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Proposed Change 1880

Code Reference(s):	NBC20 Div.A 2.1.1.2. (first printing)
Subject:	Accessibility, Visitability and Adaptability of Dwelling Units
Title:	Expanding the Application of the Accessibility Objective to All Dwelling Units
Description:	This proposed change removes the exemption for houses from the application of the accessibility objective.
Related Proposed Change(s):	PCF 1881, PCF 1883, PCF 1957, PCF 2028

This change could potentially affect the following topic areas:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Division A | <input type="checkbox"/> Division B |
| <input type="checkbox"/> Division C | <input checked="" type="checkbox"/> Design and Construction |
| <input type="checkbox"/> Building operations | <input checked="" type="checkbox"/> Housing |
| <input type="checkbox"/> Small Buildings | <input type="checkbox"/> Large Buildings |
| <input type="checkbox"/> Fire Protection | <input checked="" type="checkbox"/> Occupant safety in use |
| <input checked="" type="checkbox"/> Accessibility | <input type="checkbox"/> Structural Requirements |
| <input type="checkbox"/> Building Envelope | <input type="checkbox"/> Energy Efficiency |
| <input type="checkbox"/> Heating, Ventilating and Air Conditioning | <input type="checkbox"/> Plumbing |
| | <input type="checkbox"/> Construction and Demolition Sites |

General information

See the summary for subject Accessibility, Visitability and Adaptability of Dwelling Units.

Problem

The National Building Code of Canada (NBC) is an objective-based model code in which most technical requirements address at least one of five objectives: safety, health, accessibility, fire and structural protection of buildings, and environment.

The current NBC accessibility objective specifically exempts houses from its application, which prevents the addition of any accessibility requirements to the NBC for these buildings.

Exempting these dwelling units from the application of the accessibility objective means that these buildings will continue to present significant accessibility challenges for persons with disabilities. Some persons with disabilities are unable to access many homes, meaning they often cannot reside in them without costly renovations, or visit friends or family.

Limiting access to houses for persons with disabilities could be seen as discriminatory and should be corrected.

Justification

This proposed change removes the exemption for houses from the application of the accessibility objective in Division A of the NBC. This proposed change would create a framework for technical provisions related to accessibility to be considered for houses. While the NBC has accessibility requirements for many different types of buildings, it does not currently have any that apply to houses because these buildings are exempted from requirements based on the application of the accessibility objective.

This proposed change is a necessary step toward making houses accessible to a larger portion of the population in Canada, especially as population demographics shift.

Many Canadians have reported having a disability, as shown in Table 1. Furthermore, the prevalence of disabilities increases with age: over 20% of Canadians over 15 years old and nearly 40% of Canadians over 65 years old report having a disability (Statistics Canada, 2022). Where disabilities were reported, the severity (i.e., limitation on how frequently and effectively a person can perform the activities of daily living) varied; approximately 37% were reported as mild, 20% as moderate, 21% as severe, and 22% as very severe (Statistics Canada, 2017).

Table 1. Percentage of Canadian Population Aged 15 Years Old and Older, with a Disability in 2017 (adapted from Statistics Canada, 2017)

Type of Disability	Men	Women
Developmental	1.54%	0.77%
Memory	3.78%	3.63%
Dexterity	3.92%	4.95%
Learning	4.33%	3.54%
Seeing	4.91%	5.70%
Hearing	5.70%	3.92%
Mental health-related	6.01%	8.03%
Mobility	8.56%	10.12%
Flexibility	9.77%	9.90%
Pain-related	13.44%	15.00%

Strategies are needed to support aging in place and remove barriers to accessibility in houses; and this proposed change provides a framework in the NBC to address accessibility through technical requirements.

References

Statistics Canada, "A demographic, employment and income profile of Canadians with disabilities aged 15 years and over, 2017".

<https://www150.statcan.gc.ca/n1/pub/89-654-x/89-654-x2018002-eng.htm>

PROPOSED CHANGE

[2.1.1.2.] 2.1.1.2. Application of Objectives

(See Note A-2.2.1.1.(1).)

- [1] 1)** Except as provided in Sentences (2) to (6), the objectives described in this Part apply
 - [a] a) to all *buildings* covered in this Code (see Article 1.1.1.1.), and
 - [b] b) only to the extent that they relate to compliance with this Code as required in Article 1.2.1.1.
- [2] 2)** Objective OS4, Resistance to Unwanted Entry, applies only to *dwelling units* in *buildings* covered in Part 9 of Division B. (See Article 1.3.3.3.)
- [3] 3)** Objective OH3, Noise Protection, applies only to *dwelling units*.
- [4] 4)** Objective OH5, Hazardous Substances Containment, applies only to the extent defined in
 - [a] a) the National Plumbing Code, and
 - [b] b) the National Fire Code.
- [5] 5)** Objective OA, Accessibility (including Objectives OA1, Barrier-Free Path of Travel, and OA2, Barrier-Free Facilities), does not apply to
 - [a] a) ~~detached houses, semi-detached houses, houses with a secondary suite, duplexes, triplexes, townhouses, row houses and boarding houses (see Appendix , Secondary Suite),~~
 - [b] b) *buildings* of Group F, Division 1 *major occupancy*, and
 - [c] c) *buildings* that are not intended to be occupied on a daily or full-time basis, including automatic telephone exchanges, pumphouses and substations.
- [6] 6)** Objective OE, Environment (including Objectives OE1, Resources, and OE1.1, Excessive Use of Energy), applies only to
 - [a] a) *buildings* of *residential occupancy* to which Part 9 of Division B applies,
 - [b] b) *buildings* containing *business and personal services, mercantile or low-hazard industrial occupancies* to which Part 9 of Division B applies whose combined total *floor area* does not exceed 300 m², and

[c] c) *buildings* containing a mix of the *residential* and non-*residential occupancies* described in Clauses (a) and (b).

(See Note A-2.1.1.2.(6).) (See also Article 1.3.3.3.)

Impact analysis

Financial Impact

No new costs are introduced by expanding the application of the accessibility objective to include previously exempted houses because the proposed change does not, on its own, change the current application of the accessibility requirements for buildings that were not exempted, i.e., dwelling units in Parts 3 and 9.

Part 9 directs Code users to Section 3.8. of Division B of the NBC, where houses are exempted from the application of the accessibility requirements. For example,

- Sentence 9.5.2.1.(1) explains that “Except as provided in Articles 9.5.2.3. and 3.8.2.1., every *building* shall be designed in conformance with Section 3.8.”
- Sentence 3.8.2.1.(1) explains how exceptions apply to “detached houses, semi-detached houses, houses with a *secondary suite*, duplexes, triplexes, townhouses, row houses and boarding houses.”

Future technical requirements related to accessibility (which are beyond the scope of this proposed change) that apply to houses may impact construction costs. Those proposed requirements will be evaluated separately and will include impact analyses specific to the proposed technical requirements in question.

Usage Impact

By expanding the application of the accessibility objective to include previously exempted houses, this proposed change provides the necessary framework for the potential addition of future accessibility-related technical requirements, which could help to achieve the intent of “limit[ing] the probability that, as a result of the design or construction of a house, a person with a physical or sensory limitation will be unacceptably impeded from accessing or using a house or its facilities.”

Future accessibility requirements that apply to houses may impact the usability of these buildings; the proposed changes will be assessed accordingly.

Enforcement implications

Expanding the accessibility objective to include the application to previously exempted houses does not in itself introduce any technical requirements that would require enforcement by the authorities having jurisdiction.

Who is affected

The proposed change could affect:

- regulators and authorities having jurisdiction, who would need to be aware of the expanded scope of the accessibility objective and the potential future addition of technical requirements related to accessibility in houses,
- architects, engineers and builders, whose approach to home design and construction may be affected as future requirements for accessibility (which are beyond the scope of the objective change described in this proposed change) are developed for houses, and
- persons with disabilities and their caregivers, who may benefit from future minimum performance requirements for accessibility that apply to houses, which would be enabled by the proposed change to the NBC framework.