

# ASCHA Response to Alberta Human Rights Act Age Amendments Discussion Guide

August 31, 2017



ASCHA is a non-profit industry association representing Alberta's seniors housing industry (congregate, independent and supportive living communities of four or more individuals) including all sectors (public housing management bodies, not-for profit housing organizations and private providers) with nearly 35,000 seniors served. Through this we represent the views of the landlord, and the renter including individuals, families and seniors. While the majority of ASCHA members offer rental accommodation, life lease is also an option in some portfolios.

In our response, we will target the questions posed in the Discussion Guide. As a general overarching statement, we know it will be very important to balance the protection of older Albertans and advocate on behalf of residents having choice of where to live to benefit their quality of life and wellness. ASCHA believes that seniors have the right to age well in their communities and that they must be empowered to have choice and a life of purpose, wherein they are honoured, valued and respected. Our Principled Positions and Noble Cause guide our response and vision for this legislation.

1. *Should the Act ensure that programs and activities that provide a protection or benefit to minors or seniors continue? Please comment on why. Include rationale and considerations based on your experience.*

Any programs and activities that are benefiting a specific segment of the population, fulfilling a need and not harming anyone or raising concerns should not be changed. Many of the activities that offer discounts and such to special populations are market-driven. We do not support legislating local business marketing approaches to a specific target population based on a particular product or service that is market-driven or specific to a select demographic of persons. While it may not be best to regulate it, encouraging restaurants to have more age friendly practices such as promoting smaller portions instead of specific senior meals would address the intent of the amendments.

2. *From the perspective of you and your organization, what do you think are the key considerations in determining a minimum age for the purpose of protections or benefits for seniors? What do you think the minimum age should be? If you currently provide a service or program that offers seniors protections or benefits please include this information as well.*

In general, age related discrimination is not chronological. For example, some individuals experience ailments/conditions much earlier than 65 and may require supports earlier. In our Bylaws, seniors are defined as:

*existing clients of members and includes primarily individuals aged 65 or older, as well as any individuals who are less than 65 years of age who fit within special circumstances deemed appropriate by the member to allow them to benefit from congregate seniors living options.*

There are many variations of seniors housing inclusivity, including eligibility requirements for subsidized rental spaces and/or support services. Seniors housing is available in small rural communities and large urban centres. Our current definition allows the local housing organization to determine a fit for the services within a specified age range, but it is not the only factor. As a result, younger adults from 18 – 65 have and continue to reside in seniors communities as appropriate. Most individuals are 55+ but this is only a guide as opposed to setting a legislated minimum age. If the services and products offered by the provider are of benefit in serving the needs of individuals outside the 55+ age range, we advocate that an inclusive approach be taken to accommodate these specific potential residents. At a minimum, government programs including seniors housing and benefits need to be preserved for the 65+.

- 3. Should the Act include provisions for seniors-only buildings? What is the rationale for or against including provisions for seniors-only housing? Please explain.*

Seniors-only buildings should continue to have the flexibility to respect the choice of individuals and honour design, programs, subsidies and supports targeted to Alberta's elderly. These units are usually studio or one bedroom units that would not adequately support the complex needs of families, that often times require more space for sleeping quarters, meal preparation, dining, studying and activities. Affordability, lifestyle and support services are the three major reasons why older adults chose to live in congregate seniors living. Any one of these personal choices should not be limited in legislation. Programs that target seniors-only housing should be exempt as they are built to support a vulnerable population with very specific needs that cannot always be adequately met in other housing environments. Seniors housing is often supported with public funding which can be allocated based on demographic need. We believe there will be exceptions to every rule, not all seniors want to live in seniors only buildings and this would enable the same choices they have today. Less than 10% of Alberta's seniors currently live in independent or supportive living options.

We want current residents to be able to remain at their permanent addresses (whether they rent, life lease or mortgage) for as long as it is feasible without compromising their safety, wellness, or opportunities for enrichment. At the same time, respect must be given to the size and type of housing that is adequate. This may be more complicated than attaching an age guideline as it sets government adequate space requirements on individuals/families that could be debated. For example, some senior couples require a two bedroom and others are fine with a one bedroom. While we believe three people require more space than a one bedroom to live comfortably, others may find this acceptable.

4. *If so, what is the lowest age-restriction for seniors-only buildings – 55+, 60+, 65+, or some other age? Please explain or include rationale for your response.*

As noted above, any set age should be a guide as age alone does not establish the need for congregate seniors housing and/or supports. We suggest that a guideline of 55+ could be a starting point and would most likely address the majority of individuals choosing an adult-only community to meet their security, wellness and lifestyle needs. Isolation is a big factor amongst older Albertans who are single and the health benefits of congregate living are tremendous. Individuals who benefit from the appropriate housing choice along with socialization and support should not be discriminated against for their choice at an earlier age.

5. *What are potential consequences/implications that government should consider when adding age to sections 4 and 5, in addition to those identified above? Please be specific.*

If the age restriction is too rigid it will stand in the way of innovating aging-in-community options. For example, a model where adult students and seniors live together and support each other needs to be permitted. We hope the legislation can strike a balance between sense of reasonableness and a respect for the freedom of choice which is a bit more constitutional. There is also the potential for others to want to access services, currently exclusive to seniors (i.e., medication coverage).

6. *In relation to these age amendments to the Alberta Human Rights Act, what are you most concerned about? Unclear about?*

We are most concerned about the right balance being struck. It is important that we protect government-targeted programs and services specifically in place to meet the needs of vulnerable populations without removing the freedom of individual choice. It is important to note that we believe there is a difference between making personal choices for wellness versus having a preference for the sake of entitlement. One in five Albertans will reach the current 65+ seniors status by 2031 and often chose to live in adult-only communities. These communities can address all aging-in-community options and include single family homes, self-contained suites, supportive living, home care or long term care options. If we over regulate these types of options, there will be too many restrictions and confusion over classifications. This will impact the freedom of choice.

ASCHA and its members would be pleased to assist in any way to support a balanced approach going forward.