed amendments as outlined in Attachment 1 and will bring these proposed amendments to a future public hearing.

Regulating Congregate Sleeping Areas (Attachment 2)

The proposed amendments in Attachment 2 would limit the number of people permitted to sleep in congregate sleeping areas within a shelter to a total of 125. While this is slightly larger than the 120 discussed with participants through engagement, it allows most existing shelters to remain a legal conforming development. Two of the larger existing shelters would become legal non-conforming. These buildings can continue with their current operations and any proposed major alteration, enlargement or rebuild would require a variance (discretionary development). This can create uncertainty as a discretionary development requires notification to surrounding properties and can result in an appeal to the Subdivision and Development Appeal Board (SDAB).

The proposed amendments include a regulation to allow shelters to exceed the capacity limits for up to 90 days without a development permit in emergency situations. Examples of emergency situations include extreme weather-related events (e.g. flooding, extreme cold, etc.), disaster relief in support of municipalities outside of Edmonton or failures impacting a shelter site (e.g. fires, water main break, etc.).

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Based on the jurisdictional review, analysis and engagement, Administration does not recommend regulating the size of congregate sleeping areas in year-round and seasonal shelters as outlined in Attachment 2. Limiting the number of people who are permitted to sleep in congregate sleeping areas would introduce a layer of regulation at the municipal level for shelter operators that could constrain shelter operators' ability to provide accommodations to their clients.

A motion is required to direct Administration to regulate the size of congregate sleeping areas, as outlined in Attachment 2.

Community Insight

To inform the proposed amendments, Administration reviewed findings from previous engagement with shelter users and operators, and conducted further engagement with shelter operators and the Government of Alberta. Seven shelter operators participated in structured online interviews or provided feedback by email to explain their operational considerations when determining appropriate sleeping arrangements. This included operators serving specific at-risk populations, such as youth, women and the Indigenous community. The Government of Alberta was also engaged to assess the potential impact of the proposed regulations on existing agreements with shelter operators. A summary of this feedback is available in Attachment 5, What We Heard Report, which was shared with all participants.

Previous engagement with shelter users indicated a preference for less crowded and more private sleeping arrangements. However, the high demand for shelter space often makes achieving this challenging, sometimes resulting in individuals being turned away from their preferred shelter. Prior engagement with Edmonton shelter operators also revealed general opposition to operational restrictions through land use regulations.

Feedback received through new engagement with shelter operators and the Government of Alberta revealed the following key points:

- **Congregate Sleeping Areas:** Shelter operators generally support moving away from congregate sleeping areas. However, they emphasized that these areas are currently necessary for some shelters to meet demand due to limitations in facilities, funding and staffing necessary for private/semi-private spaces. Operators with existing congregate settings expressed greater concern about the impact of proposed regulations on their ability to accommodate clients.
- **Flexibility to respond to need:** Stakeholders expressed that regulating congregate sleeping areas could reduce their flexibility to provide appropriate sleeping space in varying situations. They were concerned that limits could:
 - hinder the ability to find suitable sites
 - reduce future capacity
 - potentially increase encampments

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- **Emergency Capacity:** All participants expressed concern about accommodating additional shelter users during emergencies if zoning regulations limit capacity. While they did not suggest specific extra capacity levels, they stressed the importance of ensuring the Zoning Bylaw does not impede responses to emergency situations.

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The scope of this report was to limit the size of congregate sleeping areas in Edmonton's emergency shelters through the Zoning Bylaw. As such, Administration focused its efforts on understanding the physical space requirements needed in order to adequately service Edmonton's unhoused populations. Engagement for this report was limited to shelter operators and the Government of Alberta. These groups were selected based on the direct and indirect impacts to their work if the City introduced regulations to congregate sleeping areas.

Administration carefully considered whether to engage with shelter users for this project and ultimately decided against seeking feedback with this group due to the narrow scope of the project, the limited timeframe for engagement and the vulnerability of shelter users. To mitigate against not hearing from shelter users directly, the City considered findings from previous engagement with shelter users, which included relevant feedback about issues of crowding and lack of personal space in shelters (see Attachment 5).

The purpose of the Zoning Bylaw is to regulate land use, not the users of these facilities. By focusing on proposing recommendations related to occupant capacity, this leaves the operators open to find facilities that will meet the diverse needs and challenges of the populations they serve.

Environment and Climate Review

This report was reviewed for environment and climate risks. Based on the review completed no significant interactions with the City's environmental and climate goals were identified within the scope of this report.

Attachments

1. Markup and Rationale of Proposed Zoning Bylaw Text Amendment for Shelters in the Business Employment (BE) Zone
2. Markup and Rationale of Proposed Zoning Bylaw Text Amendment for Congregate Sleeping Areas
3. Jurisdiction Scan of Best Practices for Sleeping Area Considerations
4. Congregate Sleeping Area Regulations Analysis
5. What We Heard - Congregate Sleeping Areas in Emergency Shelters