



Submission on the Right to Adequate Housing

To the Government of Canada,
“Let’s Talk Housing” consultation to develop a National Housing Strategy

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“Housing is the basis of stability and security for an individual or family. The centre of our social, emotional and sometimes economic lives, a home should be a sanctuary; a place to live in peace, security and dignity. Increasingly viewed as a commodity, housing is most importantly a human right.”

Leilani Farha,
UN Special Rapporteur on the Right to Adequate Housing

TABLE OF CONTENTS

3 WHO WE ARE

KEY ELEMENTS OF A NATIONAL HOUSING STRATEGY

4 Remembering Canada’s Legacy of Housing Leadership

5 Benefits of a Rights-Based National Housing Strategy

10 National Housing Strategy: A Combination of Solutions

13 Indigenous Homelessness and Housing Crisis

14 Integrating National Housing and Poverty Reduction Strategies

FEDERAL CONSULTATION: CURRENT AND ONGOING PROCESS

18 Concerns Regarding Current Process

19 Identifying Experts for Ongoing Input

21 Enhance and Sustain Consultation and Engagement

23 RECOMMENDATIONS FOR ACTION

25 CONCLUSION

APPENDICES

26 Appendix A: Right to Housing Members

28 Appendix B: National Housing Act (current info)

29 Appendix C: Right to Housing List of Expert Witnesses

WHO WE ARE

The Right to Housing Coalition (“the Coalition”) was formed in 2009 and is coordinated by the Advocacy Centre for Tenants Ontario (“ACTO”). The Coalition includes community activists, Indigenous groups, lawyers, academics, social service providers, and people with lived experience of homelessness and precarious housing. Since its formation, the Coalition has undertaken many actions aimed at achieving a national housing strategy that embeds housing as a human right. Outlined below are some of our key initiatives.

In February 2016, the Coalition made submissions on the right to adequate housing to the United Nations Committee on Economic, Social and Cultural Rights for Canada’s Sixth Periodic Review, both in writing and as delegates in Geneva.

In May 2010, in the context of increasing homelessness and a critical shortage of affordable housing, ACTO, together with the Coalition launched a *Charter* challenge (*Tanudjaja v. Attorney General of Canada and Attorney General of Ontario*) arguing that Ontario and Canada had violated the *Charter* by withdrawing government funding for affordable, adequate housing and by failing to take action to address the growing crisis of homelessness. There were five applicants in the case: Jennifer Tanudjaja, Janice Arsenault, Brian Dubourdieu, Ansar Mahmood, and the Centre for Equality Rights in Accommodation in Ontario (“CERA”). The primary remedy requested in *Tanudjaja* was a rights-based national housing strategy.

The Coalition also advocated with partners across Ontario and Canada to support a number of private members’ bills to enshrine a rights-based national housing strategy in Canadian law. For example, in 2012 the Coalition supported Bill C-400, introduced by MP Marie-Claude Morin, which proposed a national housing strategy that would “ensure secure, adequate, accessible and affordable housing for Canadians.” It was significant that this Bill made specific references to Canada’s obligations under international human rights law, as well as the interdependence and indivisibility of human rights. It included provisions to ensure that the cost of housing would not compromise the enjoyment of other rights (i.e. housing would not be so expensive that one could not afford adequate food etc.), it would be accessible to individuals living with disabilities, and it would offer priority to groups particularly vulnerable to housing issues.

The Coalition has been a leader in organizing community events, educational forums and international conferences on the right to adequate housing involving many key stakeholders: people with lived experience of homelessness and precarious housing, international human rights experts, social service organizations, advocacy groups, and tenant serving organizations. Right to Housing events have been organized annually and the Coalition has engaged the media, community groups, and others to increase public awareness of the pressing need for a rights-based national housing strategy in Canada.

KEY ELEMENTS OF A NATIONAL HOUSING STRATEGY

Remembering Canada's Legacy of Housing Leadership

In other periods of Canadian history the federal government has demonstrated impressive leadership in addressing affordable housing crises. This is an opportunity for the federal government to do so again.

"I came to Canada in 1984 as a visa student. I fell through the cracks in the 1990s when I developed mental illness. I was homeless for awhile, living under a bridge or in the shelter system. I oscillated from shelter to shelter for 2.5 years. For the last 14 years, I have been living in City Park housing co-op which was established over 50 years ago. This housing is a dream come true for me. I am thankful for the government policies that were in place that allowed for such a large co-op to be built. It's unfortunate that the type of generosity that the government had for its citizens has not been in place in the last couple of decades."

Esther Mwangi

In 1944, our national government took strategic action to address growing housing needs. The *National Housing Act* ("NHA") was introduced and consolidated all housing legislation giving the federal government a leading role in housing programs. In 1946, the Central Mortgage and Housing Corporation was created (now the Canadian Mortgage and Housing Corporation) to house returning war veterans and to lead the nation's housing programs. At the end of the 1940s, the federal government created a federal-provincial public housing program for low-income families with costs and subsidies shared by the federal and provincial governments.

The NHA defined "core housing need" comprehensively looking at measures of adequacy, affordability, and suitability standards, and applied a 30% threshold for affordable rent/housing costs. National housing programs in the 1970s, 1980s, and 1990s, funded more than half a million good quality, affordable, co-operative and non-profit homes that continue to provide good homes to millions of people. Regrettably, all of those programs have subsequently been cancelled. Many federal funding agreements are now expiring, further reducing federal funding for existing social housing. Other housing programs and agreements that have been developed over the past few decades are failing to meet all Canadians core housing needs. The federal government has also weakened the definition of affordable housing in various federal-provincial funding programs.

"I was homeless in 1989-90 and stayed at the Salvation Army. I spent two more years in a rooming house, then my hostel outreach worker helped me to get into supportive housing. That is when my life began to turn around. I have lived in Houselink Community Homes for the last 24 years and it saved my life. Housing is a human right"

and nobody can do anything with their life without it. You can't work, go to school, raise a family or take care of your health without decent, affordable stable housing. The government needs to play a lead role in creating more affordable and supportive housing with stable funding for people who have experienced poverty and homelessness. Healthcare and education get stable funding and are considered human rights. So should housing."

Phillip Dufresne

The development of a National Housing Strategy is an exciting opportunity for the federal government to uphold our international and domestic obligations and implement a robust, human rights based national housing strategy.

Benefits of a Rights-Based National Housing Strategy

A rights-based housing strategy is cohesive - it looks beyond housing as a physical structure and addresses the systemic causes of housing insecurity and homelessness. Inclusive in nature, it requires opportunities for those with lived experience to be heard and for those in power to be accountable to those who are homeless.

Implementing a rights-based strategy would also ensure Canada achieves its vital human rights obligation regarding the right to housing which also effects a number of rights such as the right to health, security and life.

Most importantly, a rights-based strategy would change the way decisions about housing are made. By embracing human rights as a legal framework for policy and decision-making, governments and other actors are required to be mindful of the effects and consequences of every policy decision (including budgeting decisions or land allocation) for a persons' access to adequate housing.

The Legal Framework for a Rights-Based National Housing Strategy

"The UN has repeatedly told Canada that it needs a housing strategy as part of its pointed warnings that the country's homeless population, which now stands at about 235,000, is a human rights issue that needs to be addressed. Leilani Farha, the UN Special Rapporteur on Adequate Housing, said recognizing housing as a human right would give the government a built-in accountability measure to ensure the strategy works for all Canadians."

Macleans Magazine, July 12, 2016

A number of United Nations bodies responsible for monitoring Canada's compliance with international human rights commitments have raised grave concerns about the effects of homelessness and inadequate housing on vulnerable groups and Canada's

failure to take positive measures to protect human rights. Canada’s obligation with regard to the right to housing is found in a number of international human rights treaties including:

- International Covenant on Civil and Political Rights (“ICCPR”);
- International Covenant on Economic, Social and Cultural Rights (“ICESCR”);
- Convention on the Rights of the Child (“CRC”); and
- International Convention on the Elimination of All Forms of Racial Discrimination (“ICERD”).

The primary articulation of the right to housing is found in Article 11 of the ICESCR that describes the right to an adequate standard of living. International law defines adequate housing as “the right of every woman, man, youth and child to gain and sustain a safe and secure home and community in which to live in peace and dignity.” This right is so much more than simply four walls and a roof over your head. Adequate housing considers affordability, location, access to employment and basic services, cultural appropriateness, habitability, security of tenure and accessibility. Implementing a rights-based housing strategy will require the federal government to consider these elements carefully, review current housing policy, reference Canada’s international obligations, and assist all levels of government (provincial, territorial, municipal and Indigenous counterparts) in understanding and fulfilling these obligations.

Responsibilities to protect and implement human rights are best understood when considering the principles that states agree to follow. **Respect, Protect and Fulfill**, speak to the overarching responsibilities of states to ensure rights are realized, while **Recognize, Institutionalize and Accountability** provide guidance on how to implement rights.

<p>RESPECT RIGHTS: a state cannot interfere with existing rights and must refrain from acting in a way that would restrict or infringe upon a right.</p> <p>Example: laws that prevent homeless persons from enjoying public spaces.</p>	<p>RECOGNIZE RIGHTS: states must take steps to recognize rights in laws and policies.</p> <p>Example: add the right to housing to the constitution or national/regional legislation.</p>
<p>PROTECT RIGHTS: a state must intervene when a third party interferes with an individual’s rights.</p> <p>Example: a landlord that discriminates against a youth because of their age or</p>	<p>INSTITUTIONALIZE RIGHTS: ensure institutions that monitor and implement human rights include economic and social rights.</p> <p>Example: Create a mechanism in</p>

gender.	your regional/national Human Rights Institution to monitor the right to housing.
<p>FULFIL RIGHTS: a state must take positive steps to ensure all human rights are fulfilled</p> <p>Example: Adopting a housing strategy that will ensure that homeless individuals have access to emergency housing immediately while setting goals and timelines for those who are homeless to access long-term housing.</p>	<p>ACCOUNTABILITY FOR RIGHTS: ensure avenues for redress if violations occur.</p> <p>Example: courts, tribunals, ombudspersons or commissioners with authority to hear and review complaints.</p>

To simplify, rights can only be respected, protected and fulfilled when they are recognized in law, with institutions dedicated to ensuring the accountability of the state - both to the international community and to the affected rights-holders.

The UN Committee on Economic, Social and Cultural Rights as well as the UN Special Rapporteur on Adequate Housing have recommended multiple times that a national strategy that ensures the right to adequate housing be implemented on an urgent basis to address our “national emergency”. They recommend that this strategy be developed in collaboration with provincial and territorial governments and civil society groups. Despite these concerns and recommendations, Canada has failed to implement an effective strategy to address homelessness and the lack of adequate affordable housing. In the recent federal election the Liberal Party platform included both housing as a human right and the need for a national housing strategy. This consultation represents a step towards that commitment.

In order to ensure compliance with international human rights law, and the recommendations of UN treaty bodies, as well as to ensure the greatest positive impact across the country, the national housing strategy will also need to prioritize the needs of the groups most vulnerable to homelessness and inadequate housing.

Canada has an opportunity and domestic and international obligations to ensure that the National Housing strategy that is designed by the Federal government, provinces and territories, and municipal government is aligned with these principles.

“Everyone in Canada has the right to a safe, secure, adequate and affordable home. The federal government is obliged in international law to ensure people have a home. That is the international right to adequate housing as set out in numerous treaties and other legal instruments, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on Elimination of All Forms of Discrimination against Women, and the International Convention on the Elimination of All Forms of Racial Discrimination.”

Michael Shapcott, Wellesley Institute, 2007

“Crafting a human rights-based policy would include eliminating discrimination in housing programs, setting measurable goals and timelines to reduce poverty and giving people the means to hold governments to account if their rights are violated.”

Leilani Farha, UN Special Rapporteur on Adequate Housing
& Executive Director of Canada Without Poverty

“My name is Paul. I have no problem admitting that my sister and I are poor—it is not an illness and it is not contagious. Poverty is a condition in which people might be poor of pocket, but not necessarily poor of spirit. Canada was one of the signatories to The United Nations Declaration of Human Rights. Yet, are there human rights that our country hasn’t violated? Our country is very good at signing treaties and declarations; but we’re much better at breaking them. I firmly believe that Canada needs a national housing strategy that also takes into account the plight of those living in poverty. The Prime Minister who popularized the term ‘just society’ was Pierre Elliot Trudeau. Now his son is our Prime Minister. Will he deliver on his father’s promise? Only time will tell. I’m still waiting!”

Paul R. Codd

Elements of a Rights-Based Housing Strategy

The following are the essential elements to a rights-based National Housing Strategy:

1. Identify those who are housing insecure or homeless.
2. A human rights approach is not just about what goes into the strategy, it’s also about *how* the strategy is developed. Those experiencing housing insecurity and homelessness must be meaningfully engaged at every step of the process. This may be the single most critical aspect to a successful strategy.
3. Work closely with sub-national governments, housing providers, and persons living in adequate housing or who are homeless to understand and identify the extent of the problem.
4. Ensure a number of measurement tools to assess the impact of the strategy.

5. Along with quantitative data, such as point-in-time counts, online questionnaires, or shelter surveys, it is important to acquire a qualitative understanding of the needs and circumstances of people in core housing need based in their experiences. This can be captured through oral testimony, photographs, videos or interviews with frontline workers.
6. Critical to this process will be to disaggregate, or break down data to ensure that information gathered on marginalized groups, such as racialized youth, youth with mental health disabilities, and LGBTQ2 can be considered.
7. Refer to human rights in the strategy and any supporting legislation or policy.
8. Naming the right to housing offers a sense of clarity as to the focus of the strategy and also the framework. Supportive government legislation or constitutional provisions that recognize human rights should also be referenced. This will help concretize a rights based approach, help rights claimants identify how rights apply to them, open up avenues to access justice as well as ensure an element of accountability.
9. Ensure human rights training for those involved with the strategy.
10. It is important to ensure that everyone involved in the plan (including policy makers and those conducting consultations) understands human rights and the right to housing.
11. Include those experiencing housing insecurity and homelessness in the implementation and evaluation of the plan.
12. Set goals and timelines, and monitor and report on progress.
13. Human rights standards recognize 'progressive realization' meaning that while some aspects of a plan may take time to implement (for example: building new housing), governments still have immediate obligations (for example to eliminate discrimination in the administration of programs and policies currently in place as well as repealing local laws that criminalize or stigmatize homeless individuals). This is an important action-item. It also ensures there are no "regressive" steps - movements backwards, which deprive people of rights they previously enjoyed.
14. During this process consideration should be given to at-risk and disadvantaged groups. Targeted measures should also be undertaken to eliminate discrimination, and provide access to effective remedies. All goals, whether they are immediate, short-term or long-term, should be clearly identified and planned for.
15. Make the strategy a budget priority.

16. Without proper resources, it becomes impossible for a housing strategy to achieve its goals. A human rights approach requires governments to take positive action and set aside resources in their budgets for the purpose of preventing and addressing homelessness.
17. Maximum Available Resources means that states must not ignore human rights obligations in favour of budget constraints. This is especially true for wealthy countries. Governments must allocate resources in a manner that recognizes the central priority of human rights in order to satisfy their international human rights obligations.
18. Accountability is essential for a strategy to be successful. The rights of those experiencing housing insecurity can only be realized if they have a way to hold governments and other key actors responsible for the effective implementation of any strategy. Regularly reporting on goals and benchmarks, demonstrating funding capacity in annual budgets, and offering an open and transparent process, helps to ensure progress is made.
19. Provide people with a space to claim their rights.
20. Create an open, accessible and responsive complaints procedure and a space to accept information relevant to the human rights of those experiencing housing insecurity.
21. The strategy should ensure that mechanisms are in place through which this documentation can be presented to officials and effective remedies provided. Data can also be shared with human rights commissions, court cases, ombudsman responses, social protests, legislative hearings, and media in order to document whether those who are homeless are able to claim their rights and to assess the effectiveness of responses to violations of rights.

National Housing Strategy: A Combination of Solutions

Housing needs in Canada vary by region, among Indigenous communities, and among community groups (e.g. women fleeing domestic violence, youth transitioning out of child welfare care, people requiring accessible/barrier free housing, people with mental health needs, frail seniors, etc.). An effective, rights-based housing strategy must take this diversity into account, be flexible, and move away from rigid programs with “one size fits all” solutions. However, the federal government needs to ensure the housing strategy upholds the right to housing, and meets core-housing needs including affordability, adequacy, and suitability.

“I was homeless from 1987 to 2000. I was smoking crack cocaine and my home was a park bench in a parkette. Every night, I worried about sexual attacks and the weather. I entered treatment and had an interview for housing. I was told what I needed to do to keep my housing and they told me what they had to offer me in return. I kept my part

of the bargain, working on myself continuously and moving forward, now being almost 16 years clean and still in the same housing. The problem is that they did not keep their part of the bargain. Sometimes I wonder if they even know I am here. There is no support here at all. I believe that they did not assess me properly. This organization is for addictions. My real problem was trauma and my health. I have had 8 knee surgeries and am blind in one eye, having had a stroke. I have requested a transfer and have been on the waiting list for 8 years. I feel as though they lied to me all those years ago, but I am also so happy to just have a place after all those years of being homeless. It is vitally important that a person be properly assess and properly housed. I am not happy here, not comfortable. There is no elevator so my legs are constantly in horrible pain. I have been told there is nothing I can do but wait."

Madonna Broderick

It is important to include housing solutions that extend beyond affordable rents, and the necessary bricks and mortar, to include supports required for some people to live independently and with dignity. Designs of buildings and housing also need to build on barrier free accessible designs, and include community amenities and spaces that create opportunities for greater social cohesion.

"My son suffers from severe obsessive compulsive disorder and yet he still fits into the community. For the last 20 years, he has lived in supportive housing which has been life saving. It is set up to provide the expert services targeted for him to be able to successfully learn how to manage his own mental health recovery. This safe, deeply affordable home gives him the security of an apartment he calls his own, and the human connection to support workers who are there for him in his moments of need and who support his empowerment as he decides what to do. Policymakers must understand the immense impact of their decisions on people's lives. The supports that accompany some affordable housing are crucial to the lives of many people, and an absolute necessity to people with mental health issues. No words can explain the feelings of relief I have as a parent, knowing that my son is functioning "normally," enjoying life and being connected to community and family.

Mark Shapiro

In addition, a National Housing Strategy should also include strategies to address homelessness, ensure eviction prevention among vulnerable groups and people, and provide concrete supports to those in an immediate housing crisis.

"I'm an ODSP recipient and am facing my second eviction - what they now call an 'economic eviction' due to affordability. I'm 60 now and I've been a long term tenant in the private market. Due to the violence and instability I suffered in childhood, I never felt safe. I found my first stable home at age 21 and was able to become part of a community, which replaced the loss of my family. I'm facing eviction, with harassment and intimidation by the landlord. The housing tribunal failed me - I was denied my appeal and have 2 months to move. I've been quite sick and depressed. The stress is not

good for my health. I have lived in this community for 43 years now on the same street. I have worked and volunteered here. I'm well connected to services in the area. I know my neighbours and business owners. To now be forced out of my neighbourhood because I can't afford the rent puts my health, happiness and welfare at stake. A home is more than just a dwelling. It is community, and feeling safe and connected to the people you know and love!

Daniela Mergarten

Housing and homeless prevention solutions should include:

- ✓ A mixture of purpose-built truly affordable social/public housing and adequate resources to ensure housing quality and sustainability (including environmental issues). The federal, provincial, territorial and municipal governments should provide affordable and free land, and help with zoning barriers to expedite building new affordable housing, or provide resources to nonprofit affordable housing land trusts.
- ✓ Truly affordable housing should ensure rents are not more than 30% of gross income. Some programs have eroded the concept of “affordability” in recent years, often defining affordable housing in relation to market housing rates.
- ✓ A form of rent supplements/housing allowances in private market housing units that result in truly affordable rents. When using these kinds of portable allowances or rent supplements it is essential that there is accountability and that the standards of the housing provided are monitored by the local government to ensure tenant rights are not violated. However, income-based rent supplements do create some barriers and problems. We recommend that the federal government organize a special consultation with people with lived experience and other stakeholders prior to expanding this model, to address and mitigate any risks in this policy approach. Adequate and quality emergency housing supports available locally (e.g. homeless youth, adults, victims of domestic violence, etc.).
- ✓ In each province, there are many people who require housing and supports that are not having their needs met and rights upheld. This has resulted in very long wait lists for social housing. Solutions must address this issue.

“Houselink has not been receiving rent supplements in the recent years but over the course of 5 years, there have been challenges in finding housing for participants in our mental health justice program. For example, one tenant was turned down by a private landlord in a neighbourhood they wanted to live in due to bad credit. With the low vacancy rate currently in Toronto, rent supplements are no longer as attractive of an option for the private landlord as it was 12 years ago. My experience has been that it is easier to acquire units in areas that are not as desirable and in buildings that require

some work.”

Thuan Ngo, Supportive Housing Worker

“I used to work full-time in a stressful job in the stock market. I was diagnosed with a mental health issue which is why I had to go on disability and rearrange my life. I was on the supportive housing waitlist for 2 years and was homeless for 9 months. I lived in a women’s shelter during this time. I had my things stolen. All the women there had issues to deal with and sometimes there were fights and arguments. It wasn’t good for my health. I was more depressed when I was there. It was quite difficult for me to afford market rent. As soon as landlords hear that you are on disability, there is stigma. That was really a depressing time for me while I was waiting. Finally, I was offered a bachelor unit. Having a place of my own is a blessing. There are not enough spaces for all of us that require housing. The government needs to speed up the waiting time, especially for people with disabilities. Not a lot of us are being taken care of. We are falling through the cracks.”

Donnabelle Cabanas

Indigenous Homelessness and Housing Crisis

Every one of Canada’s Indigenous communities must have their housing rights upheld, and solutions are needed that take into account their diverse needs across Canada, Indigenous nations, reserves, and in urban areas. Indigenous communities are disproportionately and adversely impacted by the lack of adequate, affordable and suitable housing, as well as environmental issues and risks and deep poverty in their community and gaps in services. (e.g. for children, families, and seniors). The Coalition is in solidarity with and supports Indigenous communities’ recommendations on this consultation.

The UN Concluding Remarks of the sixth periodic review of Canada by the Committee on Economic, Social and Cultural Rights (CESCR) gives direction to the Government of Canada regarding Indigenous peoples and steps to uphold their rights, and the federal government should integrate this approach in the development of a housing strategy that addresses the needs of, and is planned with Indigenous communities. The CESCR states the following regarding Indigenous peoples:

- *“The Committee recommends that the State party fully recognize the right to free, prior and informed consent of indigenous peoples in its laws and policies and apply it in practice. The Committee also recommends that the State party effectively engage indigenous peoples in the formulation of legislation that affects them”* at para 14.
- *“The Committee is concerned, in spite of the pledge made by the State party [Canadian Government] to address the situation of indigenous peoples, about the persisting socioeconomic disparities between indigenous and non-indigenous peoples, and by disparities in relation to poverty prevalence and access to basic*

rights, including housing, education and health-care services. The Committee is also concerned about the decrease in the already insufficient funding allocated to indigenous peoples living both on and off reserves, a situation which is further exacerbated by the jurisdictional disputes between federal and provincial governments on funding to indigenous peoples (Art. 2 (2))” at para 19.

- *The Committee is concerned that indigenous peoples, notably the Inuit and First Nations, encounter poor housing conditions, including overcrowding, which generate, among other issues, health challenges for the communities concerned. The Committee is also concerned at the restricted access to safe drinking water and to sanitation by the First Nations, as well as the lack of water regulations for the First Nations living on reserves (Art. 11)” at para. 43.*
- *The Committee urges the State party to intensify its efforts to address the indigenous peoples’ housing crisis, in consultation with indigenous governments and organizations. The Committee also urges the State party to live up to its commitment to ensure access to safe drinking water and to sanitation for the First Nations while ensuring their active participation in water planning and management. In doing so, the State party should bear in mind not only indigenous peoples’ economic right to water but also the cultural significance of water to indigenous peoples” at para. 44.*

Integrate National Housing and Poverty Reduction Strategies

An estimated one in seven Canadians — or 4.8 million people — currently lives in conditions of poverty. That means that 4.8 million people struggle to meet their most basic needs every day and must make challenging decisions like paying the electricity bill or going to the dentist, buying nutritious food or buying a transit pass. These individuals are at higher risk of homelessness, have an increased risk of poor mental and physical health and suffer great depths of anxiety and emotional struggles. At a provincial and territorial level similar coordination will be essential in terms of the impact of social assistance, public/social housing subsidies, minimum wage, Employment Insurance policies, and immigration/refugee policies to name a few.

When developing a rights-based housing strategy that is aligned with a poverty reduction strategy, policies must be defined and shaped to help those most in need. For example, the definition of “affordable” housing in a number of federal-provincial agreements was defined as 80% of market rent, rather than the definition in the original NHA i.e. rent/housing costs as 30% or less than gross household income.

This definition of 80% of market rent will not address the core housing needs of those who rely on government transfer payments, or who are precariously employed, or receive minimum wage jobs, or are on disability benefits.

“I live in affordable, supportive housing and it has literally saved my life. I am so relieved my rent is not 80% of market rate. There is no way I could pay it and most

likely would still be sleeping in doorways. The best model for rent that I have seen and am currently personally living, is rent based on main source of government transfer allowance. Tenants are allowed to work part time and earn extra income without the penalty of having a rent increase. I believe this model works well because it encourages, rather than discourages, people to work. When people are working, they are happier, thus healthier and are also improving their life skills. So this model works best because it not only helps alleviate financial pain, it in fact also contributes to recovery/wellness. For the past 8 years, this model has highly contributed to my journey back to wellness, even flourishing at times. When I am doing well, I can be an asset to the community. People like me would much rather be contributors than be a burden. Real affordable housing goes beyond just providing someone with living space. It saves lives - and we can and do pay it forward."

Leslie Miller

Policies between the federal government and across provincial/territorial governments need to be coherently aligned so that they do not undermine the right to housing, and poverty reduction. It is essential to ensure a policy and benefit delivered in one Ministry or department, does not undermine or claw back an improvement in another area. Too often there are unintended, or intended perverse impacts and this approach undermines achieving progress on goals/benchmarks and outcomes.

Divisions of constitutional responsibilities between the federal government and provincial/territorial governments, and partnerships with municipalities and Indigenous communities must be clear and uphold the principles and tenets of a human rights housing approach. Historic downloading since the 1990s in areas of income security and housing has weakened the government's ability to ensure the right to housing, and dramatically reduced the resources allocated for new affordable housing and to maintain existing social and co-op housing.

Government Accountability - Reporting Mechanisms /Transparency

Measurable Goals and Timetables

To date the federal, provincial, territorial and municipal governments in Canada have not ensured transparency, monitoring, and evaluation of housing policies, programs and investments in housing, including their impact on reducing poverty and homelessness. There has not been a process of accountability, nor has there been a complaint process established for Canadians.

The new federal government in Canada has committed to spend \$2.3 billion over the next two years and this kind of financial support is necessary. While we applaud the investment, how it is spent makes a difference in achieving housing as a human right. Also, if the government is to fulfill its international rights obligations, an arbitrary limit cannot be put on investments; this will ensure every Canadians' housing needs are met.

Clear Responsibilities: Federal Government and other levels of government

The federal government must be clear on their role, and the role of the provinces, territories and municipalities in planning, funding, and implementing a successful National Housing Strategy. Even within the federal Cabinet, the role of Ministers in relation to housing is not clear. Mandate letters have provided for shared responsibilities with many Ministers playing some role in housing decisions.

A communique from the Housing Ministers conference stated the commitment to “collaboration” between the national, provincial and territorial governments, stating:

“Federal, provincial and territorial collaboration will:

- *recognize and respect each other's specific roles and responsibilities;*
- *build upon and complement provincial and territorial strategies; and*
- *recognize that flexibility and sustainability are required to address varied housing challenges, including those facing Indigenous people and Canada's North.”*

While collaboration is useful, the federal government must assume ultimate responsibility for the strategy and ensure that funds allocated and the principles underlying a national rights-based housing strategy are aligned across our nation. The federal government should develop the rights-based housing strategy borrowing the accountability mechanisms used with health care, whereby we have national legislation and agreements in which funds are not provided unless the provinces demonstrate they can meet established standards and principles and they provide timely reports. Approaches may be unique but planning, monitoring, and evaluation of results must achieve the right to housing. Previously, under the Canada Assistance Plan, the federal government also played a key role to ensure accountability and that national interests were supported.

The United Nations’ Committee on Economic, Social and Cultural Rights provides direction on this matter in their Concluding Observations of the 6th periodic review of Canada:

- *“Intergovernmental arrangements under the federal system: The Committee welcomes the reassurance provided by the State party that its federal structure may enhance implementation through local and regional accountability measures and notes that the State party has referred in its common core document to section 36 of the Constitution Act, 1982 in that context. The Committee is concerned, however, that funding and other agreements with provinces, territories and municipalities do not establish responsibilities for the implementation of Covenant rights at the different levels” at para 7.*
- *“The Committee recommends that economic, social and cultural rights be incorporated into intergovernmental agreements and enabling legislation for municipalities, and that transfer of payments take into due account compliance with Covenant rights” at para. 8.*

- *“The Committee recommends that the State party take all measures necessary to combat poverty more effectively while paying particular attention to groups and individuals who are more vulnerable to poverty. The Committee recommends that the State party, in collaboration with provinces, territories and indigenous people” at para. 37.*

It appears that the federal government will form bilateral partnerships separately with each province, and potentially separate agreements with Indigenous communities. However, it is necessary that these agreements are public and transparent. Those with lived experience of homelessness, on subsidized housing waitlists, and those who work with these populations should have access to regular reports on new affordable housing units created, the number of units where housing has been upgraded, the number of people who are homeless or do not have their rights upheld, and the plan to remedy these gaps.

The federal government needs to engage with the community to gather data (qualitative and quantitative) to collect key measurements including the impact on core housing need.

The federal and provincial governments should report publicly in a timely way on budgets allocated to programs, and on income related to housing or income policies or implementation.

The federal government has funded a great deal of research in the past. Priorities for future research should be established with involvement of people with lived experiences of homelessness and precarious housing.

FEDERAL CONSULTATION: CURRENT AND ONGOING PROCESS

Concerns Regarding Current Process

The Coalition views this consultation as a useful first step in developing Canada's strategy, however there are some concerns regarding the CMHC-led "Let's Talk Housing" consultation process to date.

The federal government has not promoted this consultation widely and there is a lack of public and community awareness among social services, housing agencies, civil society, and especially among tenants and homeless people. While we understand that focus groups are being scheduled with people with lived experience, very few details about when, where, and how these consultations will take place have been provided. We are concerned that a failure to adequately reach those most affected by the lack of affordable, adequate, and suitable housing and people who are living rough or homeless will compromise the consultation and provide an incomplete picture on the scope of need and solutions.

The online survey tool is problematic. Individuals who are homeless or low-income who often do not have reliable access to a computer or smart phone will face the greatest barriers in completing this survey, as well as those with literacy issues and those who speak English as a second language. People with lived experiences of homelessness and precarious housing have expressed concerns that without the help of a social service agency staff person, they would not know about this process and would not have had the opportunity to complete the survey. Many people who are living rough on the street, in shelters, or who are precariously housed may not have assistance from a support person to access this information, or to access a computer to complete the survey. Failure to hear from those most affected by the housing crisis in Canada leaves a large gap in this current process and will have impact on the recommendations and feedback that the government receives.

"I have worked with and conducted post-graduate research on various at-risk youth for the past few years. Some of the youth I have worked with have expressed challenges in regards to gaining access to affordable housing options. In particular, there seems to be a disconnect in information, where the various avenues to seek access to affordable housing isn't being disseminated to them properly. This could be attributed to a number of reasons, but the one that is prominent is a lack of resources on the part of these disadvantaged youth. This is why relying on digital surveys can be quite problematic. The voices of these youth need to be incorporated into the affordable housing agenda in order to create an accurate depiction of this issue."

Sewit Tamane, Youth Worker

Further, the scope of the current survey questions is very limiting. The survey has framed housing questions in limited programmatic options. People are forced to select

responses from narrow choices and rank priorities. Furthermore, this survey and the consultation process should have been framed within a human rights based model, further to Canada's international law obligations. The survey does not adequately consider issues such as poverty-level incomes (both from employment and government assistance programs), lack of affordable and quality child care, unemployment and precarious employment, family breakdown, migration, de-institutionalization and many other factors that affect housing affordability.

The government should have identified the lead staff managing the consultation process and provided their contact information publicly. This would have allowed community members to contact the staff if necessary. By providing dedicated staff, the government would have reduced barriers to participation and facilitated a more transparent and accessible process. We believe that these consultations need to be broad-based and the details made public. The Government should provide resources to have in-person meetings with those most affected by housing and homelessness issues across Canada, perhaps by partnering with social service and tenant rights organizations.

"The Dream Team received a call from a provincial Senior Policy Advisor who was working on the housing file in our province. She said that she wanted advice on how to best gather feedback from supportive housing tenants and she knew our members had this lived experience. A tenant was hired to help with the planning and facilitation of a focus group. The focus group took place over two half days, an indication that the government was really invested in getting meaningful feedback. Participants received information packages and the agenda ahead of time. A number of tenants later told me that the whole process was really well put together and that they felt they were being heard. From a staffing perspective, it was really great to see that a branch of the government not only wanted to hear from marginalized tenants, but actually put money & resources to make this happen. It both saddens & worries me that cannot be said about the NHS consultation."

Joanna Pawelkiewicz, Dream Team Coordinator

Identifying Experts for Ongoing Input

We understand that selected "housing experts" were convened in September by CMHC to advise the federal government on the national housing strategy. Many key individuals and groups/organizations with expertise on housing were not invited to these consultations. We believe it is essential to integrate experts with varied backgrounds and knowledge in all phases of consultation, planning, implementation, and monitoring of a national housing strategy.

Indigenous Experts - Communities & Leaders

The housing needs and rights of Indigenous communities are disproportionately neglected in urban and Indigenous communities across Canada. This is a violation of

their human rights and treaty rights. The federal government and provincial governments need to recognize the authority and expertise/lived experiences of Canada's Indigenous groups to identify their needs.

"I am a Mi'kmaq First Nations woman from Qalipu Band from the west coast of Newfoundland. The recommendations for housing First Nations people are being ignored by the government. First Nations peoples on reserves still live in unhealthy homes. First Nations peoples are still homeless. We need consultations within our communities facilitated by First Nations people who understand and recognize what is needed. The federal government needs to follow through on promises made to correct the wrongs that most Canadians now know as a shameful mark on our history and persist as the present condition of Canada's original peoples. First Nations people should be a majority at the table around housing issues, as well as all other issues."

Veronica Snooks

People with lived experience of homelessness and precarious housing

In order to ensure housing strategies across Canada meet the needs of diverse people with specific needs, vulnerabilities, and strengths, meaningful and comprehensive engagement with people with lived experiences of homelessness and precarious housing is necessary. People with lived experience understand their diverse needs and can identify effective housing strategies, as well as solutions that may not work in practice. These people should be diverse, and reflect the variety of experiences, risks and systemic traps into homelessness (for example, Indigenous people, young parents, youth transitioning from child welfare care, people with mental health issues, people exiting institutions such as jails and hospitals, people with disabilities, seniors, women/families victims of violence, newcomers/refugees, people with chronic homelessness, people facing addictions etc.).

The lived experience "experts" should also include:

- ✓ tenants who have experience living in social housing,
- ✓ tenants receiving housing allowances/rent subsidies in market housing,
- ✓ tenants in private rental housing/ basement/second suites/rooming houses,
- ✓ individuals and families on waiting lists for affordable/subsidized housing, and
- ✓ people in shelters and/or those who have no permanent housing.

"In the psychiatric consumer/survivor community, there is a saying: 'nothing about us without us.' At its simplest level, this means 'don't make decisions about us without our participation.' It is crucial that any consultation about the long overdue need for a national housing strategy include not only the 'academics and experts,' but also those of us who have lived with precarious housing or who work directly with those who do. I am deeply concerned that those of us with direct experience are being excluded from direct participation in this process. Filling out an online survey is all well and good but

it will treat people as data and statistics, not actual human beings with needs to be met and valuable contributions to make.”

Sandra Willow Lang

Non-Profit Social Services and Civil Society members

There are many organizations across Canada that work to support low income people and those who are risk, or currently experiencing evictions, homelessness, and precarious housing, or are in core housing need as defined by CMHC. These organizations include legal clinics, newcomer and settlement services, youth and family mental health services, services for people with disabilities, Violence Against Women services, health centres, Indigenous services, child welfare, seniors services, services for homeless people, employment and training services, and faith based community support program. Issues of poverty and housing need intersect with other service needs and are a social determinant of health and well-being.

Experts involved in Right to Housing Coalition Charter Case

The Coalition has worked with a number of experts with knowledge about housing and homelessness in Canada with specific populations, as well as those with expertise on housing and government policy. We have amassed about 10,000 pages of expertise from these experts that the Coalition believes the federal government should review. These experts should be included in the consultation this fall and on an ongoing basis as the federal strategy is designed, implemented and evaluated. Please see list of these experts in Appendix C.

Human Rights Experts

Including Leilani Farha (the UN Special Rapporteur on the Right to Housing) in the federal housing consultation is positive. However, the government should be expanding the scope of consultation to other individuals and organizations with housing and human rights expertise and experience working with vulnerable Canadian populations. In addition, Canada should take a fresh look at progressive approaches and practices internationally that could be tested here, to enhance our own right-based housing strategy. ACTO and the Coalition hosted a Conference with international housing experts and people with lived experience in 2013 and could provide information as to who else should be consulted in this regard.

Enhance and Sustain Consultation and Engagement

The federal government should not consider this a one-time consultation that wraps up on November 22, 2016 with a summary report and an announcement. The government

should make a commitment to meaningfully engage and involve those with lived experience of precarious housing, housing inadequacy or homelessness, and those who work with vulnerable tenants and homeless people throughout all stages of development, implementation and evaluation of the National Housing Strategy. The Mental Health Commission of Canada developed an approach that integrated the voices of experts and those with lived experience on an ongoing basis. A comprehensive process of engagement and consultation with the community and those affected by core housing need is essential to ensure that the federal strategy is effective and meets the goal of achieving housing rights for all Canadian residents.

As Dr. David Hulchanski, a professor focused on housing, neighbourhood and community planning issues, noted:

“The history of housing and homelessness in Canada demonstrates that homelessness is primarily the result of a loss of federal and provincial governmental commitment to ensure adequate housing as a human right. When this commitment is lost, programs and policies are designed without enough attention to the needs of those who are homeless or at risk of homelessness. The precise contours of a housing strategy to end homelessness in Canada may vary. There are different policy options and ways of designing programs and allocating responsibilities. The critical factor, however, is the commitment to recognizing at both the federal and provincial levels that adequate housing is a right. In addition, it means committing to eliminating homelessness within a reasonable period of time, with measurable goals and timetables, and an independent review and complaints procedure through which those affected can bring to the attention of the public issues and problems that may be leading to homelessness.”

**Affidavit of Dr. David Hulchanski,
Applicant’s submissions, *Tanudjaja v. Attorney General of Canada
and Attorney General of Ontario***

The Coalition submitted a model of consultation to CMHC and the federal government this spring. This model was based on the successful Canadian Mental Health Commission process (and some elements of municipal poverty reduction strategies and consultations). We did not receive a response from CMHC or the government regarding our suggestions. We would be pleased to assist in any way possible to improve the consultation process on an ongoing basis.

RECOMMENDATIONS FOR ACTION

1. Promote the federal consultation and opportunities to participate more widely in low-income communities across Canada, and in the non-profit service sector and Indigenous communities.
2. Engage a broader range of experts in the consultation process, including those with lived experience of homelessness.
3. Embed a human rights framework in the National Housing Strategy:
 - a) identify homeless individuals, including those from marginalized groups;
 - b) make explicit reference to human rights;
 - c) provide human rights training to all relevant parties;
 - d) consult homeless individuals in every step of the process;
 - e) commit to the principles of non-discrimination and equality;
 - f) set immediate, short-term and long-term goals;
 - g) set goals for marginalized groups;
 - h) be adequately resourced;
 - i) engage with other levels of government and stakeholders;
 - j) monitor and publicly report on progress;
 - k) establish both internal and external mechanisms of monitoring and review;
 - l) provide a complaints procedure for individuals and groups.
4. Implement recommendations from the United Nations reports, including the Committee on Economic, Social and Cultural Rights Concluding Observations of the 6th periodic review of Canada in particular, and integrate income security policy considerations into the National Housing Strategy.
5. Institute a rigorous accountability framework both nationally and regionally with transparency and input of those who are impacted by policies and programs.
6. Ensure coherent alignment with the National Housing Strategy within all levels of government.
7. Review positive and successful practices internationally (using learnings from UN Habitat III Quito and other countries) so that Canada can disseminate information on these approaches and fund or pilot them with provinces/territories.
8. Restore definitions of core housing need to shape policies and programs, including the definition of affordable (i.e. 30% or less of pre-tax household income).
9. The federal, provincial and territorial governments need to eliminate and reform laws and policies that criminalize poverty and homelessness that are occurring at a municipal level, or in rural and Indigenous communities.

10. Federal government to review progress on human rights polices internationally (re: housing and poverty) and appoint advisors to develop and enhance a rights-based National Housing Strategy.
11. Work with stakeholders, and those with lived experiences of homelessness within Indigenous communities to develop their housing and poverty reduction strategies.

CONCLUSION

The UN Committee on Economic, Social and Cultural Rights as well as the UN Special Rapporteur on Adequate Housing have recommended multiple times that a national strategy that ensures the right to adequate housing be implemented on an urgent basis to address our “national emergency.” They recommend that this strategy be developed in collaboration with provincial and territorial governments and civil society groups.

It is necessary for Canada to align our housing strategy with international treaties on human rights in order to fulfill our international and domestic obligations. This will be a progressive step for our country and will represent ethical leadership. Developing a rights-based National Housing Strategy, and the investments that must underlie it, is also a rational financial approach. There are many direct and indirect costs to Canada, and to our residents, of failing to act at this juncture. Homelessness is a growing and pervasive problem, and it is getting worse. There is evidence of countless economic benefits to addressing our growing housing crisis, and the associated problems it creates for individuals, families and communities.

From a human perspective, there are many stories of the positive impact that decent, affordable housing has had on vulnerable people, including those with disabilities, families, seniors, and youth.

People can overcome crises, re-establish themselves, grow healthier and more resilient, share their gifts and talents, and engage in creating a better community and Canada when their housing needs are met.

APPENDICES

APPENDIX A: Organizations and individuals who have been active in the coalition and/or supported the right to housing through the Coalition's work

Aboriginal Legal Services
ACORN
Amnesty International
Anduhyun Inc.
Anglican Church Child Poverty Committee
ARCH Disability Law Centre
Asper Centre for Constitutional Rights
Canada Without Poverty
Canadian Pensioners Concerned
Canadian HIV/AIDS Legal Network
Centre for Equality Rights in Accommodation in Ontario
Charter Committee on Poverty Rights
Children's Aid Society of Toronto
Colour of Poverty - Colour of Change
Covenant House
The Dream Team
Elizabeth Fry Toronto
ESCR.Net
Federation of Metro Tenants Association
Fred Victor Mission
FORWARD
Habitat Services
Hamilton Community Legal Clinic
HIV/AIDS Legal Clinic Ontario
Holland Bloorview Kids Rehab
Housing and Homelessness Umbrella Group
Income Security Advocacy Centre
June Callwood Centre
Justice for Girls
Kensington-Bellwoods Community Legal Clinic
Metro Toronto Chinese and Southeast Asian Community Legal Services
National Aboriginal Housing Association
National Anti-Poverty Organization
Native Women's Association of Canada
Native Women's Resource Centre
Nellie's
ODSP Action Coalition
Older Women's Network
Pivot Legal Society
Sistering

Springtide Resources
Social Rights Advocacy Centre
Tenants for Social Housing
Toronto Disaster Relief Committee
Voices From the Street
Wellesley Institute
Women's Legal Education and Action Fund (LEAF)
Working for Change
Fay Faraday, Faraday Law
Professor David Hulchanski, University of Toronto
Professor Martha Jackman, University of Ottawa
Emily Paradis, Research Associate, University of Toronto
Peter Rosenthal, Roach, Schwartz and Associates
Dean Lorne Sossin, Osgoode Hall Law School

NB: The Coalition is coordinated by the Advocacy Centre for Tenants Ontario

APPENDIX B: CMHC Web site: Core Housing Need Definitions (Current)

Core Housing Need Status

Source: Canada Mortgage Housing Corporation,
http://cmhc.beyond2020.com/HiCODefinitions_EN.html
(August 4, 2016)

A household is said to be in core housing need if its housing falls below at least one of the adequacy, affordability or suitability, standards and it would have to spend 30% or more of its total before-tax income to pay the median rent of alternative local housing that is acceptable (meets all three [housing standards](#)).

- [Adequate](#) housing are reported by their residents as not requiring any major repairs.
- [Affordable](#) dwellings costs less than 30% of total before-tax household income.
- [Suitable](#) housing has enough bedrooms for the size and make-up of resident households, according to National Occupancy Standard (NOS) requirements.

A household is not in core housing need if its housing meets all of the adequacy, suitability and affordability standards OR, if its housing does not meet one or more of these standards, but it has sufficient income to obtain alternative local housing that is acceptable (meets all three standards).

NB: According to the Federal government's definition of core housing need, regardless of their circumstances, non-family households led by maintainers 15 to 29 years of age attending school full-time are considered to be in a transitional stage of life and therefore not in core housing need. From our perspective, the exclusion of youth from the data on core need is problematic and is missing some vulnerable youth populations that experience problems with adequacy, affordability and suitability. For example, in Canada there are young people 15 to 29 years of age who may be in school, but in core need due to family circumstances (e.g. unaccompanied minor immigrant; youth transitioning out of CAS care; youth who may be leaving institutions; young parents aged 15-29 in school).

APPENDIX C - List of Expert Witnesses

The following experts contributed to the 10,000 pages of documentation in support of the Applicants in *Tanudjaja v. Attorney General of Canada and Attorney General of Ontario*. The courts never reviewed this evidence. The federal and provincial government should use this expert capacity and refer closely to the expert reports as guidance for the National Housing Strategy. The experts' affidavits can be accessed online [here](#):

- Leilani Farha, (former) Executive Director, Centre for Equality Rights in Accommodation
- Linda Chamberlain, Housing and Mental Health Advocate
- Phillip Dufresne, Housing and Mental Health Advocate
- Dr. David Hulchanski, Associate Director for Research, Cities Centre, University of Ottawa
- Dr. Stephen Hwang, Staff Physician, St. Michael's Hospital & Director, Division of General internal Medicine, University of Toronto & Research Scientist, Centre for Research on Inner City Health, Keenan Research Centre, Li ka Shing Knowledge Institute
- Miloon Kothari, Special Rapporteur on Adequate Housing (2000-2008), United Nations
- Ann Fitzpatrick, Supervisor, Community Development and Prevention Services Team, Children's Aid Society of Toronto
- Dr. Janet Mosher, Associate Professor, Osgoode Hall law school
- Cathy Crowe, Street Nurse and Author of "Dying for a Home: Homeless Activist Speak Out"
- Michael Shapcott, (former) Director, Affordable Housing and Social Innovation, Wellesley Institute
- Charles Taiokisakarere Hill, Executive Director, National Aboriginal Housing Association
- Paula Goering, Full Professor, Department of Psychiatry and Faculty of Nursing, University of Toronto & Affiliate Scientist, Centre for Addiction and Mental Health
- Catherine Frazee, Professor Emeritus, School of Disability Studies, Ryerson University
- Ester Ignagni, Asst Professor School of Disability Studies, Ryerson University
- Michael Bach, Executive Vice President, Canadian Association for Community Living
- Marie-Eve Sylvestre, Associate Professor of Law & Director of the PhD Program in Law, University of Ottawa