



The National Housing Strategy & Municipal Governance

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WOMEN'S NATIONAL
HOUSING & HOMELESSNESS
NETWORK



THE NATIONAL
RIGHT TO HOUSING
NETWORK

National Housing Strategy Act: Housing Policy Declaration

It is declared to be the housing policy of the Government of Canada to

*(a) recognize that **the right to adequate housing is a fundamental human right affirmed in international law**;*

*(b) recognize that **housing is essential to the inherent dignity and well-being of the person** and to building sustainable and inclusive communities;*

(c) support improved housing outcomes for the people of Canada; and

*(d) further the **progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights**.*

The 2019 *National Housing Strategy Act* Not the 2017 National Housing!

First federal legislation to recognize and commit to:

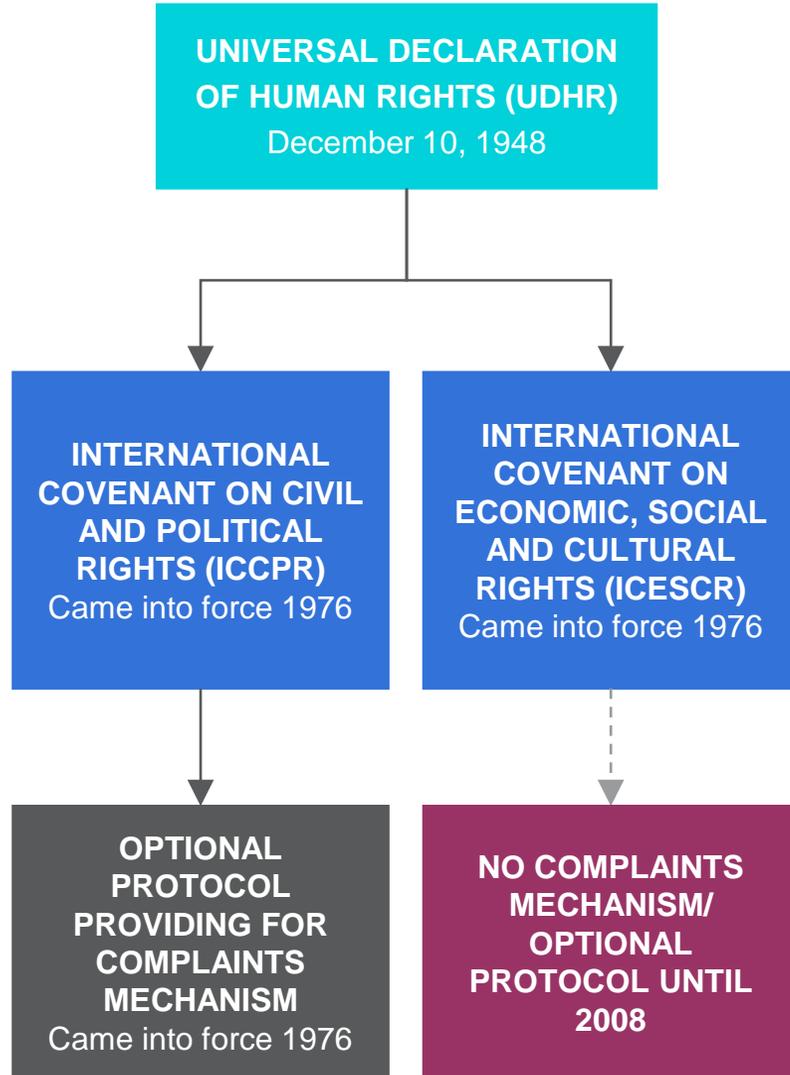
- A socio-economic right as "**a fundamental human right affirmed in international law**"
- Housing as "**essential to the inherent dignity and well-being of the person**"
- "the **progressive realization** of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights"

Overcoming the false divide between ESC rights and civil and political rights

The *Universal Declaration of Human Rights* divided into **two covenants**

*International Covenant on **Civil and Political Rights (ICCPR)***

- Seen as **negative rights** (non-discrimination or freedom of expression)
- generally ensured access to justice
- *The International Covenant on **Economic, Social and Cultural Rights (ICESCR)***
 - Seen as **positive rights** (to housing, health care etc)
 - denied access to justice at the UN until 2008
- In 2008, the UN General Assembly adopted the **Optional Protocol to the ICESCR (OP-ICESCR) to ensure access to justice for ESC rights claimants**
- A major change, described as “human rights made whole” spearheaded by Canadian UN High Commissioner on Human Rights, Louise Arbour



International Covenant on Economic, Social and Cultural Rights (ICESCR)

2(1) Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the **maximum of its available resources**, with a view to **achieving progressively the full realization of the rights** recognized in the present Covenant **by all appropriate means, including** particularly the adoption of **legislative measures**.

2(2) The States Parties to the present Covenant undertake to guarantee that **the rights** enunciated in the present Covenant will be **exercised without discrimination** of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

What is “progressive realization”?

The NHSA has committed to “progressive realization” as recognized in the ICESCR. **The key standards are:**

- **All appropriate means**, including legislation
- **Maximum available resources**
- **Aimed at achieving the full realization** of the right
- Exercise of **the right to housing without discrimination**
- The standard of **reasonable measures**

"In essence, **the obligation is** to demonstrate that, in aggregate, the **measures being taken are sufficient to realize the right for every individual in the shortest possible time** in accordance with the maximum of available resources."

- CESCR, General Comment No. 4



What is the value of this new human rights framework for policy and programming?

- The right to housing under international law **has primacy** over other laws and policy providing a principled framework that **transcends government silos**
- **All laws must be interpreted and applied in conformity with the right to housing under international law**
- The right to housing under has been the subject of **authoritative commentary, recommendations and adjudication** that provides a clear normative framework for the development of rights-based legislation, policy and programs
- Housing systems in Canada are the product of **legislation, policy, and decisions at all levels of government**, with overlapping federal and provincial/territorial jurisdiction and municipal governance. The NHSA formally applies only to the federal government, but the commitment to the right to housing under the ICESCR applies to all levels of government in Canada
- Properly implemented, a rights-based approach **affirms the shared obligations of multiple actors towards upholding the right to housing**; it **clarifies responsibilities and solves problems that governments on their own can't solve**

Municipal Adoption of the Right to Housing



Toronto Housing Charter Opportunity for All

Adopted by Toronto City Council December 17, 2019

Policy Statement:

Adequate housing is a fundamental human right that is recognized in international law, including the Covenant on Economic, Social and Cultural Rights, to which Canada is a party. All orders of government, including municipalities, have a role to play in furthering the progressive realization of the right to adequate housing that is affirmed in international law.

It is the policy of the City of Toronto to recognize that housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities. The City of Toronto supports improved housing outcomes for its residents. Its Policy is to move deliberately to further the progressive realization of the right to adequate housing recognized in the International Covenant on Economic, Social and Cultural Rights. The Toronto Housing Charter is consistent with the federal Housing Policy Declaration adopted as part of the *National Housing Strategy Act* S.C. 2019, c. 29 s. 313.

The Act came into force on July 9, 2019, and states that it is the housing policy of the Government of Canada to recognize that adequate housing is a fundamental human right affirmed in international law and that housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities. The Act received Royal Assent on June 21, 2019 and recognized that housing is a fundamental human right affirmed in international law.

“The City of Toronto will:

Develop and maintain a housing strategy to further the **progressive realization** of the right to adequate housing, through all appropriate means, **including creating and maintaining affordable housing, planning, zoning, licensing, regulation, enforcement, taxation and other measures within its authority.** The strategy will focus on the **full spectrum of housing need**, with an emphasis on those persons most in need of adequate housing and will include **measurable goals and timelines** and a plan to reduce and ultimately end homelessness.”



What does this all mean? The government's responsibilities

- Start with **meaningful engagement** with claimant community about their circumstances and dignity interests.
- Identify and **prioritize** those in the most extreme or vulnerable circumstances.
- Address **systemic discrimination and socioeconomic inequality**, with particular attention paid to the rights of Indigenous peoples, women, persons with disabilities, persons relying on social assistance, racialized groups, and persons experiencing homelessness.
- Ensure a “**comprehensive**” approach by hearing from diverse perspectives.
- Exercise national leadership to allocate responsibilities and ensure co-operation of **all orders of government**, including through funding and inter-governmental agreements.
- Ensure **appropriate budgeting and resource allocation** based on “**maximum of available resources**” standard including all appropriate taxation measures.
- Ensure **access to justice** and accountability for the right to housing and within all housing programs and areas of governance affecting the right to housing.
- Ensure **independent monitoring and assessment** of progress.
- Use all appropriate means, including **regulatory and legislative measures**, to ensure that investment and actions of private and non-governmental actors contributes to and does not undermine progressive realization of the right to housing (e.g., **regulate private actors** to address the financialization of housing).
- Incorporate a “transformative” dimension to all **legislation, regulation, planning and decision-making** is consistent with the progressive realization of the right to housing within the shortest possible time.
- Avoid any **retrogressive measures**, except where absolutely necessary in times of crisis, with provisions to ensure that vulnerable groups are not affected.



Gaps between the NHSA and the National Housing Strategy

1.

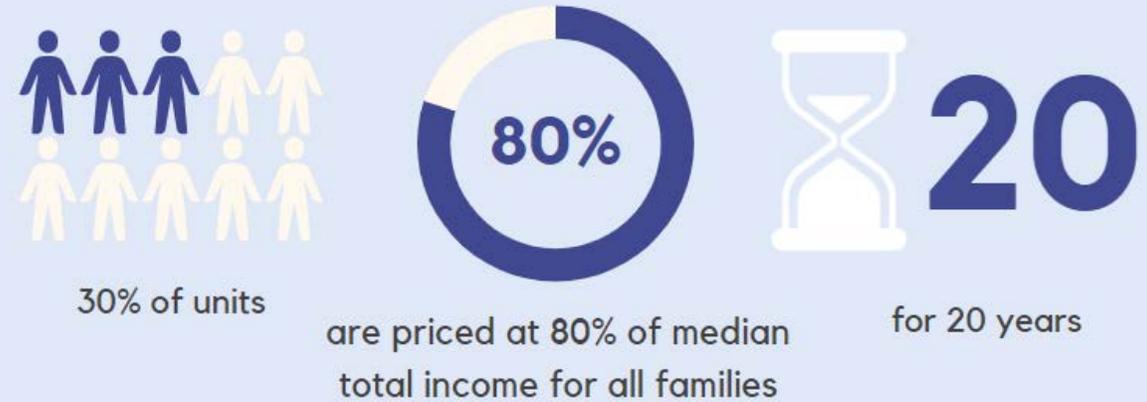
Investments in the NHS are inadequate to meet the goals of reducing core housing need or ending homelessness.

- The Parliamentary Budget Officer's (PBO) June 2019 report found that the NHS **“largely maintains current funding levels for current activities and slightly reduces targeted funding for households in core housing need”**
 - Concludes that the assumptions made by the government on the impacts and output of the NHS “do not reflect the likely impact of those programs on the prevalence of housing need”

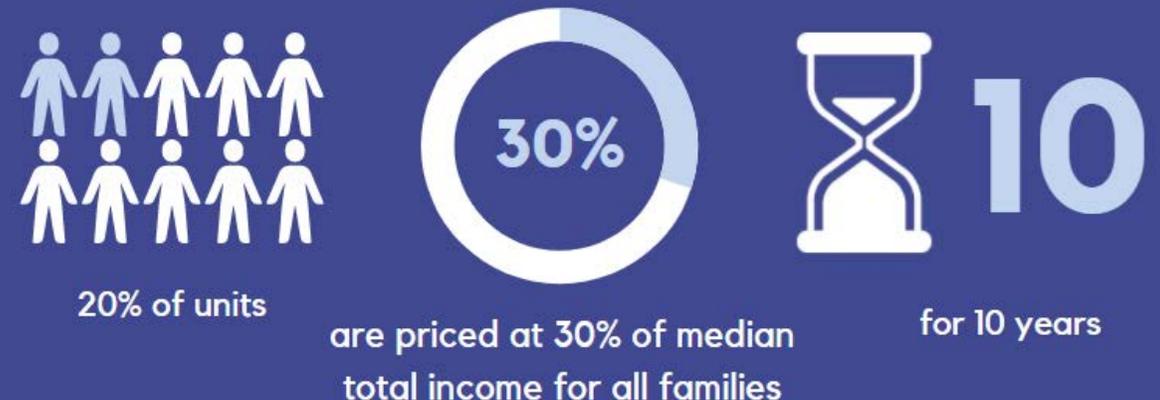
- The PBO found that the eligibility criteria of **NHS capital initiatives** like the National Housing Co-Investment Fund (NHCIF) and Rental Construction Financing Initiative (RCFI) **do not target the needs of low-income households**

- For example, the **RCFI** only requires that 20% of units be priced at 30% of median income, which **far exceeds what is affordable for low-income individuals**
- Recent studies found that in **one NHS-funded project in Toronto**, units **would be unaffordable to between 75-90% of renter households**

NATIONAL HOUSING CO-INVESTMENT FUND (NHCIF)

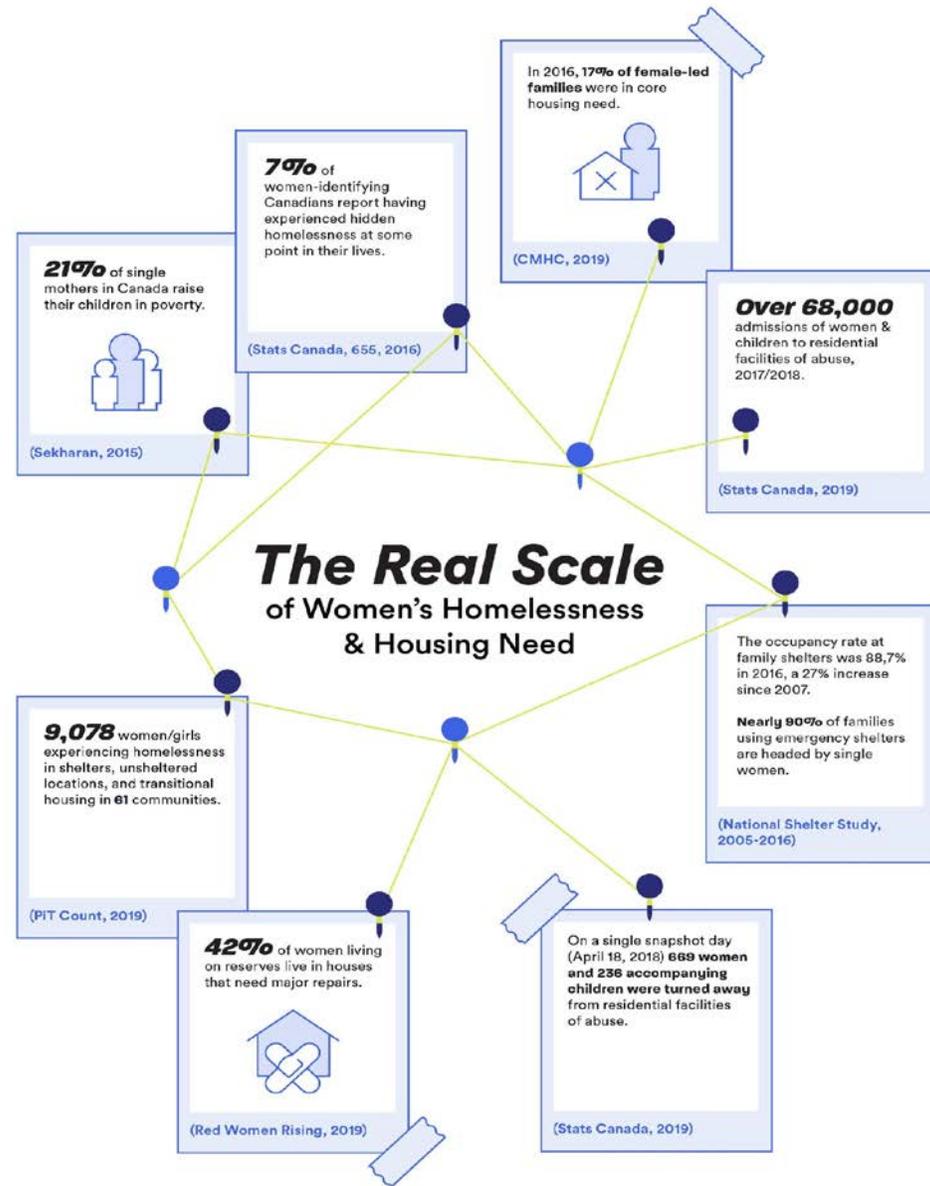


RENTAL CONSTRUCTION FINANCING INITIATIVE (RCFI)



2.

NHS investments largely do not improve housing outcomes for those most in need.

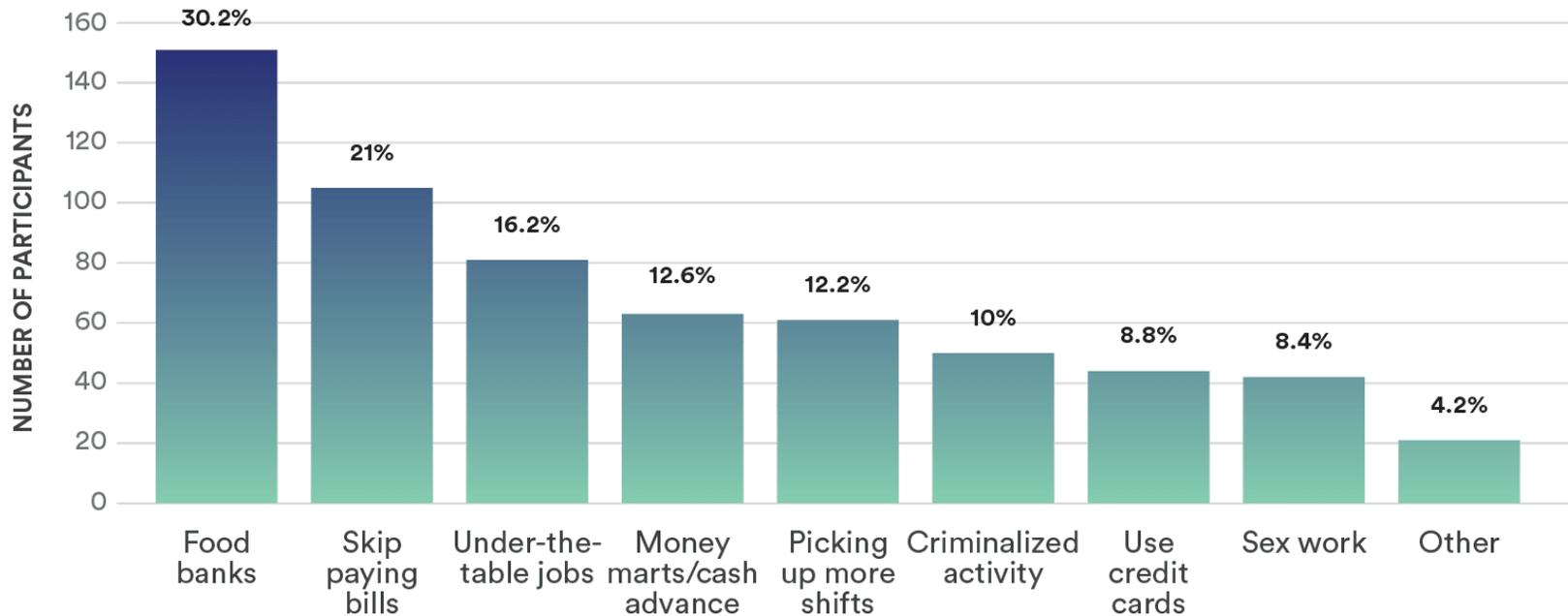


Findings from *Pan-Canadian Women's Housing & Homelessness Survey (2021)*

VS.

Rental Construction Financing Initiative

STRATEGIES USED TO AFFORD BASIC NECESSITIES



Participants had an average of \$596.66 left over after paying for their housing each month.

- Represents 40% of NHS funding
- Relaxed affordability criteria - 30% of the median total income for families in the area
- 80% of the rental units have no affordability requirements
- Only maintain the affordability of 20% of units for 10 years
- No targets for women

3.

Policy targets, timelines, and indicators are not being adequately tracked, making progressive realization elusive.

1. **Targets:** NHS specifies **at least 25% of funding should go to housing for women and girls**, but many NHS programs fail to implement this target or monitor allocation (e.g., RCIF, NHCIF).
2. **Definitions:** Definitions of affordable housing are inconsistent, sometimes not defined, and **frequently not aligned with the generally accepted measure of core housing need** understood as paying 30% of income or more towards housing.
3. **Indicators:** NHS does not adequately collected data on housing outcomes & impact on marginalized populations (e.g., measurement tools undercount particular groups (e.g., women, youth)).
4. **Timelines:** Limited infrastructure to **track progress towards the progressive realization** of the right to housing or alignment with the SDGs or federal promises (e.g., ending chronic homelessness).

Avenues for Advancing the Right to Housing Locally

- Adopt policies and bylaws that **preserve affordable housing stock & help curb renovictions**
 - Montreal's Landlord Registry (2022), Victoria's *Renoviction Protection Bylaw*
- **Re-deploy city-owned land and buildings**, and acquire existing distressed properties
 - In 2021 Winnipeg sold 15 properties to non-profit housing developers for \$1 each
- Develop municipal infrastructure that embeds the **meaningful participation of people with lived expertise** into all policy development relevant to housing and homelessness
 - City of Kitchener's Lived Expert Human Rights Accountability Mechanism
- **Eviction prevention**
 - City of Toronto's *EPIC Program*
- Prioritize the creation/retention of deeply affordable housing through **inclusionary zoning**
- Taxation of **short-term rentals**
 - City of Toronto's 4% *Municipal Accommodation Tax*



Q & A and Discussion