

Community Services Report to
SPC on Community and Protective Services
2018 October 03

ISC: UNRESTRICTED
CPS2018-1121

Emotional Support Animals within the Responsible Pet Ownership Bylaw

EXECUTIVE SUMMARY

On 2018 February 26, Council directed Administration to work with Alberta Health Services to determine a mutually agreeable solution for the categorization and/or certification of emotional support animals, including provisions for appropriate care for such animals in urban settings. Administration worked with Alberta Health Services and consulted with several key stakeholders to develop a Livestock as Emotional Support Animals (LESAs) program. The proposed bylaw amendment provides the legal mechanism for Administration to grant LESA permits. This program provides a process and parameters to grant a LESA permit to a qualifying individual, maintain that permit, and revoke the permit should it become necessary.

ADMINISTRATION RECOMMENDATION:

That the SPC on Community and Protective Services recommend that Council give three readings to the proposed bylaw amendment to the Responsible Pet Ownership Bylaw 23M2006.

RECOMMENDATION OF THE SPC ON COMMUNITY AND PROTECTIVE SERVICES, HELD 2018 OCTOBER 03:

That Council give three readings to proposed **Bylaw 45M2018** to amend the Responsible Pet Ownership Bylaw 23M2006.

Opposition to Recommendations:

Against: Councillor Farkas

PREVIOUS COUNCIL DIRECTION / POLICY

On 2018 February 26, Council approved a notice of motion directing Administration to work with Alberta Health Services to determine a mutually agreeable solution for the categorization and/or certification of emotional support animals within the city of Calgary, including provisions for appropriate care of such animals within urban settings. Council also directed Administration to report to Council through the Standing Policy Committee on Community and Protective Services no later than 2018 Q3.

On 2018 June 18, Council directed, in an omnibus motion, that all non-time sensitive reports directed to return to Council by Q3 2018 be deferred to the appropriate 2018 October Council meeting, and those directed to return to Council Committee by Q3 2018 be deferred to the appropriate 2018 October Council Committee meeting.

BACKGROUND

In 2017 December, a complaint was received by Calgary Community Standards regarding the keeping of chickens within the city limits as emotional support animals. As there was no mechanism within the Responsible Pet Ownership Bylaw to provide an exemption allowing the chickens or any other livestock to reside in Calgary, except where the keeping of livestock is allowed under The City of Calgary Land Use Bylaw, Council regarded this as an opportunity for The City to push forward an innovative mental health initiative.

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INVESTIGATION: ALTERNATIVES AND ANALYSIS

A municipal scan was conducted to determine common species used as emotional support animals and assess how other municipalities have addressed requests for emotional support animals that are not allowed under their bylaws. While there is one Canadian municipality that has altered a bylaw to allow for emotional support Vietnamese pigs, there are no other Canadian jurisdictions where bylaws have been amended to allow for otherwise prohibited species as emotional support animals.

This report includes a proposed amendment to the Responsible Pet Ownership Bylaw 23M2006, which will enable the Chief Bylaw Enforcement Officer (CBEO) to grant permission to a person to keep an animal that is livestock as an emotional support animal. The bylaw amendment also stipulates that the CBEO may also impose conditions on the keeping of the animal and will have the ability to revoke a LESA permit. If the bylaw does not otherwise prohibit the keeping of a particular type of animal, that animal may be kept as an emotional support animal without any special permission.

Administration worked with Alberta Health Services to determine a mutually agreeable solution for the categorization and/or certification of emotional support animals within the city of Calgary. Administration recommends that emotional support animals not need to be certified, as certification confirms that the animals have specialized training and/or abilities that are not required for an emotional support animal. Administration also recommends that The City accept documentation outlining an individual's need for LESAs from certified mental health professionals who are licenced psychiatrists or psychologists, as per the recommendation of Alberta Health Services.

Administration also worked with the Calgary Humane Society and Alberta Farm Animal Care to determine provisions for appropriate care of LESAs in urban settings. Administration recommends that applicants to the LESA program would need to provide adequate outdoor space on the applicant's property and appropriate outdoor enclosure (if necessary). The applicant will also need to identify a veterinarian that they would access to support the health specific to the species of LESA. Provisions for appropriate care for LESAs will be developed for livestock species that are commonly used as emotional support animals. Additional species will be considered in consultation with the above agencies as needed.

A proposed bylaw amendment, supporting policy, and intake and sustainment processes have been developed to support a LESA program within Calgary. The policy outlines the conditions under which a LESA permit would be issued, how the permit will be maintained, and conditions under which the permit may be revoked. Upon Council's approval, this program would be ready to implement by Q1 2019.

Stakeholder Engagement, Research and Communication

The recommendations were developed through a series of actions. First, research was conducted to determine which species are most common as emotional support animals. A municipal scan was then completed to determine best practices in regard to emotional support animals, if any. Administration worked with Alberta Health Services to determine which professionals are best suited to recommend a LESA and to confirm that species being considered would not pose a public health risk. Administration sought input from health

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organizations including the Alberta College of Social Workers, Alberta Medical Association, Alberta Psychiatric Association, Canadian Mental Health Association – Calgary Region, College of Alberta Psychologists, College of Physicians and Surgeons of Alberta, College of Registered Psychiatric Nurses of Alberta, Psychologists' Association of Alberta, and the Service Dogs Assessment Team – Government of Alberta. Finally, Administration will verify appropriate LESA care in an urban setting with the Calgary Humane Society and Alberta Farm Animal Care, based on national care standards.

Strategic Alignment

The Livestock as Emotional Support Animal program aligns with the Citizen Priority from One Calgary, a Well-Run City: "Calgary has a modern and efficient municipal government that is focused on resilience and continuous improvement to make life better every day for Calgarians by learning from citizens, partners, and others".

Social, Environmental, Economic (External)

LESAs could help increase the quality of life for vulnerable Calgarians struggling with mental illness. LESAs may also contribute to the safety of vulnerable people.

Financial Capacity

Current and Future Operating Budget:

As Administration does not know what the demand of the program will be, the current and future operating budget is difficult to determine. Administration will monitor and report on operational impacts if the program requirements exceed available resources.

Current and Future Capital Budget:

There are no capital budget implications related to this report.

Risk Assessment

Acting on Alberta Health Services recommendations ensures that appropriate professionals are working with patients to determine if a LESA is an appropriate component of that client's treatment. Alberta Health Services are also able to advise if any proposed species may pose a public health risk and therefore not be eligible as a permitted LESA. Confirming provisions of care of LESAs with the Calgary Humane Society and Alberta Farm Animal Care ensures that only animals that are appropriate to urban areas are allowed as LESAs. These agencies will also ensure that The City can monitor for proper housing of the LESAs in compliance with applicable City bylaws. All other sections of the Responsible Pet Ownership Bylaw will apply to LESAs, allowing Administration to address any bylaw complaints and work towards achieving bylaw compliance. LESAs will be restricted to the address indicated on the LESA permit within Calgary, unless travelling by vehicle.

It should be noted that as only those with LESA permits will be allowed livestock within the city, this could stigmatize those who are permitted a LESA.

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REASON(S) FOR RECOMMENDATION(S):

Council has asked Administration to work with Alberta Health Services to determine a mutually agreeable solution for the categorization and/or certification of emotional support animals within Calgary. The proposed solution will allow Administration to grant permission for such animals while ensuring that the applicant is qualified for the LESA and can provide satisfactory living conditions. Provisions are also in place to address any nuisance complaints.

ATTACHMENT

1. Proposed Bylaw 45M2018