



TOWARDS A STRONGER NATIONAL HOUSING STRATEGY: MEETING CANADA'S HUMAN RIGHTS OBLIGATIONS

OFFICE OF THE FEDERAL HOUSING ADVOCATE

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This report is based on research commissioned by the Office of the Federal Housing Advocate (OFHA). It draws the following work:

- *Review and options to strengthen the National Housing Strategy* by Steve Pomeroy, Carleton University Centre for Urban Research and Education (CURE)
- [*Implementing the Right to Adequate Housing Under the National Housing Strategy Act: The International Human Rights Framework*](#) by Bruce Porter, Social Rights Advocacy Centre
- [*Implementing the Right to Housing in Canada: Expanding the National Housing Strategy*](#) by Michèle Biss and Sahar Raza, National Right to Housing Network
- [*Implementation of the Right to Housing for Women, Girls, and Gender Diverse People in Canada*](#) by Kaitlin Schwan, Mary-Elizabeth Vaccaro, Luke Reid, and Nadia Ali (Women's National Housing and Homelessness Network)

The opinions, findings, and conclusions or recommendations expressed in this document are those of the author(s) and do not necessarily reflect the views of the Canadian Human Rights Commission or the Federal Housing Advocate.

Le présent document existe également en version française sous le titre, Vers une Stratégie nationale sur le logement renforcée : pour que le Canada respecte ses obligations en matière de droits de la personne. Elle est disponible sur le site du Bureau de la défenseure fédérale du logement et sur le Rond-point de l'itinérance.

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IMPLEMENTING THE NATIONAL HOUSING STRATEGY ACT (NHTSA):

Bilateral Programs Fact Sheet

Issue: The National Housing Strategy (NHS) allocates the vast majority of funds to unilateral federal delivery where expertise and capacity has atrophied over the last 25 years. As a National (vs. federal) housing strategy, partnership and collaboration with provinces and territories (PTs) is critical. Since federal termination of new social housing in 1994 and transfer of ongoing oversight under the Social Housing Agreements, CMHC capacity and expertise in program delivery has diminished while that of the PTs has expanded.

Recommendations

Bilateral agreements between the federal and each provincial-territorial government, covering the Canada Housing Benefit, Provincial Territorial Priorities Fund and Canada Community Housing Initiative should be refined in order to be better able to meet established goals and targets.

- a) **Canada Housing Benefit (CHB):** The allocated funding is currently inadequate to achieve the stated goal of assisting 300,000 renters in need. The Canadian Housing Benefit should be reviewed to determine if it is appropriately resourced and structured to contribute to fulfill the right to adequate housing.
- b) **Provincial-Territorial Priorities Fund (PTPF):** The federal funding allocated to this existing program (Investments in Affordable Housing, IAH) is less than that provided in 2016-17. Reducing the funding scope fails to draw on the expertise of the PT delivery system developed over the 18 years of the initiative. Instead, the federal role has been expanded without similar capacity and expertise. Funding and delivery should make best use of this underused PT (and municipal) capacity, so that these resources yield the maximum possible reduction of inadequate housing and homelessness.
- c) **Canada Community Housing Initiative:** The Canada Community Housing Initiative (CCHI) should be reviewed to ensure that it is meaningfully contributing to preserving existing affordable housing stock and not overburdening provinces and territories.
- d) **Housing Partnership Framework (HPF) 2018:** The HPF provides the strategic framework for the federal government's bilateral agreements with provinces and territories and its commitment to continuous engagement with municipalities, regional Indigenous governments and organizations, national Indigenous organizations, the social and private sectors. The HPF, which already includes some human rights-based principles and goals, should be brought into full alignment with

the human rights commitments in the *NHSA* when it is next reviewed.

Required Action

- Increase the funding quantum for the Provincial Territorial Partnership Fund (PTPF) to the original \$3.1 Billion identified in Budget 2017 (vs \$1.1 billion in NHS), thereby tripling financial capacity of PTs to expand the existing well-established delivery mechanism, which achieves a greater penetration into affordability than the NHCF.
- Gradually increase the federal funding allocated to the CHB to \$1 billion annual (vs. current \$2 billion 10-year total) to eventually get to a total ongoing of \$10 billion (5 billion fed and 5 billion PT).
- CCHI: given the very recent commencement of expiring post 1985 operating agreements in 2021, and insights gained from Federal Community Housing Initiative, it is critical to review the planned expenditures to ensure this existing stock remains viable and does not unfairly burden PT expenditures.

Together these funding increases will strengthen achievement of the objectives of the NHS to reduce renter need by 50% and to end chronic homelessness and accelerate the progressive realization of the right to adequate housing.

Background

Currently, the NHS allocates the vast majority of funds to unilateral federal delivery where expertise and capacity has atrophied over the last 25 years. As a National (vs. federal) housing strategy, partnership and collaboration with PTs is critical. Since federal termination of new social housing in 1994 and transfer of ongoing oversight under the Social Housing Agreements, CMHC capacity and expertise in program delivery has diminished while that of the PTs has expanded. This is an underutilized part of Canada's affordable housing ecosystem. Increased utilization and expansion of cost-shared initiatives can help to accelerate delivery and overcome frustration and slowness in federal delivery. Leveraging increased PT participation and funding can also enable PTs to better fulfill obligations under the human right to housing.

With over 85% of core housing need associated with affordability, the vast majority can be assisted through the Canada Housing Benefit (CHB). Current funding levels are insufficient in terms of average assistance per household (given the initially low estimate of the affordability gap and subsequent rising rents) as well as the ability to reduce need for 300,000 households in core need by 2028. Funding allowance at the household level is too low to remove the most disadvantaged from need, and thus fails to ensure the progressive realization of the right to adequate housing. Enhancing the individual and overall funding quantum can help to address this lack of progress and improve targeting to the most vulnerable. Subsequently extending enhanced funding beyond 2028 can help to progress in a meaningful way toward ending all homelessness and eliminating all inadequate housing.

The CHB is de facto a form of income assistance and aligns closely with PT responsibilities for income security. Accordingly, the CHB can most effectively be delivered through the PT partnership.

Political Imperative

The Liberal election platform committed to ending homelessness, implementing an Urban-Rural Indigenous Housing Strategy, and increasing funding to address affordable housing need.

Legal Considerations

The NHSA commits the federal government to the progressive realization of the right to adequate housing for all. There is a need to develop some prioritization so that disproportionate resources are directed to the most disadvantaged. In order to achieve this, increased funding is necessary up to the maximum available resources. For the bilateral initiatives, best efforts should be made to encourage PTs to align the next series of Action Plans with the NHSA's commitment to the right to adequate housing objectives.

Views of Stakeholders

There is extensive advocacy in support of these recommendations from a wide range of sector organizations as well as broad public support, as revealed in polling conducted for the Canadian Alliance to End Homelessness.

Lead Departments and Agencies

- Infrastructure Canada/Minister of Intergovernmental Affairs, Infrastructure and Communities
- Canada Mortgage and Housing Corporation (CMHC)

Supporting Departments and Agencies

- Indigenous Services Canada (ISC)
- Veterans Affairs Canada (VAC)
- Employment and Social Development Canada (ESDC)
- Statistics Canada
- Treasury Board Secretariat (TBS)
- Department of Finance Canada

Cited area of research report for more information

Detailed analysis and discussion of the recommendations is presented in the Review and options to strengthen the *National Housing Strategy* prepared by Steve Pomeroy for The Federal Housing Advocate, Canadian Human Rights Commission (June 2020).

IMPLEMENTING THE NATIONAL HOUSING STRATEGY ACT (NHSA):

Rental Construction Financing Initiative Fact Sheet

Issue: The Rental Construction Financing Initiative (RCFI) is poorly designed and no longer necessary in its current form. In 2016, following two decades of minimal purpose-built rental starts (only 10% of all new housing construction) there was a solid rationale for a rental stimulus program. However, this situation has changed. Developers have returned to constructing rental, with starts tripling over those of the pre-2016 decades and hitting a historic high of 78,000 starts in 2021 (representing 32% of all housing starts).

Recommendation

The Rental Construction Financing Initiative (RCFI) should be redesigned and refocused to more directly address affordable supply, and its financing mechanism extended to assist in preserving the existing moderately affordable private rental stock through non-profit acquisition.

Required action

By repurposing and refocusing RCFI it could contribute to supply and affordability at the same time. This requires refining the affordability criteria and earmarking the funds to non-profit proponents that have permanent affordability objectives.

A better use of the RCFI would be to utilize the favorable financing terms and conditions of RCFI to finance non-profit acquisition of existing moderate rent private properties that are otherwise being acquired by REITs and capital funds and thereby being lost from the affordable part of the market. There is no funding or financing stream in the National Housing Strategy (NHS) that permits acquisition of existing rental properties (only conversion of non-residential is currently permitted).

A second way to redeploy this loan facility is to finance non-profit construction building initially at intermediate market rent (100-120% of the average rent). Through non-profit break-even operation, over time the units will become and remain increasingly affordable (after 10 years, potentially less than 90% of the market average, and continuing to decline in relative terms).

As suggested above, without additional subsidy (e.g., stacking the Canada Housing Benefit) these options cannot directly serve the most vulnerable. Non-profit ownership and

operation contributes to a healthier housing ecosystem and gradually creates a permanent stock of moderately affordable housing. To the extent that the NHS is able to correct for market failure and address systemic challenges, even building and acquiring at these moderate rents, it will contribute to the progressive realization of the right to adequate housing.

Background

Developers opportunistically took advantage of the attractive financing of the RCFI, but this represented a very small fraction of rental starts (90% of starts since 2017 are not associated with RCFI), indicating that an incentive is no longer needed.

New RCFI rental units come on the market at rents that are 40% to 75% higher than average market rent levels and as such do not contribute to meeting NHS affordability goals.

While RCFI has notional affordability criteria, this was poorly designed and is ineffective (benchmarked to median family income for all tenure while renters have medians of only half the overall level, dominated by owners). It established a new affordable benchmark that in most cities is almost double the amount of the main affordability criteria in the NHS (based on rents at or below 80% of local average).

The need for *any* rental supply has dissipated with substantial increase of market rate development. The more critical need is for *affordable rental supply*, using the early narrower definition of affordable (80% of the average market rate) rather than the very high new RCFI definition. As such, the RCFI should be reoriented to this objective. That said, even at 80% of average, rents remain above those affordable to the most disadvantaged. Federal programs must address the gap between average rents and the incomes of low-income households

Without deep household based subsidy, it is not feasible for a loan program to achieve the very low rents affordable to the lowest income and most disadvantaged. To address this depth of need requires stacking housing allowances (e.g., the Canada Housing Benefit) with loan financing.

Legal Considerations

The NHSA commits the federal government to the progressive realization of the right to adequate housing for all. In order to achieve this, both affordable new construction and preservation of existing moderate rent properties (to stall erosion) are required.

Political Imperative

The Liberal election platform and mandate letters committed to addressing issues of financialization (take action to protect consumers from anti-competitive practices in the real estate market) and increasing funding to address affordable housing need.

Views of Stakeholders

There is extensive advocacy in support of these recommendations from a wide range of sector organizations as well as broad public support, as revealed on polling data conducted for the Canadian Alliance to End Homelessness. Networks dedicated to the advancement of the human right to adequate housing, such as the National Right to Housing Network and the Women's National Housing and Homelessness Network, also have research findings that reveal challenges with RCFI. Throughout 2021, the Centre for Equality Rights in Accommodation and the National Right to Housing Network also held a series of regional workshops with local partners across Canada to identify systemic housing issues and propose solutions for claiming the human right to housing under the NHSA.

Lead Departments and Agencies

- Minister of Housing and Diversity and Inclusion
- Canada Mortgage and Housing Corporation (CMHC)
- Infrastructure Canada/Minister of Intergovernmental Affairs, Infrastructure and Communities
- Department of Finance Canada
- Treasury Board Secretariat (TBS)

Support Departments and Agencies

- Veterans Affairs Canada (VAC)
- Employment and Social Development Canada (ESDC)
- Statistics Canada
- Indigenous Services Canada (ISC)

Cited area of research report for more information

Detailed analysis and discussion of the recommendations is presented in the Review and options to strengthen the National Housing Strategy prepared by Steve Pomeroy for The Federal Housing Advocate, Canadian Human Rights Commission (June 2020).

IMPLEMENTING THE NATIONAL HOUSING STRATEGY ACT (NHSA):

National Housing Co-Investment Fund (NHCF) Fact Sheet

Issue: The first 3 years of implementation of the National Housing Co-Investment Fund (NHCF) have revealed that substantial improvements and refinements are required to meet the goals and objectives of the National Housing Strategy (NHS) and *National Housing Strategy Act (NHSA 2019)*. Because co-investment requires additional funding partners (co-investors) and such resources are limited, much of the co-investment is being provided through provincial and territorial (PT) programs, but outside of the bilateral agreements. Realignment of funding obligations and expertise is required.

Recommendations

The National Housing Co-Investment Fund should be reviewed to take into consideration the following:

- a) **Assessment Criteria:** Review and revise the assessment criteria to allocate higher weighting to affordable outcomes and permit a larger level of grant contribution. Eliminate and replace the social housing retrofit stream.
- b) **Leverage role of PTs:** Leverage existing capacity and strengths while building capacity where needed to be able to deliver NHCF programming. Add parameters on some form of fair share or needs based allocation of funding to avoid the skewing of funds (currently strongly in favour of those jurisdictions with greater capacity or willingness to contribute partnership shares, i.e., Ontario municipalities). Amend application matrix to formally recognize and count PT contributions to ongoing operating expenditures.
- c) **Streamline Approvals:** CMHC must more rigorously refine and streamline to expedite conditional approvals, prior to requiring extensive investment in reports and studies. This includes adding greater certainty through a phased approval process and expediting payments once agreements in place.
- d) **Eliminate Retrofit Stream:** The social housing retrofit stream of the NHCF should be eliminated and funds reallocated to support new construction and acquisition (and retrofit funded under the CCFI/FCCI to minimize overlap and duplication - almost all projects under PT administration via earlier Social Housing Agreements).
- e) **Create an Acquisition Stream for Non-Profits:** Add a new funding stream under the NHS to support and facilitate non-profit acquisition of existing affordable rental assets to preserve and mitigate the issue of erosion due to purchase by private investors and Real Estate Investment Trusts (REITs) that result in rising rents above

affordable levels.¹

¹ can be included under revised NHCF, or created as a separate fund, facilitated with redeployed RCFI financing

Required Action

Recommendations focus on realignment of funding and delivery roles to overcome current impediments in direct federal delivery and seek to utilize the expanded capacity and competencies of the PT housing agencies.

Such realignment can build on existing PT capacities and potential funding contribution, strengthen partnerships and accelerate progress of the realization of the right to adequate housing.

When announced, the NHCF was allocated \$13.2 billion, of which \$8.5B is in the form of low rate financing and \$4.7B in forgivable loans (grants). To date the grant portion has been used sparingly, making it challenging to penetrate to deep need (in order to carry financing debt costs, rents must be higher). An increased quantum of grant is critical if the NHCF is to address the needs of the most vulnerable.

Background

Prior to announcing the NHS in 2017, CMHC had delegated program delivery activity to the PTs, and its residual role was primarily one of funder, alongside insured lending. CMHC lost capacity in program delivery, while this grew in PT agencies. The NHS then allocated minimal resources to bilateral initiatives, which can build on expertise of PTs, instead seeking to reestablish an active federal role with the lion's share of funding. Rather than gradually re-building an active federal role, CMHC reintroduced direct delivery of housing programs too rapidly, without the corporate memory or expertise necessary. The CMHC delivery has been widely criticized as onerous and frustrating, due to lack of expertise and rapid new hiring. Its approval processes are complex and slow. Overlapping initiatives create duplication and confusion. These recommendations seek to rectify this by shifting responsibilities and funding back to PTs, who have developed considerable competencies over the past 20 years

Because co-investment requires additional funding partners (co-investors) and such resources are limited, much of the co-investment is being provided through PT programs, but outside of the bilateral agreements. Realignment of funding obligations and expertise is required. This rapid and large scale ramping up of a CMHC re-engagement in direct delivery is reducing the potential impact of the NHS and slowing the progressive realization of the right to adequate housing. The emphasis on federal programming, which account for 85% of the funding in the now \$72 billion NHS, is underutilizing the national partnership intent of the NHS - it has become a federal strategy.

Legal Considerations

A human rights-based approach to housing requires targeting disadvantaged groups. Low income and disadvantaged households have minimal capacity to pay rent, so require deeply affordable options. Currently the NHCF facilitates only shallow assistance. The grant portion should be increased to better target populations in greatest need, including those identified in the NHS, and to strengthen the progressive realization of the right to adequate housing.

Political Imperative

The Liberal election platform and mandate letters committed to increasing funding to address affordable housing need and ending homelessness. These objectives require increased funding such that the maximum available resources available are allocated.

Views of Stakeholders

There is extensive advocacy in support of these recommendations from a wide range of sector organizations as well as broad public support, as revealed on polling data conducted for the Canadian Alliance to End Homelessness.

Lead Departments and Agencies

- Minister of Housing and Diversity and Inclusion
- Canada Mortgage and Housing Corporation (CMHC)
- Infrastructure Canada/Minister of Intergovernmental Affairs, Infrastructure and Communities

Supporting Departments and Agencies

- Indigenous Services Canada (ISC)
- Department of Finance Canada
- Treasury Board Secretariat (TBS)
- Employment and Social Development Canada (ESDC)
- Veterans Affairs Canada (VAC)
- Statistics Canada

Cited area of research report for more information

Detailed analysis and discussion of the recommendations is presented in the Review and options to strengthen the National Housing Strategy prepared by Steve Pomeroy for The Federal Housing Advocate, Canadian Human Rights Commission (June 2020).

IMPLEMENTING THE NATIONAL HOUSING STRATEGY ACT (NHSA):

Monitoring Progress under the NHSA Fact Sheet

Issue: Despite over \$3 billion in federal funding for an affordable housing framework through the Affordable Housing Initiative and Investments in Affordable Housing, there is no detailed or annual publicly available reporting on the number of units created or households assisted. When the government announced the NHS in 2017, the then Minister committed to rectifying this lack of reporting with transparent reporting and monitoring for the NHS.

Recommendations

The Federal Government needs to collect and share better data in order to be able to monitor and report on progress made by the National Housing Strategy (NHS).

- a) **Data to support the NHS:** Reinststate the former practice of enumerating starts and completions to identify when a project is receiving funding under NHS programs, and maintain a publicly accessible database with this information alongside other data in the CMHC Housing Market Portal.
- b) **Data transparency and detail:** Create and provide publicly available data sets. Differentiating between commitments versus implemented assistance (i.e., households receiving subsidy, households moving into NHS funded units or units completed and occupied) would establish more objective and useable data and support third party research and analysis.
- c) **Explicit reporting on right to adequate housing:** Design key metrics and collect data to evaluate the progressive realization of the human right to housing. This should explicitly report data to reveal the degree to which all policies and programs funded under the Strategy prioritize people most in need and contribute to meeting Canada's obligations to respect, protect and fulfill the right to adequate housing.
- d) **Potential refinement to overall framing:** Expand framing to take a housing systems perspective and increase insight into interactions and impacts across the housing system with a more comprehensive lens including the impacts of the ownership and rental market on affordability and need.

Required Action

Currently reporting under the NHS is opaque and only reports units committed or announced, with little detail or disaggregation on who these serve, levels of affordability and how the needs of disadvantaged groups are addressed. Greater detail and transparency is required.

More objective data is required. At minimum reinstating the practice of identifying actual starts and completions as part of the CMHC monthly enumeration is critical. This can identify the program/initiative involved and help to manage issues of double counting newly constructed units when programs are layered.

The bilateral agreements prescribe detailed reporting from provinces and territories (PTs); no similar reporting framework has been created to capture federally delivered programs, which account for 85% of NHS funding. A parallel reporting framework is required.

This reporting must be frequent and public with the capacity for independent third parties to aggregate and summarize results.

Background

Since 2001 CMHC has funded the affordable housing framework under two cost shared funding initiatives: the Affordable Housing Initiative (\$1.25 billion federal) 2001-2011 and Investments in Affordable Housing (\$1.9 billion) 2011-19. Despite over \$3 billion in federal funding there is no detailed or annual publicly available reporting on the number of units created or households assisted. When the government announced the NHS in 2017, the then Minister committed to rectifying this lack of reporting with transparent reporting and monitoring for the NHS.

The NHS leads with a chapter on the concept of housing as a human right. This commitment is reinforced in the National Housing Strategy Act (NHSA) 2019 which enshrines the right to adequate housing.

The Triennial progress report notes the adoption of this legislation, but there is minimal reporting or discussion on how progress to date is contributing to the progressive realization of the human right to housing.

Annual reporting should explicitly provide data to reveal the degree to which all policies and programs funded under the Strategy prioritize people most in need and contribute to meeting Canada's obligations to respect, protect and fulfill the human right to adequate housing.

Legal Considerations

The NHSA requires that the federal government report on the progressive realization of the right to adequate housing. This requires regular and detailed reporting on the number of homes constructed, rehabilitated and the incremental and total number of households assisted (e.g. via housing benefit). It also requires information to determine the degree to which the NHS initiatives are assisted targeted disadvantaged populations.

Political Imperative

The Liberal election platform and mandate letters committed to increasing funding to address affordable housing need. By enacting the NHSA (2019) has committed to active monitoring on the progressive realization of the right to adequate housing.

Views of Stakeholders

There is extensive advocacy in support of these recommendations from a wide range of sector organizations as well as broad public support, as revealed on polling data conducted for the Canadian Alliance to End Homelessness. Networks dedicated to the advancement of the right to adequate housing, such as the National Right to Housing Network and the Women's National Housing and Homelessness Network, also have research findings that support the need for the collection and sharing of data to monitor the progress of the NHS. Throughout 2021, the Centre for Equality Rights in Accommodation and the National Right to Housing Network also held a series of regional workshops with local partners across Canada to identify systemic housing issues and propose solutions for claiming the right to adequate housing under the NHSA.

Lead Departments and Agencies

- Minister of Housing and Diversity and Inclusion
- Canada Mortgage and Housing Corporation (CMHC)
- Infrastructure Canada/Minister of Intergovernmental Affairs, Infrastructure and Communities

Supporting Departments and Agencies

- Crown-Indigenous and Northern Relations (CIRNA)
- Indigenous Services Canada (ISC)
- Department of Finance Canada
- Treasury Board Secretariat (TBS)
- Employment and Social Development Canada (ESDC)
- Veterans Affairs Canada (VAC)
- Women and Gender Equality Canada (WAGE)
- Canadian Heritage
- Statistics Canada

Cited area of research report for more information

Detailed analysis and discussion of the recommendations is presented in the *Review and options to strengthen the National Housing Strategy* prepared by Steve Pomeroy for The Federal Housing Advocate, Canadian Human Rights Commission (June 2020).

IMPLEMENTING THE NATIONAL HOUSING STRATEGY ACT (NHSA): Meaningful Engagement Fact Sheet

Issue: Housing policies, programs, and budgets are currently designed with little input from affected communities on the ground, and thus often fail to achieve adequate housing for those in greatest housing need—particularly already marginalized groups.

Under a human rights-based approach, all housing laws, policies, programs, and budgetary decisions should be rooted in meaningful engagement with rights-holders (i.e., communities most affected by homelessness and housing precarity, people with lived experience of homelessness and housing need, and service providers or civil society groups who represent or advocate on behalf of these rights-holders).

Recommendations / Required Action

A human rights-based approach to housing requires concrete mechanisms to ensure meaningful participation and engagement as well as mechanisms to ensure access to justice and accountability.

- Participatory mechanisms must be put in place to integrate rights-holders into the program design, monitoring, and evaluation of housing and housing-related policies and programs.
- As a form of access to justice, **new funding sources must be developed for rights-holders, people with lived experience, and supportive human rights advocacy organizations or services** to meaningfully engage with, and bring forward systemic issues, research, and claims to, the Federal Housing Advocate and Review Panels.
- The federal government should **ensure that findings and recommended measures from the Federal Housing Advocate and Review Panels are treated as requirements for compliance with international human rights norms**, considered as "moral imperatives and legal necessities"—not simply policy options or aspirations.

Background

- The housing crisis in Canada is now recognized as a serious intersectional and interjurisdictional human rights crisis that has been exacerbated by the pandemic and **most affects already-marginalized populations**.
- In adopting the 2019 *National Housing Strategy Act* (NHSA)—which recognizes **adequate housing as a fundamental human right which all levels of government must uphold under international law**—the Canadian government has acknowledged that a new non-adversarial, human rights-based approach to housing is necessary to

resolve systemic issues and achieve cross-departmental and -sectoral change to housing policy, law, and programs.

- The NHSA’s non-adversarial, human rights-based approach to housing will rely on an unwavering commitment by the federal government to **meaningfully engage with groups most affected by housing inadequacy** and demonstrate political will in ensuring access to justice and whole-of-government, interjurisdictional collaboration in driving forward the right to adequate housing through all aspects of housing-related decision-making.
- The NHSA explicitly commits to “**provide for participatory processes to ensure the ongoing inclusion and engagement of civil society, stakeholders, vulnerable groups and persons with lived experience of housing need, as well as those with lived experience of homelessness**” through its National Housing Strategy. This will require new funding sources to enable participation, engagement, and inclusion.

Political Imperative

- The Prime Minister’s Mandate Letters indicate that every Minister must implement the United Nations Declaration on the Rights of Indigenous Peoples (which includes commitments to the right to adequate housing) and **work in partnership with Indigenous Peoples to advance their rights.**
- The Minister of Intergovernmental Affairs, Infrastructure and Communities has been further instructed to “**include and collaborate with various communities, and actively seek out and incorporate in your work, the diverse views of Canadians.** This includes women, Indigenous Peoples, Black and racialized Canadians, newcomers, faith-based communities, persons with disabilities, LGBTQ2 Canadians, and, in both official languages.”
- The Minister of Housing, Diversity and Inclusion’s Mandate Letter explicitly refers to the “Government’s rights-based approach to housing” and instructs the Minister to “**engage with Indigenous partners** early to begin the co-development of an Urban, Rural and Northern Indigenous Housing Strategy.”

Legal / Human Rights Considerations

- The NHSA commits the Federal Housing Advocate to **consult with “persons who are members of vulnerable groups, persons with lived experience of housing need and persons with lived experience of homelessness... [and] civil society organizations”** with respect to systemic housing issues.
- Under the human rights-based approach committed to in the NHSA and clarified in international law, the right to adequate housing itself must be clarified through meaningful engagement, and **all housing-related decisions must be made jointly with representatives of affected communities.**
- As part of access to justice under international human rights law, sufficient supports must be provided for community members to be properly represented and informed in

rights-claiming, adjudicative spaces (i.e., engagements with the Federal Housing Advocate and Review Panels). Moreover, international human rights norms must be applied in these spaces and **effective remedies to systemic housing issues must be achieved through dialogue and community participation.**

Views of Stakeholders

- Affected groups have for many years identified the **need for a human rights-based national housing strategy which is accountable to people in greatest housing need, and who require and use housing programs and supports.** Yet the 2021/22 NHS stock- take process has involved little to no engagement with community members or civil society.
- In the regional and cross-Canada engagements that the National Right to Housing Network hosted alongside the Centre for Equality Rights in Accommodation and various local partners throughout 2021, concerns were expressed about the **inadequacy and unequal power dynamics in government consultations, roundtables, and deputation processes which do not promote meaningful dialogue or engagement.**
- Communities also critiqued the NHS, which has **failed to improve housing adequacy and outcomes for marginalized populations and those in greatest housing need.** These critiques have been reiterated by the [Parliamentary Budget Officer's 2019 report on federal spending and housing affordability](#) and the [National Housing Council's 2022 research on the National Housing Strategy](#).

Lead Departments and Agencies

- Minister of Housing and Diversity and Inclusion
- Canada Mortgage and Housing Corporation (CMHC)
- Minister of Intergovernmental Affairs, Infrastructure and Communities/Infrastructure Canada
- Crown-Indigenous Relations and Northern Affairs Canada (CIRNA)
- Indigenous Services Canada (ISC)

Supporting Departments and Agencies

- Department of Finance Canada
- Economic and Social Development Canada (ESDC)
- Veterans Affairs Canada (VAC)
- Women and Gender Equality Canada (WAGE)

- Canadian Heritage
- Statistics Canada
- Treasury Board Secretariat (TBS)

Cited research for more information:

Detailed analyses and discussion of these recommendations and their international human rights framework are presented in [three major papers prepared for the Office of the Federal Housing Advocate](#) (October 2021):

- *Implementing the Right to Adequate Housing Under the National Housing Strategy Act: The International Human Rights Framework* by Bruce Porter
- *Implementing the Right to Housing in Canada: Expanding the National Housing Strategy* by Michèle Biss and Sahar Raza
- *Implementation of the Right to Housing for Women, Girls, and Gender Diverse People in Canada* by Kaitlin Schwan, Mary-Elizabeth Vaccaro, Luke Reid, and Nadia Ali

IMPLEMENTING THE NATIONAL HOUSING STRATEGY ACT (NHSA): Targets, Timelines, and Indicators to Monitor Progress on the Right to Housing Fact Sheet

Issue: National Housing Strategy (NHS) programs do not entail monitoring strategies or disaggregated data to measure program outcomes and impacts for priority populations or persons in greatest need. This prevents monitoring progress on NHS commitments and the progressive realization of the right to housing in Canada.

Under a human rights-based approach, governments must adopt rights-based targets, timelines, and indicators capable of tracking progress on achieving adequate housing for all.

Recommendations / Required Action

Federal departments and agencies need to recognize their responsibility to monitor their role in the progressive realization of the right to adequate housing.

- **Clear goals, targets, and timelines for progress** on securing the right to housing in Canada should be articulated, including with respect to marginalized groups and persons in greatest need. These goals should be aligned with the SDGS and UNDRIP.
- Progress towards ending homelessness and reducing core housing need should be **monitored, measured, and accelerated**. This should include the adoption of human rights-based indicators that allow governments to assess outcomes, policy efforts and resources.
 - Develop measurement tools and data collection methods capable of capturing the distinct forms of homelessness and housing precarity experienced by marginalized groups, such as hidden homelessness amongst women.
 - In collaboration with Indigenous Peoples, monitor and report publicly on progress towards the **realization of the right to housing for Indigenous Peoples on an urgent and priority basis**, adopting data collection methods and measurements in alignment with UNDRIP.
- **Expand the collection and use of disaggregated data** to monitor and improve the impact of NHS programs and assess progress towards articulated goals (e.g., ending chronic homelessness by 2030).

Background

- The housing crisis in Canada is now recognized as a serious intersectional and interjurisdictional human rights crisis that has been exacerbated by the pandemic and most **affects already-marginalized populations.**
- In adopting the 2019 *National Housing Strategy Act* (NHTSA)—which recognizes **adequate housing as a fundamental human right which all levels of government must uphold under international law**—the Canadian government has acknowledged that a new human rights-based approach to housing is necessary to achieve systemic, cross-departmental, and cross-sectoral change to housing policy, law, and programs.
- One of the four key priorities of the NHTSA is to **“establish national goals relating to housing and homelessness** and identify related priorities, initiatives, timelines and desired outcomes.”

Political Imperative

- The Minister of Housing and Diversity and Inclusion’s Mandate Letter explicitly refers to the “Government’s rights-based approach to housing” and directs the Minister to appoint a Federal Housing Advocate **“to monitor progress in meeting the goals of the National housing Strategy, including ending chronic homelessness.”**
- The Minister of Families, Children and Social Development was similarly directed to **make progress towards goals articulated within Canada’s Poverty Reduction Strategy** (which includes reference to housing), as well as “continue leading implementation of the 2030 Agenda for Sustainable Development adopted by the United Nations” (including Goal 11.1 related to housing).

Legal / Human Rights Considerations

- The NHTSA commits to the “progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights” (ICESCR). This means that the federal government is committed to eliminating homelessness and **ensuring access to adequate housing for all in the shortest possible time by applying the “maximum available resources” and “all appropriate means” including new taxation, legislative, and regulatory measures alongside coordination with all other orders of government.**
- The NHTSA also **commits to “focus on improving housing outcomes for persons in greatest need”** through its National Housing Strategy.
- The right to housing under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and international law binds “all parts of federal States without any limitations or exceptions.” **The NHTSA therefore provides the architecture for federal leadership in all aspects of housing and homelessness policy and programming, including interjurisdictional areas** like evictions.

- Under bilateral housing agreements, **all provinces and territories (except for Quebec) are committed to implementing housing plans to support the progressive realization of the right to adequate housing.** In the case of Quebec, a similar commitment is derived from its formal ratification of the International Covenant on Economic, Social and Cultural Rights in 1976. The NHTS thus provides **a unique framework for a cooperative inter-governmental approach** to the realization of the right to adequate housing.
- The NHTS also supports the commitment of all orders of government in Canada to the **2030 Sustainable Development Goal 11.1**: “by 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.”
- The NHTS affirms the government’s commitment to engage constructively with new **“robust” and participatory accountability mechanisms for upholding the right to adequate housing**; it establishes hearings and meaningful accountability to the right to adequate housing through a Federal Housing Advocate and National Housing Council which will review systemic housing issues across the country.

Views of Stakeholders

- In the research on *Implementing the Right to Housing in Canada: Expanding the National Housing Strategy* (2021), communities expressed concern that **the NHTS lacks clear goals, timelines, and monitoring mechanisms** and has failed to ensure that programs are improving outcomes for marginalized and priority populations over time.
- In the research on *Implementation of the Right to Housing for Women, Girls, and Gender Diverse People in Canada* (2021), communities also expressed concern that there are **few mechanisms to monitor housing outcomes for Indigenous Peoples** relative to NHTS investments and commitments.
 - Similarly, there are no mechanisms for aligning NHTS targets and investment with the housing-specific Calls to Justice outlined in *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*.
- Research from the Parliamentary Budget Office (PBO) in June 2019 indicated that **current NHTS investments do not align with the goals articulated by the NHTS**, including reducing core housing need and homelessness.
 - The report found that the NHTS **“largely maintains current funding levels for current activities and slightly reduces targeted funding for households in core housing need.”** It concludes that the assumptions made by the government on the impacts and output of the NHTS “do not reflect the likely impact of those programs on the prevalence of housing need.”

Lead Departments and Agencies

- Minister of Housing and Diversity and Inclusion
- Canada Mortgage and Housing Corporation (CMHC)
- Crown-Indigenous Relations and Northern Affairs Canada (CIRNA)
- Indigenous Services Canada (ISC)

Supporting Departments and Agencies

- Department of Finance Canada
- Minister of Intergovernmental Affairs, Infrastructure and Communities/
Infrastructure Canada
- Economic and Social Development Canada (ESDC)
- Veterans Affairs Canada (VAC)
- Women and Gender Equality Canada (WAGE)
- Canadian Heritage
- Statistics Canada
- Treasury Board Secretariat (TBS)

Cited research for more information:

Detailed analyses and discussion of these recommendations and their international human rights framework are presented [in three major papers prepared for the Office of the Federal Housing Advocate](#) (October 2021):

- *Implementing the Right to Adequate Housing Under the National Housing Strategy Act: The International Human Rights Framework* by Bruce Porter
- *Implementing the Right to Housing in Canada: Expanding the National Housing Strategy* by Michèle Biss and Sahar Raza
- *Implementation of the Right to Housing for Women, Girls, and Gender Diverse People in Canada* by Kaitlin Schwan, Mary-Elizabeth Vaccaro, Luke Reid, and Nadia Ali

IMPLEMENTING THE NATIONAL HOUSING STRATEGY ACT (NHSA): Advancing Housing Equity for Indigenous Peoples and Disadvantaged Groups Fact Sheet

Issue: Many federal housing policies, programs, and budgets fail to prioritize the needs of Indigenous Peoples and disadvantaged groups, including those in greatest housing need. Definitions of housing affordability do not reflect the depth of socio-economic marginalization experienced by these groups, and definitions of homelessness often do not reflect the unique causes, conditions, and consequences of housing precarity for Indigenous Peoples and communities that have been marginalized, such as women-led lone-parent families, and persons with disabilities. The result is deepening housing inequities for those who are already most vulnerable in Canada's housing system.

A rights-based approach to housing requires that Canada adopt policies and programs that prioritize those most in need and improve housing outcomes for vulnerable groups.

Recommendations / Required Action

The next iteration of the NHS **should better prioritize the needs of marginalized and vulnerable groups**, including through enhanced targeting and improved engagement with affected communities, revised definitions of affordability to meet the needs of low-income households, and other measures to ensure that federal funding is directed toward those most in need.

- Restructure NHS programs, policies, and investments to **prioritize those most in need and groups that have been marginalized**. Appropriate indicators and targets should be established to enable **ongoing monitoring on progress**.
- Improve the collection and monitoring of disaggregated data on housing outcomes for disadvantaged groups relative to NHS investments.
- Redefine affordability criteria to 30% of income of low-income households, who make up the vast majority of households in core housing need, and taking into consideration households and units of different sizes.
- Adopt a **national definition of what it means to end homelessness**. This definition should reflect the **unique ways in which particular populations experience homelessness**, such as the prevalence of hidden homelessness amongst women and gender-diverse persons.
- Ensure all NHS programs prioritize the **progressive realization of the right to housing for Indigenous Peoples**, in alignment with UNDRIP. NHS programs must reflect **Indigenous Peoples' right to self-determination and the creation of their own housing strategies**, including the development of an Urban, Rural, and

Northern Indigenous Housing Strategy.

Background

- The housing crisis in Canada is now recognized as a serious intersectional and interjurisdictional human rights crisis that has been exacerbated by the pandemic and **most affects already-marginalized populations**.
- In adopting the 2019 *National Housing Strategy Act* (NHTSA)—which recognizes **adequate housing as a fundamental human right which all levels of government must uphold under international law**—the Canadian government has acknowledged that a new human rights-based approach to housing is necessary to achieve systemic, cross- departmental, and cross-sectoral change to housing policy, law, and programs.
- The NHTSA places a statutory obligation on the federal government to develop and maintain an NHS that improves housing affordability and accessibility for all people in Canada, but **especially for Indigenous Peoples, disadvantaged groups and persons experiencing the greatest core housing need** – including women and children fleeing violence, people with disabilities, and people experiencing homelessness.

Indigenous persons and marginalized populations are more likely to be in core housing need, with [recent research](#) commissioned by the National Housing Council indicating:

- **20% of Indigenous persons** are in core housing need, double the percentage of non-Indigenous persons in core housing need.
- **15% of persons with disabilities** are in core housing need, compared to just over 9% of people without disabilities.
- **36% of lone-parent families** are in core housing need, with women-led lone-parent households almost twice as likely to be in core housing need compared to those led by men.
- **19% of immigrants** in Canada are in core housing need, compared to 9% of non-immigrants.

Political Imperative

- The Prime Minister’s Mandate Letters indicate that all Ministers must “address the profound **systemic inequities and disparities** that remain present in the core fabric of our society,” including by ensuring that “public policies are informed and developed through an **intersectional lens, including applying frameworks such as Gender-based Analysis Plus (GBA Plus)**.”

- The Prime Minister’s Mandate Letters also indicate that every Minister must implement the United Nations Declaration on the Rights of Indigenous Peoples (which includes commitments to the right to adequate housing) and **work in partnership with Indigenous Peoples to advance their rights.**
- The Minister of Housing, Diversity and Inclusion’s Mandate Letter explicitly refers to the “Government’s rights-based approach to housing” and the directive to develop housing projects for **“vulnerable groups including women, youth and people with disabilities.”**
- The Minister of Intergovernmental Affairs, Infrastructure and Communities has been further instructed to **“include and collaborate with various communities, and actively seek out and incorporate in your work, the diverse views of Canadians.** This includes women, Indigenous Peoples, Black and racialized Canadians, newcomers, faith-based communities, persons with disabilities, LGBTQ2 Canadians, and, in both official languages.”
- The Minister of Women and Gender Equality and Youth has also been tasked with supporting all Ministers in advancing **“gender equality, notably as it relates to economic participation and prosperity,** including economic recovery, leadership and democratic participation, and poverty reduction, health and well-being.”

Legal / Human Rights Considerations

- The NHSA commits to the “progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights” (ICESCR). This means that the federal government is committed to eliminating homelessness and **ensuring access to adequate housing for all in the shortest possible time by applying the “maximum available resources” and “all appropriate means” including new taxation, legislative, and regulatory measures alongside coordination** with all other orders of government.
- The NHSA also **commits to “focus on improving housing outcomes for persons in greatest need”** through its National Housing Strategy.
- The right to housing under the ICESCR and international law binds “all parts of federal States without any limitations or exceptions.” **The NHSA therefore provides the architecture for federal leadership in all aspects of housing and homelessness policy and programming, including interjurisdictional areas** like evictions.
- Under bilateral housing agreements, **all provinces and territories (except for Quebec) are committed to implementing housing plans to support the progressive realization of the right to adequate housing.** In the case of Quebec, a similar commitment is derived from its formal ratification of the *International Covenant on Economic, Social and Cultural Rights* in 1976. The NHSA thus **provides a unique framework for a cooperative inter-governmental approach** to the realization of the right to adequate housing.

- The NHTS also supports the commitment of all orders of government in Canada to the **2030 Sustainable Development Goal 11.1**: “by 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.”
- The NHTS affirms the government’s commitment to engage constructively with new “**robust**” and **participatory accountability mechanisms for upholding the right to adequate housing**; it establishes hearings and meaningful accountability to the right to adequate housing through a Federal Housing Advocate and National Housing Council which will review systemic housing issues across the country.

Views of Stakeholders

- **Research indicates that investments in the NHS are not in keeping with the NHTS’s commitment to prioritize those in greatest housing need.** This was reflected in the [Parliamentary Budget Officer’s 2019 report on federal spending and housing affordability](#) and the [National Housing Council’s 2022 research on the National Housing Strategy](#).
 - [Research conducted for the National Housing Council](#) (2022) concluded that the NHS rental supply programs “do not, for the most part, meet the needs of those in core housing need. Relatively few new units produced by the strategy thus far could lift low-income households out of core housing need.”
- Significant concerns have been raised concerning the NHS’s **failure to improve housing adequacy and outcomes for marginalized populations**. Critiques have centred on program prioritization and affordability criteria, as well as definitions of homelessness.
 - The affordability criteria in capital programs – such as the RCIF and the NCIF – have an exclusionary impact on marginalized groups given that tying affordability to median income or median rent for an area in no way reflects marginalized groups’ capacity to pay.
- Communities have critiqued the NHS for **failing to equitably allocate funding to housing programs that will benefit marginalized groups**, and for failing to operationalize targets and timelines for improved housing outcomes for marginalized groups.
- The [Women’s National Housing & Homelessness Network has critiqued](#) the failure to operationalize the Government’s commitment to allocating 25% of NHS investments to housing for women within NHS programs.

Lead Departments and Agencies

- Minister of Housing and Diversity and Inclusion
- Canada Mortgage and Housing Corporation (CMHC)
- Women and Gender Equality Canada (WAGE)
- Crown-Indigenous Relations and Northern Affairs Canada (CIRNA)

- Indigenous Services Canada (ISC)

Supporting Departments and Agencies

- Treasury Board Secretariat (TBS)
- Department of Finance Canada
- Department of Justice (DOJ)
- Economic and Social Development Canada (ESDC)
- Veterans Affairs Canada (VAC)
- Canadian Heritage
- Statistics Canada
- Infrastructure Canada/Minister of Intergovernmental Affairs, Infrastructure and Communities

Cited research for more information:

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IMPLEMENTING THE NATIONAL HOUSING STRATEGY ACT (NHTSA): Private Market Actors and Financialization Fact Sheet

Issue: The financialization of housing, through which housing is treated as a profit-making commodity and financial investment rather than human right, is a major driver of Canada's housing crisis. In particular, the financialization of purpose-built rental housing is contributing to the loss of existing affordable housing stock to private actors and investors in the market at a faster rate than adequate and affordable housing is produced or preserved. Moreover, many elements of housing adequacy, such as security of tenure (i.e., protection from eviction) and habitability are compromised due to private market interests.

A rights-based approach to housing requires that Canada regulate private market actors to ensure access to adequate housing (i.e., secure, affordable, accessible, habitable, culturally adequate, and well-located housing with necessary infrastructure) for all.

Recommendations / Required Action

All orders of government must include **measures to address financialization of purpose-built rental housing and the erosion of naturally existing affordable housing**. This includes concrete action and financial policies to prevent private investors and large financial actors like Real Estate Investment Trusts (REITs) from further exploiting the housing market.

- a) **Implement and strengthen taxation measures in Canada's real estate sector:** Redesign tax policy affecting private investors (domestic and international) to disincentivize profit-hoarding in the housing market, preserve affordable housing stock, and improve housing equity (e.g., through measures like speculation and vacancy taxes on all investors, progressive taxation for each additional investment unit, etc.). For REITs and large corporate landlords in particular, tax rates should be tied to how much affordable housing they are protecting or destroying, and all tax revenue from these measures should be reinvested into Canada's National Housing Strategy.
- b) **Improve rent control, including vacancy control regulations:** Stronger rent controls, including vacancy controls, are critical to curb the financialization of housing and keep tenants housed in an already unaffordable market.
- c) **Legislate greater tenant protections:** Exercise national leadership to create conditions for provinces and territories to implement protections from eviction to protect security of tenure.
- d) **Strengthen conditions for NHS 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 NHS lending and capital programs,

while dedicating more funds to—and reducing barriers for—non-market housing providers.

Background

- The housing crisis in Canada is now recognized as a serious intersectional and interjurisdictional human rights crisis that has been exacerbated by the pandemic and **most affects already-marginalized populations.**
- In adopting the 2019 *National Housing Strategy Act* (NHSA)—which recognizes **adequate housing as a fundamental human right which all levels of government must uphold under international law**—the Canadian government has acknowledged that a new human rights-based approach to housing is necessary to resolve systemic issues and achieve cross-departmental and -sectoral change to housing policy, law, and programs.
- The NHSA’s transformational human rights-based approach requires that housing systems and markets be appropriately **regulated to ensure that housing is treated as a social good and human right rather than a commodity.**

Political Imperative

- The Minister of Housing, Diversity and Inclusion’s Mandate Letter explicitly refers to the “Government’s rights-based approach to housing” and the need to ensure that “housing does not sit vacant and unavailable to Canadians.” It also states priorities such as:
 - Developing policies to **curb excessive profits in investment properties** while protecting small independent landlords;
 - Supporting reforms to the tax treatment of Real Estate Investment Trusts;
 - Amendments to the Income Tax Act to require landlords to pay a proportional surtax if their post-renovation increase in rent is excessive;
 - An **anti-flipping tax** on residential properties;
 - **Preventing “renovictions.”**

Legal / Human Rights Considerations

- The NHSA commits to the “progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights” (ICESCR). This means that the federal government is committed to eliminating
- homelessness and ensuring access to adequate housing for all in the shortest possible time by applying the “maximum available resources” and “all appropriate means” including new taxation, legislative, and regulatory measures alongside

coordination with all other orders of government.

- The NHTS also commits to “focus on improving housing outcomes for persons in greatest need” through its National Housing Strategy.
- The right to adequate housing under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and international law binds “all parts of federal States
- without any limitations or exceptions.” The NHTS therefore provides the architecture for federal leadership in all aspects of housing and homelessness policy and programming, including interjurisdictional areas like evictions.
- The ICESCR requirement to utilize a “maximum of available resources, including
- legislative measures” to realize the right to adequate housing means that wealthy states like Canada must ensure significant resource allocation and regulation of private market activities to rein in the financialization of housing and improve housing equity.

“[T]he State must regulate, direct and engage with private market and financial actors, not simply to ensure that they do not explicitly violate rights, but also to ensure that the rules under which they operate and their actions are consistent with the realization of the right to adequate housing.”

– UN Special Rapporteur on the Right to Adequate Housing (2017)

Views of Stakeholders

- In the regional and cross-Canada engagements that the National Right to Housing Network hosted alongside CERA and various local partners throughout 2021, it was found **that Canada’s current housing laws, policies, and programs have failed to address the increasing financialization of housing, leading to a rapid loss of affordable and non-market housing stock** and an exacerbated affordability crisis for many.
 - The NHTS capital funds, for example— which hold the biggest price tags of all programs in the Strategy—have extremely lenient and short-term affordability criteria which simply do not target those in greatest housing need.
- ACORN Canada argues that large corporate landlords like Real Estate Investment Trusts (REITs) are fueling Canada’s housing crisis by **evicting and renovicting tenants, raising rents, and/or not fixing units, all of which contributes to housing inadequacy** and continues to go unregulated by our governments.
 - Moreover, our federal government does not tax REITs; ACORN Canada estimates that the federal government has lost billions of dollars in tax revenue over the

past 10 years alone by giving **subsidies, tax exemptions, and even NHS-funded loans to REITs who are worsening the housing crisis.**

- Research has demonstrated that a **lack of strict rent controls** enables landlords to significantly increase rents with new tenants, which increases the financial insecurity of tenants for whom housing costs increase more quickly than their income. COVID-19 has only put more financial strain on tenants and increased their risk of eviction.
 - A large and growing share of landlords are large corporations and REITs that lack personal contact with tenants and **directly profit from tenant turnover**. Rent and vacancy controls are essential.

Lead Departments and Agencies

- Minister of Housing and Diversity and Inclusion
- Canada Mortgage and Housing Corporation (CMHC)
- Department of Justice (DOJ)
- Infrastructure Canada/Minister of Intergovernmental Affairs, Infrastructure and Communities

Supporting Departments and Agencies

- Department of Finance Canada
- Treasury Board Secretariat (TBS)
- Economic and Social Development Canada (ESDC)
- Veterans Affairs Canada (VAC)
- Women and Gender Equality Canada (WAGE)
- Canadian Heritage
- Statistics Canada

Cited research for more information:

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- *Implementation of the Right to Housing for Women, Girls, and Gender Diverse People in Canada* by Kaitlin Schwan, Mary-Elizabeth Vaccaro, Luke Reid, and Nadia Ali

IMPLEMENTING THE NATIONAL HOUSING STRATEGY ACT (NHTSA): Implementing the Right to Adequate Housing through Inter- Governmental Co-operation Fact Sheet

Issue: The commitment to the right to adequate housing in the NHTSA formally applies only to the federal government. Recommended measures submitted to the Minister of Housing must fall “within the jurisdiction of parliament.” However, the commitment to the realization of the right to adequate housing in Canada requires extensive collaboration, cooperation and clear allocation of responsibilities with provincial, territorial and municipal governments.

The human right to housing under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and international law binds “all parts of federal States without any limitations or exceptions” and the national government is expected to exercise leadership and ensure co-ordination among all orders of government to ensure that the state’s international human rights obligations are fulfilled.

The NHTSA therefore provides the architecture for federal leadership in all aspects of housing and homelessness policy. This is necessary to ensure that the legislation gives rise to a “national housing strategy” and not just to a federal one.

Recommendations / Required Action

The Federal Government should work with partners in provincial, territorial, municipal and Indigenous governments to ensure they reflect the commitment to the right to housing legislated in the *NHTSA*.

- Bilateral agreements with provinces and territories, funding agreements with municipalities and all relevant inter-governmental mechanisms should be leveraged to ensure that all orders of government work together to implement shared commitments under international human rights law to realize the right to adequate housing.
- Provincial, territorial and municipal governments should be encouraged to adopt parallel legislation or municipal mechanisms like the Toronto Housing Charter to affirm commitments under international human rights to the right to housing and put in place accountability mechanisms.
- Current references to the commitment to the progressive realization of the right to adequate housing in bilateral housing agreements with provinces and territories should be reviewed and strengthened, including Quebec’s distinctive commitment to housing under the ICESCR.
- A process should be established for the review of provincial and territorial

housing action plans by a committee of experts, stakeholders and government representative for compliance with the right to adequate housing and with, goals and timelines in the NHS.

- NHSA accountability mechanisms should be integrated with procedures of the Continuing Committee of Officials Responsible for Human Rights, FPT Senior Officials Committee Responsible for Human Rights (SOCHR), the FPT Ministers Responsible for Human Rights as well as with relevant reviews of Canada by UN treaty bodies.
- The Department of Justice and the Attorney General should promote interpretations of the Canadian Charter and of Indigenous treaty rights that are consistent with the right to adequate housing under international human rights law and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Background

- The commitment affirmed in the NHSA to the progressive realization of the right to adequate housing under ICESCR is an existing commitment under international law that applies to all orders of government in Canada.
- Recommended measures emerging from reviews by the Federal Housing Advocate and Review Panels that are “within the jurisdiction of parliament” need not be restricted to core areas of federal jurisdiction and may relate to the federal government’s role in leading and co-ordinating multi-jurisdictional responses to systemic issues and co-ordination of goals, timelines for the realization of the right to adequate housing.
- Many of the key areas of responsibility for the human right to housing – including rent regulation, security of tenure, income assistance, planning, zoning and administration of social housing programs -- fall within provincial/territorial jurisdiction with significant responsibilities delegated to municipalities. The federal government has failed to exercise leadership in harmonizing policies in these areas to ensure compliance with the right to adequate housing across all jurisdictions.
- Failure to ensure co-ordination of multi-jurisdictional responsibilities for the right to adequate housing in Canada based on shared human rights obligations has long been identified as a major barrier to the realization of the right to adequate housing by UN treaty bodies and stakeholders. UN bodies have raised concern about the ineffectiveness and lack of transparency of the Continuing Committee of Officials Responsible for Human Rights.
- The federal government plays the leading role in reporting to UN human rights treaty monitoring bodies and co-ordinates follow-up to recommendations, so provinces and territories are less engaged with UN procedures and generally less attentive to their obligations under international human rights law.

Political Imperative

UN Special Rapporteur on the Right to Adequate Housing

“Housing policies and programs at all levels of government should be coordinated through national-level leadership and oversight as well as by intergovernmental bodies with an explicit mandate to promote and ensure compliance with the right to housing. Provision should be made for promptly resolving questions of jurisdiction on the basis of the principle that human rights should never be compromised by jurisdictional disputes.”

- The Prime Minister’s Mandate Letters indicate that all Ministers must “address the profound **systemic inequities and disparities** that remain present in the core fabric of our society.” The housing system has become a primary factor in the exacerbation of systemic inequality and the loss of equal opportunity for low-income household and marginalized communities.
- The Mandate letter to the Minister of Intergovernmental Affairs, Infrastructure and Communities commits that Minister to lead the Government’s work in maintaining open and collaborative relationships with every province and territory, with the goal of working together to serve and improve the lives of all Canadians.
- The Prime Minister’s Mandate Letters also indicate that every Minister must implement the United Nations Declaration on the Rights of Indigenous Peoples (which includes commitments to the right to adequate housing) and **work in partnership with Indigenous Peoples to advance their rights.**
- The NHSA also supports the commitment of all orders of government in Canada to the **2030 Sustainable Development Goal 11.1**: “by 2030, ensure access for all to adequate, safe and affordable housing and basic services...”

Views of Stakeholders

- The most common concern raised by stakeholders and affected communities during consultations and community outreach regarding the NHSA has been the need for direct engagement with, and participation by, provinces and territories.
- Civil society has advocated for improved follow-up to concluding observations of treaty bodies and ongoing monitoring and implementation of recommendations.
- The Toronto Housing Charter, adopted as a result of advocacy co-ordinated by “Right to Housing Toronto” provides an important and innovative model for parallel municipal commitments to the progressive realization of the right to adequate housing which could be duplicated elsewhere. Important rights-based initiatives are emerging in many other municipalities.

Lead Departments and Agencies

- Minister of Housing and Diversity and Inclusion
- Minister of Intergovernmental Affairs, Infrastructure and Communities
- Crown-Indigenous Relations and Northern Affairs Canada (CIRNA)
- Canada Mortgage and Housing Corporation (CMHC)
- Crown-Indigenous Relations and Northern Affairs Canada (CIRNA)
- Indigenous Services Canada (ISC)
- Department of Justice (DOJ)
- Canadian Heritage

Supporting Departments and Agencies

- Women and Gender Equality Canada (WAGE)
- Treasury Board Secretariat (TBS)
- Department of Finance Canada
- Economic and Social Development Canada (ESDC)
- Veterans Affairs Canada (VAC)
- Office of the Federal Housing Advocate (OFHA)
- National Housing Council (NHC)
- Statistics Canada
- Infrastructure Canada/Minister of Intergovernmental Affairs, Infrastructure and Communities

Cited research for more information:

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IMPLEMENTING THE NATIONAL HOUSING STRATEGY ACT (NHSA):
Implementing a Whole-of-Government Approach through
Human Rights-Based Decision-Making Fact Sheet

Issue: The commitment to the progressive realization of the right to adequate housing in the NHSA engages multiple departments and policy areas, involving, in addition to housing programs, income support, taxation, transportation, mental health and addiction, reconciliation with Indigenous Peoples, GBA Plus, systemic racism and programs for the elderly, persons with disabilities, youth, women, immigrants and other groups. The NHSA commits to a “human rights-based approach” through which decision-making in diverse policy and program areas can be similarly oriented toward the realization of the human right to housing

Recommendations / Required Action

All federal departments must integrate the legislative commitment to the right to adequate housing into policies, programs and decision-making, integrating this commitment with GBA Plus, all other human rights obligations and Charter compliance measures. All relevant policy and program areas should be administered within a common human rights framework and contribute to the realization of the right to housing through a coherent and strategic approach.

- Establish an inter-departmental co-ordination committee for the implementation of the right to adequate housing under the NHSA
- Conduct preliminary audits in each department to identify key areas in which action is needed to support the realization of the right to housing
- Work with the Office of the Federal Housing Advocate and civil society experts to develop training courses, materials and tool-kits on the right to housing and rights-based decision-making linked to the departmental responsibilities
- Ensure clear expectations and direction are provided to senior Federal officials in all departments and agencies about how the NHSA and other legislation and regulations should be interpreted and applied consistently to advance the right to housing
- Identify clear and transparent mechanisms to ensure accountability of departments and agencies in responding to findings and recommendations from the Federal Housing Advocate and Review Panels on systemic housing issues

Background

- The housing and homelessness crisis in Canada is now recognized within Canada and globally as a human rights crisis.
- Addressing this human rights crisis requires more than housing programs to produce housing. It also requires measures to address all of the ways in which the housing system creates inequality, marginalization, socio-economic inequality and homelessness.
- The human rights-based strategy in the NHSA engages multiple departments to effect systemic, cross-departmental, and cross-sectoral change to ensure the realization of the right to adequate housing. The commitment to the human right to housing as affirmed in international human rights law provides a unifying vision and a framework for coherent, purposive decision-making.
- The NHSA implements a participatory human rights-based approach based on meaningful engagement with affected communities to identify key systemic factors leading to homelessness or the loss of affordable housing. These will often require multi-pronged responses, involving all multiple actors and government departments.
- The NHSA ensures a coherent framework for housing policy by drawing on existing requirements affirmed by the Supreme Court of Canada that legislation, regulations and programs be interpreted and administered in conformity with international human rights values.

Some key elements of the cross-departmental human rights-based approach	
Engage with communities affected by homelessness or housing precarity to identify key systemic issues	Regulate and incentivize investment and private market activity to support the realization of the right to adequate housing
Prioritize those in the most extreme or vulnerable circumstances.	Review budgeting and resource allocation based on “maximum of available resources” standard
Identify and address ways in which programs or policies are failing to support the progressive realization of the right to adequate housing	Build human right to housing commitments into joint initiatives and programs with other orders of government

Assess current programs and policies against relevant human rights standards including “all appropriate means”, “maximum of available resources” and adherence to goals and timelines for the realization of the right to adequate housing in the shortest possible time.

Participate and respond to reviews of systemic issues by the Federal Housing Advocate and Review Panels and ensure effective implementation of recommended measures.

Some key elements of the cross-departmental human rights-based approach

Interpret and apply existing legislation, regulation and policies to comply with the realization of the right to adequate housing.

Create program-based monitoring and accountability mechanisms based on the right to adequate housing

Political Imperative

- The Prime Minister’s Mandate Letters indicate that all Ministers must “address the profound systemic inequities and disparities that remain present in the core fabric of our society,” including by ensuring that “public policies are informed and developed through an intersectional lens, including applying frameworks such as Gender-based Analysis Plus (GBA Plus).” The housing system has become a primary factor in the exacerbation of systemic inequality and disparities and must be addressed in this context.
- The Prime Minister’s Mandate Letters also indicate that every Minister must implement the United Nations Declaration on the Rights of Indigenous Peoples (which includes commitments to the right to adequate housing) and work in partnership with Indigenous Peoples to advance their rights. Homelessness and inadequate housing among Indigenous Peoples is a result of mass displacement from land and destruction of culture and communities and must be central to the reconciliation and the implementation of the UN Declaration.

Legal / Human Rights Considerations

- The right to adequate housing under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and international law binds “all parts of federal States without any limitations or exceptions.” While these binding obligations under

international human rights law are not directly enforceable by courts, they must be treated, as directed by the Supreme Court of Canada, not as “theoretical aspirations or legal luxuries, but moral imperatives and legal necessities.”

- UN human rights bodies have emphasized that the right to adequate housing requires a “comprehensive and whole of government” approach with coordinated commitments across multiple program areas. It engages multiple programmes, policies and spheres of government, ensuring coordination among a host of areas from income support and land use to social housing programmes to finance, urban planning, land regulation, taxation, social benefits and services.
- The NHSA also supports the commitment of all orders of government in Canada to **the 2030 Sustainable Development Goal 11.1**: “by 2030, ensure access for all to adequate, safe and affordable housing and basic services...”
- International human rights law requires access to justice and effective remedies for the right to housing – even if these are not provided in court. The NHSA relies on what the governments described as “**robust” participatory accountability mechanisms including reviews, hearings, findings and recommended measures to address systemic issues** through the Federal Housing Advocate and National Housing Council.

Views of Stakeholders

- The NHSA has evolved from and continues to draw on a broad commitment within civil society and affected communities to recognizing the human right to housing and effecting change through a human rights-based approach.
- The National Right to Housing Network, the Women’s National Housing and Homelessness Network, the Shift, the Centre for Equality Rights in Accommodation and many other organizations are now focusing their work on working with stakeholders and affected communities to identify systemic issues and seeking change through comprehensive, whole of government approaches.
- Stakeholders are committed to working with the new participatory accountability mechanisms for upholding the right to adequate housing; including procedures for submitting systemic issues to the Federal Housing Advocate and for hearings before the review panel. It is critical that all federal departments join in implementing a new human rights culture of constructive engagement and shared commitment to the realization of the right to housing.

Lead Departments and Agencies

- Minister of Housing and Diversity and Inclusion
- Canada Mortgage and Housing Corporation (CMHC)
- Crown-Indigenous Relations and Northern Affairs Canada (CIRNA)

- Indigenous Services Canada (ISC)

Supporting Departments and Agencies

- Treasury Board Secretariat (TBS)
- Department of Finance Canada
- Department of Justice (DOJ)
- Economic and Social Development Canada (ESDC)
- Veterans Affairs Canada (VAC)
- Canadian Heritage
- Statistics Canada
- Infrastructure Canada/Minister of Intergovernmental Affairs, Infrastructure and Communities
- Women and Gender Equality Canada (WAGE)

Cited research for more information:

Detailed analyses and discussion of these recommendations and their international human rights framework are presented [in three major papers prepared for the Office of the Federal Housing Advocate](#) (October 2021):

- *Implementing the Right to Adequate Housing Under the National Housing Strategy Act: The International Human Rights Framework* by Bruce Porter
- *Implementing the Right to Housing in Canada: Expanding the National Housing Strategy* by Michèle Biss and Sahar Raza
- *Implementation of the Right to Housing for Women, Girls, and Gender Diverse People in Canada* by Kaitlin Schwan, Mary-Elizabeth Vaccaro, Luke Reid, and Nadia Ali