



Pre-budget consultations 2023: The Federal Housing Advocate's recommendations

OFFICE OF THE FEDERAL HOUSING ADVOCATE

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Overview of the Federal Housing Advocate's recommendations for budget 2023

1. That the federal government ensures housing related budget initiatives are focused on fulfilling Canada's commitments legislated in the National Housing Strategy Act to advance the progressive realization of the right to adequate housing.
2. That the federal government move expeditiously to address the housing crisis for Indigenous peoples from coast to coast to coast. Budget 2023 must deliver on the federal government's commitment to support the development of, and provide long-term funding for an Urban, Rural and Northern Indigenous Housing Strategy that is developed for- Indigenous and by-Indigenous.
3. That the federal government undertake a thorough revision of the National Housing Strategy to strengthen the overall Strategy and ensure its programs are delivering on human rights commitments, particularly when it comes to targeting those in greatest need.
4. That the federal government demonstrate its leadership role and a coordinated approach to involve all levels of government in solving the housing crisis.

The National Housing Strategy Act legislated a human rights-based approach to housing, which must be reflected in federal budget decisions related to housing

The National Housing Strategy Act (2019) states that it is the housing policy of the Government of Canada to:

- a) recognize that the human right to adequate housing is a fundamental human right affirmed in international law;
- b) recognize that housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities;
- c) support improved housing outcomes for the people of Canada; and
- d) further the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights.

The Federal Housing Advocate is one of a series of several accountability mechanisms created by the National Housing Strategy Act to promote and protect the right to adequate housing in Canada, along with the National Housing Council and review panels.

A human rights-based approach to housing

Approaching housing as a human right emphasizes the intrinsic link between housing and human dignity. It means that legislation, policies and programs affecting housing should emphasize participation, empowerment, accountability, and non-discrimination while fulfilling the human right to adequate housing. A human rights-based approach to housing also connects the human right to housing to other fundamental human rights, including equality rights, the rights to life, security of the person, work, physical and mental health, social security, political participation, education, and the right to a clean and healthy environment. The right to

adequate housing intersects with inherent rights of Indigenous peoples, including treaty rights and the rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples.

The human right to adequate housing means that everyone, without discrimination, has the right to housing that meets a set of basic conditions, recognized under international human rights law:

- Secure – security of tenure means that a tenant is protected from arbitrary eviction, forced relocation or harassment;
- Affordable – housing costs should not be a barrier to a person meeting their other basic needs such as food; costs should be protected against unreasonable increases;
- Habitable – dwellings should have adequate space for the inhabitants, be properly maintained, and provide protection from the elements and other threats to health and well-being;
- Provide basic services – including safe drinking water, sanitation, heating, lighting, and emergency services;
- In a location that is close to employment and basic social services such as childcare, education and healthcare, and is not located in a polluted or dangerous area;
- Accessible – for people of all abilities, particularly those experiencing discrimination or living in vulnerable circumstances; and
- Culturally appropriate – respects and is appropriate for the expression of the inhabitants’ cultural identity and ways of life, and uses appropriate building designs and materials.

All people have the right to equitable access to adequate housing, without discrimination based on gender, race, disability, Indigenous identity, faith, place of birth, age, sexual orientation, and other grounds. A human rights-based approach to housing is also a critical in fulfilling Canada’s commitment to Gender-based Analysis Plus.

Detailed recommendations for budget 2023

1. That the federal government ensure housing related budget initiatives are focused on fulfilling Canada’s commitments legislated in the National Housing Strategy Act to further the progressive realization of the right to adequate housing as defined in the International Covenant on Economic, Social, and Cultural Rights.

The National Housing Strategy Act’s commitment to progressive realization requires governments to dedicate the maximum available resources to realizing the right to adequate housing. In international human rights law, the phrase “progressive realization” acknowledges that solving these problems will not happen overnight – it will take time, effort, coordination and resources before everyone can equally enjoy adequate housing. However, progressive realization also means that governments must act as quickly and as effectively as possible to promote, protect and fulfill the human right to adequate housing, giving priority to those in greatest need.

Progressive realization creates an obligation for governments to take human rights into account when it comes to budgeting. Canada has signed on to international treaties committing all orders of government to taking immediate concrete steps, to using the maximum available resources, and to using all appropriate means, to create the conditions for everyone to have access to adequate housing in the shortest possible period of time. Furthermore, governments also have an immediate obligation to ensure non-discrimination in housing policies and programs as well as outcomes. The federal government must also avoid retrogressive measures that could result in a deterioration in the right to adequate housing.

The recent Auditor General's report was critical of efforts to measure the National Housing Strategy, commenting that Canadian Mortgage Housing Corporation "did not collect the demographic data broken down by population and gender that it needed to measure the impact of strategy initiatives on specific gender-identity groups within priority vulnerable populations."¹ The key to human rights-based measurement is that it focuses on people and outcomes, not just dollars spent or units created. Federal budgets should establish clear targets and indicators to track how the budget advances the progressive realization of the right to adequate housing, with a focus on improving housing outcomes for groups experiencing the most severe forms of inadequate housing and homelessness. The federal government should also report explicitly on right to adequate housing outcomes as per the National Housing Strategy Act.

The need for alignment with human rights principles also applies to measures announced in budget 2022:

- The review of housing as an asset class must take into account Canada's obligations to respect, protect and fulfill the right to adequate housing.
- The Housing Accelerator Fund must also be aligned with human rights obligations.²

2. That the federal government move expeditiously to address the housing crisis for Indigenous peoples from coast to coast to coast. Budget 2023 must:

- a. Support the rapid development and delivery of an adequately funded Urban, Rural and Northern Indigenous Housing Strategy that is developed for-Indigenous, by-Indigenous, in keeping with recommendations produced by the National Housing Council, the Canada Housing Renewal Association and others.
- b. Ensure that distinctions-based strategies adequately equip Indigenous governments to respond to the housing crises in their communities; funding should be in alignment with government-to-government fiscal transfers and not be proposal based.
- c. Uphold Canada's international human rights obligations to Indigenous Peoples, in particular the United Nations Declaration on the Rights of Indigenous Peoples, and ensure implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act (Declaration Act), the Calls to Action of the Truth and Reconciliation Commission and the

¹ https://www.oag-bvg.gc.ca/internet/English/parl_oag_202211_05_e_44151.html

² <https://www.ourcommons.ca/Content/Committee/441/HUMA/Brief/BR11904280/br-external/CanadianHumanRightsCommission-e.pdf>

Calls to Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls.

Indigenous people are over-represented in almost all aspects of the housing crisis, a result of historic and ongoing colonialism that dispossessed Indigenous peoples of their lands. In its current form, the National Housing Strategy does not respond to the full range of housing needs of First Nations, Inuit and Métis.

The \$300-million allocated for an Urban, Rural and Northern Indigenous Housing Strategy should be released immediately, rather than over five years. Disbursements should be made by an Indigenous-led organization in alignment with the advice provided to government by Indigenous housing providers and organizations. \$300-million is grossly inadequate to address the extent of the housing and homelessness crisis facing Indigenous people. The Canadian Housing Renewal Association's Indigenous Housing Caucus estimated that an investment of \$25-billion over ten years would be necessary in order to actually meet Indigenous housing need through the Urban, Rural and Northern Indigenous Housing Strategy. The National Housing Council's estimate was \$56-billion over 10 years. An appropriate amount of funding should be allocated towards an Urban, Rural and Northern Indigenous Housing Strategy in order to fulfill the right to housing for Indigenous peoples. The government's commitments to on-reserve housing must also be an urgent and immediate priority.

This is also in line with the obligation in the National Housing Strategy Act to prioritize populations in the greatest housing need. Canada has further human rights obligations under the United Nations Declaration on the Rights of Indigenous Peoples Act, which implements the principles of the United Nations Declaration on the Rights of Indigenous Peoples as a framework for reconciliation. Article 21 and 23 of United Nations Declaration on the Rights of Indigenous Peoples guarantees Indigenous people the right to be actively involved in developing and determining housing programs and policies that affect them.

The Calls to Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls have over 400 mentions of the need for safety and security for women, children and gender-diverse persons in housing. While progress reports are regularly made available online via the MMIWG and 2SLGBTQIA+ National Action Plan, progress on housing and infrastructure is slow to materialize and investments from the National Housing Strategy show evidence of a lack targeted investments for those in most need. Partners of the MMIWG and 2SLGBTQIA+ National Action Plan are calling for greater transparency on the investments and for the implementation of Indigenous-led housing strategies.³

³ <https://mmiwg2splus-nationalactionplan.ca/contributing-partners>

3. That the federal government undertake a thorough revision of the National Housing Strategy to strengthen the overall Strategy and ensure programs are delivering on human rights commitments, particularly when it comes to targeting those in greatest need. Budget 2023 must:

- a. Establish clear targets, timelines and measurement frameworks for reducing core housing need and ending homelessness for all priority populations, and mandate regular, public progress reports, using disaggregated data.
- b. Prioritize the development and acquisition of housing supply that is non-market based, permanently affordable, and provides community value.
- c. Expand the Canada Housing Benefit to reach everyone in core housing need, to help them cope with rising inflation and stay housed.
- d. Expand the Rapid Housing Initiative and make it permanent, to deliver deeply-affordable housing with supports to prevent and end homelessness.
- e. Strengthen conditions for the Strategy's capital initiatives: Establish explicit conditions and criteria regarding anti-displacement (i.e., eviction prevention), rent control, vacancy control, and permanent, deeply affordable housing for low-income households or a set percentage of units within National Housing Strategy lending and capital programs, while dedicating more funds to—and reducing barriers for—non-market housing providers.
- f. Enable municipalities and non-profits to acquire and preserve naturally-affordable purpose-built rental housing, and protect it from financialization.
- g. Renew the Community Based Tenant Initiative and take other measures to support the meaningful engagement of rights-holders in the design, monitoring, and evaluation of housing programs and policies.
- h. Create a new funding mechanism to provide policy capacity for Indigenous governing bodies and organizations, rights-holders, people with lived experience, and human rights advocacy organizations or services to support people claiming the right to adequate housing and accessing new accountability mechanisms under the National Housing Strategy Act.

In responding to the 2022 Auditor General's Report 5: Chronic Homelessness, it is critical that the federal government establish the expected outcomes and indicators to be able to assess whether progress is being made. To conform to the legislative requirements of the National Housing Strategy Act, these outcomes and indicators must be human rights-based and prioritize taking steps to provide adequate housing for people experiencing inadequate housing and homelessness. Furthermore, benchmarks and timelines must be identified to measure the efforts to fulfill the progressive realization of the right to adequate housing for all Canadians.

Supply is only part of the solution. It is time to take a new approach which prioritizes non-market housing. We need investment in housing that will be truly affordable in perpetuity. Public investments in housing must deliver long-term benefits to the community.

The majority of initiatives under the National Housing Strategy are not reaching those in greatest need of housing. Research conducted by the National Housing Council demonstrates that fewer than five percent of units built through the National Housing Strategy capital programs are affordable to households in core housing need. Research by Steve Pomeroy shows that since 2011, Canada has lost 553,000 units with rents affordable to household incomes of

under \$30,000 per year. The National Housing Strategy has to date committed funding to build only 95,000 new homes, almost none of which will be affordable to this group.⁴

The lessons learned from pandemic income supports should inform efforts to expand the Canadian Housing Benefit to provide funding levels sufficient for recipients to live in adequate housing. Regulations and taxation measures to limit excessive profits from the financial ownership of housing need to be developed.

4. That the federal government demonstrate its leadership role and a coordinated approach to involve all levels of government in solving the housing crisis.

- a. Integrate a whole-of-government approach at the federal level, with all departments working alongside Canadian Mortgage Housing Corporation and Reaching Home.
- b. Integrate principles of the right to housing in all government decisions including Memoranda to Cabinet, Treasury Board submissions, and drafting instructions for new laws, building on lessons from the federal government's leadership in the areas of Gender-based Analysis Plus and anti-racism.
- c. Leverage the Federal, Provincial and Territorial Forum on Housing, multilateral and bilateral agreements, funding agreements with municipalities and all relevant inter-governmental mechanisms to articulate, implement, and create accountabilities for shared human rights commitments.
- d. Institute a process for regular updates and revisions of the National Housing Strategy to ensure it is delivering on the legislative requirements of the National Housing Strategy Act that incorporates input from public consultation as well as the triennial stock take process.

Housing touches on the mandates of many federal departments and involves many areas of shared jurisdiction with other orders of government. For example, it will be important that the increased supply of affordable units be coordinated with income supports and other forms of support to ensure successful transitions to long-term stable and secure housing.

The federal government must work in partnership with provinces, territories, municipalities and Indigenous self-governing entities to realize the right to adequate housing for everyone in Canada. It is critical that the human rights commitments found in the National Housing Strategy Act and the Declaration Act be integrated into all multilateral and bilateral housing agreements, including a renewal of the multilateral Housing Partnership Framework.

To ensure the strategic use of housing investments, it is critical that the Strategy be overhauled so that older programs can be aligned with human rights commitments and current realities. Similarly, new initiatives can benefit from the more successful experiences of the Rapid Housing Initiative and the Canadian Housing Benefit.

⁴ <https://chec-ccrl.ca/wp-content/uploads/2022/10/Updated-Analysis-on-Housing-Erosion-from-2021-Census-Steve-Pomeroy.pdf>