

# Human Rights-Based Approach to Housing

## National Housing Strategy Consultation

June 2018



Submission by:

### The BC Rental Housing Coalition



Tri-Cities  
Homelessness  
& Housing  
Task Group



LANDLORDBC



ABORIGINAL  
HOUSING  
MANAGEMENT  
ASSOCIATION



## Introduction

The BC Rental Housing Coalition is pleased to submit this paper to the Canada Mortgage and Housing Corporation's (CMHC) Human Rights-Based Approach to Housing consultation for the National Housing Strategy. This response represents the views of a broad spectrum of rental housing stakeholders in British Columbia who have an interest in placing housing at the centre of its communities, given its importance to the social and economic fabric of the province and the country.

The focus of this submission is to provide feedback on the discussion paper: *A Human Rights-Based Approach to Housing* developed by CMHC to generate discussion on how to embed a human rights-based approach into the National Housing Strategy. Fundamentally, a rights-based strategy needs to recognize the right to adequate housing, and the delivery of the appropriate type and supply of housing required to address current housing inequities.<sup>1</sup> As such, this response focuses on providing feedback and making policy recommendations to meet that end. A number of the members of the Rental Housing Coalition also participated in the May 8, 2018 Human Rights Bases Approach to Housing: National Roundtable in Vancouver BC.

## The BC Rental Housing Coalition

Formed in the lead-up to the federal election in 2015, the BC Rental Housing Coalition is comprised of members representing all aspects of the rental housing sector. This includes the cooperative, non-profit, and private housing sectors along with homelessness and Aboriginal housing providers, community financial institutions and advocacy organizations. The following organizations are members of the Coalition:

- BC Non-Profit Housing Association
- Landlord BC
- Co-Operative Housing Federation of BC
- BC CEO Network
- Vancity Credit Union
- Tri-cities Homelessness and Housing Taskgroup
- Aboriginal Housing Management Association

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<sup>1</sup> Porter, B. 2018. Enhancing the Rights-Based Framework for Canada's National Housing Strategy: An ideas paper. Found at: [https://maytree.com/wp-content/uploads/Enhancing\\_the\\_Rights\\_Based-Framework-online.pdf](https://maytree.com/wp-content/uploads/Enhancing_the_Rights_Based-Framework-online.pdf)

## A BC Response for a Human-Rights Based National Housing Strategy

In the view of the BC Rental Housing Coalition, a human rights based approach to housing will involve four core principles:

1. Adequate federal funding and resourcing for the development and maintenance of affordable housing programs and agencies, as well as income support for low-income households so that they can afford the housing being developed.
2. The prioritization of resources based on need, with specific focus on long-standing housing inequality experienced by Indigenous peoples.
3. The participation of historically marginalized groups in the development and implementation of policy and programs that will be delivered through the National Housing Strategy.
4. The development of common measurement frameworks to understand and plan for current and future housing need, so as to appropriately measure and meet targets.

### 1) Adequate federal funding, resourcing and legislation

Developing a human rights approach to housing in Canada's National Housing Strategy must begin with material and financial resources to enable communities across the country to adequately address their contextually specific housing need. Without appropriate resourcing and funding for affordable housing agencies and programs, a human rights approach to housing cannot be achieved. A human rights-based approach to housing will ensure that individuals and families most in need of adequate, safe, and affordable housing receive the supports necessary to reduce socioeconomic inequality and stigma. This approach also has the ability to facilitate much needed reconciliation with Indigenous groups.

Currently, federal resources devoted to affordable housing in the National Housing Strategy (outlined in Budget 2017) are insufficient to ensure the full delivery of a human rights-based approach to housing. In *An Affordable Housing Plan for BC*, the BC Rental Housing Coalition estimates that the financial support needed for renters in BC over the 2017-2026 period would require a federal investment of nearly \$7 billion, in addition to significant investments from the provincial government and Community Housing Sector. In Budget 2017, the federal government committed \$11.2 billion over 11 years for affordable housing initiatives, or just over \$1 billion annually for the entire country. Assuming these funds are allocated on a per capita basis, this would result in a 10-year federal investment into BC of roughly \$1 billion, a nearly \$6 billion shortfall of what the BC Rental Housing Coalition estimates is necessary for solving rental housing insecurity in the province. Without the financial resources required to fully address housing need in BC, policy and programs will only perpetuate and exacerbate existing inequalities in housing.

Furthermore, funding affordable housing requires cooperation among all levels of government, including provincial and municipal orders. The federal government should work with provinces to enable human rights-based approaches to land use planning, such as encouraging the provinces to pass legislation that would enable municipalities to engage in rental-only zoning, developing public education campaigns to address community opposition to affordable housing projects, enacting policies to limit displacement, and ensuring that building codes and residential tenancy laws use a human rights perspective.

## 2) A human-rights based national housing strategy needs to prioritize need and ensure equality for marginalized Canadians

Assuming adequate resourcing of affordable housing by the federal government, the progressive realization of human rights within a National Housing Strategy will only be achieved when individuals and families experiencing the worst housing outcomes in Canadian society are prioritized for resources. As noted in the UN Special Rapporteur's report on housing rights, a national housing strategy "must assess which communities and populations are in most desperate need or living in the most hazardous conditions and address their circumstances in a human rights compliant manner".<sup>2</sup>

In Canada, particular focus should be given to the historical legacies of colonization of Indigenous peoples that have actively promoted housing inequalities and dispossession. A number of studies have revealed that Indigenous people are severely overrepresented in urban homeless populations across Canada, which is associated with complex histories of intergenerational trauma.<sup>3</sup> In addition, on reserve housing is often woefully inadequate, with 2016 Census data showing that much of this housing stock is dilapidated, insecure, and unaffordable.<sup>4</sup> Census data also indicate that First Nations, Metis and Inuit people are more likely to live in overcrowded housing than non-Indigenous people.<sup>5</sup>

As a supporter of the United Nations Declaration on the Rights of Indigenous People, Canada has committed to acknowledging that "Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including ... housing, sanitation, health and social security."<sup>6</sup>

The BC Rental Housing Coalition recommends that an Indigenous lens be applied to all aspects of the National Housing Strategy legislation. This includes referencing the international commitment Canada has made through its support for the United Nations Declaration on the Rights of Indigenous People.

Furthermore, it is well understood that women, immigrants and refugees, LGBTQ2S, and people with physical and developmental disabilities experience severe housing inequities in Canada. Programs and policies delivered through the National Housing Strategy must be developed with an equity analysis that ensure that program and policy outcomes are benefitting those most in need and not inadvertently produce further marginalization for vulnerable Canadians.

## 3) Include marginalized voices in the development and implementation of the National Housing Strategy

Fundamental to a human rights-based approach to housing is how governments interact with populations that have historically been marginalized in housing. All too often, individuals and families that are experiencing homelessness or living in inadequate housing are treated as 'objects' that are solely the recipients of government aid, rather than agents who actively participate and shape policy,

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<sup>2</sup>Report of the Special Rapporteur on adequate housing <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/007/65/PDF/G1800765.pdf?OpenElement> pg. 7.

<sup>3</sup> Homeless Hub. Found at: <http://homelesshub.ca/about-homelessness/population-specific/indigenous-peoples>

<sup>4</sup> Statistics Canada, 2016 Census. Found at: <https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016021/98-200-x2016021-eng.cfm>

<sup>5</sup> Ibid.

<sup>6</sup> [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf) pg.9

programs and overall housing strategies. As noted in Section III of the Special Rapporteur on Adequate Housing Report, when those who are inadequately housed are recognized as rights holders they become “empowered to engage and be involved in decisions affecting their lives in the enjoyment of their rights”. This results in greater participation and ensures that housing strategies are more responsive to lived experience of historically marginalized groups. To this end, there are seven key principles that can be incorporated into the implementation of National Housing Strategy that would help engage and empower those with lived experience.<sup>7</sup>

In this context, those living in inadequate housing or who are experiencing homelessness are uniquely situated to identify shortcomings and problems in housing policies and programs, and can provide a corrective mechanism through which to understand, monitor, and reassess housing strategies so that no one is left behind.

To this end, the BC Rental Housing Coalition recommends that the new Federal Housing Advocate and National Housing Council are appropriately resourced so as to ensure that historically marginalized populations are meaningfully engaged and can participate in the policy-making process. In addition, the Housing Advocate should be made into an office of parliament so as to ensure its independence and ability to make formal appeals to responsible ministers within the federal, territorial and provincial governments or municipalities based on investigations into non-compliance with the right to adequate housing.<sup>8</sup> Ensuring the independence of the Federal Housing Advocate would also ensure continued operation beyond the political cycle. The Federal government should also explore having a housing advocate for each province and territory so as to track and monitor progress in meeting contextually specific housing need.

#### 4) The legislation should set clear targets and develop robust tools and measurement frameworks to track progress

In the discussion paper, the federal government maintained that one of the key elements of the legislation should be “... a focus on improving specific, enumerated and measureable outcomes for those in greatest need ...”.<sup>9</sup> Developing robust mechanisms to track outcomes of the Strategy will help achieve the core principle of accountability as set out in the Discussion Paper, as well as meet the recommendations of this consultation paper. Through the collection of robust, high quality data the Federal government will have the means to evaluate policy and programs, make improvements, scale up success, and revisit and reset targets based on reliable evidence.

The BC Rental Housing Coalition recommends the Federal government:

**Develop indicators and outcomes with communities:** Work with Indigenous and non-profit housing providers, First Nations, provincial, regional, and municipal governments, and other key housing sector stakeholders to develop and coordinate indicators to measure success in relation to the National

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<sup>7</sup> Lived Experience Advisory Council. “Nothing about us without us: Seven principles for leadership & inclusion of people with lived experience of homelessness” <http://homelesshub.ca/sites/default/files/LEAC-7principles-final.pdf>

<sup>8</sup> Porter, B. 2018. Enhancing the Rights-Based Framework for Canada’s National Housing Strategy: An ideas paper. Found at: [https://maytree.com/wp-content/uploads/Enhancing\\_the\\_Rights\\_Based-Framework-online.pdf](https://maytree.com/wp-content/uploads/Enhancing_the_Rights_Based-Framework-online.pdf)

<sup>9</sup> The discussion paper

Housing Strategy. Many provincial, regional, and municipal governments have developed, and are tracking, indicators measuring housing need and policy outcomes in their jurisdictions. These indicators have been developed to reflect community need and should therefore be incorporated into a robust, federal, measurement framework. In addition, a specific set of indicators to track Indigenous housing outcomes is critical for applying an indigenous lens to the National Housing Strategy.

**Create an efficient and effective data collection process:** Data collection can often be burdensome on housing providers and communities, and while data collection methods are improving, there is still a need for a standardized methodology to ensure high data quality and more accurate measurement. Reporting requirements for funding and other resources often place a demanding administrative burden on providers and communities. A streamlined, user-friendly, and robust data collection methodology is required to accurately track the progress of the National Housing Strategy.