

Three ways the National Housing Strategy can support the right to housing

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Over the past year the federal government has been working to develop a national housing strategy which is expected to be finalized in the fall. The government has already committed \$11.2 billion over 11 years; the new strategy and funds mean the federal government will be delivering affordable housing programs at a scale it has not done in decades.

This strategy and investment are sorely needed. When household budgets are eaten up by housing costs, many cannot afford nutritious food, meet their health-care needs, or manage the cost of activities to participate in their communities.¹ Poor quality and insecure housing can mean that children are not able to learn to the best of their abilities in school.² Being priced out of a community can mean fewer employment opportunities or long commutes that lower productivity and leave people with less time to spend with their families.

While the majority of people in Canada are well-housed, approximately 1.6 million households find themselves in core housing need.³ If we do not make deliberate policy choices to change our course, this number will grow.

Details of the upcoming national housing strategy announced so far point to the government's response to many of the central themes raised in its national consultation. This response includes long-term and predictable funding, improving data collection and research, and an emphasis on

1 For example, see Sharon Kirkpatrick and Valerie Tarasuk, "Housing Circumstances are Associated with Household Food Access among Low-Income Urban Families." *Journal of Urban Health: Bulletin of the New York Academy of Medicine*, Vol. 88, No. 2 [doi:10.1007/s11524-010-9535-4](https://doi.org/10.1007/s11524-010-9535-4); Standing Senate Committee on Social Affairs, Science and Technology, Subcommittee on Cities. Dec 2009. In *From The Margins: A Call To Action On Poverty, Housing And Homelessness*. Parliament of Canada. <http://www.parl.gc.ca/Content/SEN/Committee/402/citi/rep/rep02dec09-e.pdf>; Reach3 Research Alliance for Canadian Homelessness, Housing and Health. Nov 2010. *Housing Vulnerability and Health: Canada's Hidden Emergency. A Report on the Reach3 Health and Housing in Transition Study*.

2 Peter Phibbs and Peter Young. Feb 2005. *Housing Assistance and Non-Shelter Outcomes*. Australian Housing and Urban Research Institute. Report No. 74.

3 Canada Mortgage and Housing Corporation. 2016. "What Is Core Housing Need?" https://www.cmhc-schl.gc.ca/en/hoficlincl/observer/observer_044.cfm

a system approach to housing. However, it is not yet clear how the government will address another prominent theme of the consultations: realizing the *right* to housing.

As we mark the beginning of a new phase of housing policy, the federal government should take this opportunity to build the housing strategy on a foundation of human rights and the principle that all people in Canada have an inherent right to housing that meets their needs. As Maytree outlined in [our submission to the Let's Talk Housing consultation](#), this right calls for equitable access to good quality housing that is affordable, offers security of tenure, and respects people's choice. Fulfilling this right means changing the policies and practices that leave many behind to ensure everyone can access housing that meets their needs.

While we may not have a precedent in Canada, we can learn from a significant body of work developed internationally on how to approach policymaking in a way that is consistent with human rights. In particular considerable groundwork has been laid on designing poverty reduction strategies consistent with a human rights approach. For example, the United Nations High Commission for Human Rights (UNHCHR) identifies several guidelines for developing a rights-based poverty reduction strategy.⁴ These guidelines reflect established practices that reflect both human rights obligations and good public policymaking. Outside of formal institutions, civil society organizations both in Canada and internationally have done considerable work to map ways that our institutions and processes can better protect human rights. A Way Home and Canada Without Poverty developed a human rights guide for youth serving organizations and policy practitioners on how to reflect human rights when approaching youth homelessness.⁵

The advice in this briefing note looks to build on this work as well as other work on human rights and public policy and administration to identify some concrete ways that the federal government can establish a

4 Office of the United Nations High Commissioner for Human Rights. "Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies." <http://www.ohchr.org/Documents/Publications/PovertyStrategies.pdf>

5 Canada Without Poverty and A Way Home Canada. "Youth Rights! Right Now! Ending Youth Homelessness: A Human Rights Guide." <https://maytree.com/maytree-tools/youth-rights-right-now-ending-youth-homelessness-a-human-rights-guide/>

meaningful commitment to realizing the right to housing at the centre of the national housing strategy. We focus here on how the process – rather than the content – of the strategy can include elements that are consistent with a human rights approach. While the specific housing policy and program choices obviously matter a great deal for safeguarding people’s right to housing, process matters too, even if it rarely gets the headlines. Good process does not guarantee good outcomes, but poor process can undermine the opportunity for long-term progress. To establish a solid foundation for long-term progress, we recommend that the national housing strategy include:

- Updating the *National Housing Act* to explicitly include the right to housing in the purpose and objectives of the act;
- Developing measurement, reporting and accountability processes consistent with human rights approaches; and
- Embedding engagement processes in the development and implementation of national housing policy that include the meaningful involvement of people who experience barriers to decent housing.

1. Recognizing the right to housing

The government should propose amendments to the *National Housing Act* to include an explicit recognition of the right to housing.

In Budget 2017, the federal government emphasized that the basis for a housing strategy is that “all Canadians need and deserve housing that is safe, adequate, and affordable.”⁶ In addition to being an important affirmation of shared Canadian principles, this is also a practical imperative. Improvements in housing outcomes are associated with better outcomes in health, education, the labour market and community safety.⁷ Good housing is the cornerstone of poverty reduction, strong communities, and inclusive growth.

6 Government of Canada. “Budget 2017: Building a Strong Middle Class.” March 22, 2017. <http://www.budget.gc.ca/2017/docs/plan/chap-02-en.html#Toc477707403>

7 Zon, Noah, Matthias Oschinski and Melissa Molson. “Building Blocks: The Case For Federal Investment In Social And Affordable Housing In Ontario.” September 22, 2014. Mowat Centre. <https://mowatcentre.ca/building-blocks/>

The Canadian government has a long history in both supporting and helping to drive international commitments to protect human rights. Yet we still have significant work to do to live up to these obligations and aspirations. In 2015 the UN Human Rights Committee in its review of Canada's implementation of the International Covenant on Civil and Political Rights found that Canada is falling short on a number of rights issues including gender equality, business and human rights, policing, freedom of expression, counterterrorism, and a variety of responsibilities as they relate to Canada's relationship with Indigenous peoples and First Nations.⁸ Canadian governments have also affirmed the right to housing in particular by signing onto the Universal Declaration of Human Rights and related treaties such as the International Covenant on Economic, Social and Cultural Rights, but we have yet to reflect this commitment explicitly in domestic legislation. In these areas too, Canada has been found to be failing to live up to our obligations.⁹

The feedback submitted to the Let's Talk Housing consultation shows significant support among Canadians for the idea that access to good quality, affordable housing with security of tenure is a fundamental right.

Through the Lets Talk Housing consultation process, Canadians made clear that they want to see the national housing strategy set us on a path to protecting the fundamental right to access to good quality, affordable housing with security of tenure. That starts with making clear what we are trying to achieve with the strategy and with housing policy more broadly. To do so, the government should propose amendments to the *National Housing Act* to include an explicit recognition of the right to housing. At a minimum, this should include an update to section 3 of the Act, which sets out the purpose of the legislation. Updating the purpose of the Act is fitting with the launch of a new strategy that relies primarily on policy instruments governed by decades-old housing legislation. Specifically, the language of section 3 could be amended to begin with "The purpose of this act is to safeguard the fundamental right to housing for all people living in Canada by promoting housing affordability, quality, security, equity and choice."

8 United Nations Office of the High Commissioner of Human Rights. 2015. "Human Rights Committee Concluding Observations of the Sixth Periodic Report on Canada." http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2F68%2F68%2F68&Lang=en

9 United Nations Office of the High Commissioner of Human Rights. 2016. "Committee on Economic, Social and Cultural Rights Concluding Observations of the Sixth Periodic Report on Canada." http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FCAN%2FCO%2F6&Lang=en

While straightforward to accomplish, this amendment would be an important signal to affirm Canada's international commitments to human rights, including the right to housing. It will make a clear statement that Canada is ready to support these commitments with policies and programs that move us forward in the progressive realization of the right to housing – that is, to steadily advancing towards fulfilling this right for everyone in Canada.

Putting this right into legislation establishes a long-term direction and goal for housing policy. It is a clear statement that everyone in Canada needs and deserves good housing, even if we disagree about the best way to achieve it. It is a steadfast goal that can endure the shifting winds of political agendas and public sentiment. Such a statement would not only guide federal policy development, but would also send an important signal to provincial and local governments and other actors who have important roles and responsibilities in realizing the right to housing.

Foundations: Affordability, quality, security

Affordability – Housing is essential to people's overall well-being. For housing to meet this standard, it must be available at a cost that leaves people with enough money to meet their households' needs and participate in society. That generally means that people have good options that cost no more than 30 per cent of their gross household income.

Quality – Housing must provide safe and healthy living conditions, in form and function. This goes beyond adequacy, state of good repair, and the absence of overcrowding. To meet this standard, we need to ensure suitability and take into account diverse needs for accessibility and supports, and the ability to access local transportation, employment, and community services.

Security – An essential element of housing that meets people's needs is the availability of secure long-term tenure – someplace where people can confidently build a home for the long term without the risk of eviction. Security includes both legal arrangements and financial predictability.

2. Measuring and reporting on progress

The National Housing Strategy should set clear, ambitious, and achievable targets and identify metrics of progress towards them; these should be reported on regularly.

An essential part of both a human rights approach and modern public governance is embedding strong measurement, evaluation, and accountability mechanisms. That means that in addition to making it clear what we are committed to accomplishing, the national housing strategy should include regular reporting on progress. The objective of monitoring progress is both for government to understand how well it is doing, where it needs to concentrate resources or adjust its strategies and tactics, as well as to enable people to understand these same things to claim their rights and hold decision-makers accountable.

Measuring different dimensions of housing need will help us tackle housing poverty across the country. It will help us understand trends and causes, and develop informed responses. Good measurement also allows us to monitor how effective those responses are, and how housing need is changing. For example, it is not enough to measure just the affordability of housing, or overcrowding, we need to ensure that we also capture the full range of dimensions about whether housing meets people's needs and whether they have equitable access. This may include metrics around safety, accessibility for persons with disabilities, security of tenure, access to services, and transportation. Our primary measure in Canada today, Core Housing Need, takes into account a combination of a few of these measures but nonetheless provides only a very grainy picture of housing outcomes in Canada. Because relying on any single metric can provide a distorted picture of housing outcomes, we need a robust set of measures to identify where people are unable to access housing that meets their needs and to design effective responses.

The use of multiple standards of measurements was a central part of the “A Decent Home for All” campaign pursued by the U.K. government over ten years, with standards established alongside targets and a range of policy solutions to meet those targets. Criteria included safety standards, a reasonable state of repair, reasonably modern facilities and services, and efficient heating and effective insulation.

By using these measures to develop a minimum standard for social housing units, the creation of effective measures and targets helped to drive improvements impacting hundreds of thousands of social housing units by ensuring they were brought up to standard.¹⁰ It is important however to be cautious in the design of standards and targets, as some critics of the Decent Home for All approach have suggested that the criteria acted as a ceiling as well as a floor, and could have been used to drive more significant improvements.

Like the U.K., Canada's housing strategy should include a clear statement from the federal government about what the strategy aims to achieve and by when. It should set clear, ambitious and achievable targets and identify metrics of progress towards them. To ensure transparency, amendments to the *National Housing Act* should include a mandate for annual public reporting on both housing outcomes and on the government's plans to improve those outcomes. This could be done by amending section 102 of the Act which mandates annual reporting by CMHC on its activities to require reporting on the *outcomes* of those activities towards the purpose of the Act.

With defined targets, governments have the opportunity to take credit for meeting them or face the prospect of explaining why they haven't. This is the incentive and accountability needed to make social policy targets effective. But not all targets create the right incentives. To be effective in driving meaningful progress, targets need to be:

- *Timely* so that governments report on their progress as much as possible during their current term with recent data;
- *Wide-ranging* enough to ensure that they can only be met through an inclusive and comprehensive approach; and
- *Ambitious and achievable* so that the agencies involved will have the conviction to deliver.

10 U.K. Government. "Beyond Decent Homes." March 23, 2010. <https://www.publications.parliament.uk/pa/cm200910/cmselect/cmcomloc/60/60i.pdf>

Measurement and evaluation also require robust, timely data, which we currently do not have. While the 2017 federal budget allocated some funding for improving housing data, the investments are focused on addressing some particular needs and are likely to leave us with some significant gaps in understanding and a long time lag in monitoring outcomes. To have an effective response to protecting people's right to housing we need to understand what is happening in a timely manner, with relevant data made available to allow us to reflect on and adjust our policies and programs.

In addition to improving the quantity and quality of data, the national housing strategy also presents an opportunity to improve the accessibility of that data to support public engagement, informed decision-making, and accountability. Public reporting should not simply be the pro-forma tabling of technical reports to parliament. It should include providing regular, user-friendly information that is easily accessible to the public. The newly-launched Canadian Digital Service within the Government of Canada provides a partnership opportunity for CMHC to make data available in a way that meets the needs of users. Such a partnership could be modeled on how the U.K.'s Government Digital Service has worked with a variety of government departments to provide user research, data science, and digital design expertise to make public data more useful and accessible. This has included a dedicated "Better Use of Data" team within the Government Digital Service.¹¹

3. Engagement and participation

The National Housing Strategy should include an ongoing opportunity for people to have input into the policies and programs that affect their lives.

A people-centred process should be integral throughout the national housing strategy, from the development of policy objectives, policy formulation and implementation, to monitoring and accountability.

While the Let's Talk Housing consultation last year included some opportunities for people to identify their priorities for the strategy, the

¹¹ Wilks, David. "Embedding Data Scientists." U.K. Government Digital Service. <https://gdsdata.blog.gov.uk/2017/07/13/embedding-data-scientists/>

process of developing the policy and program responses has been far more opaque and focused on traditional stakeholder groups. As Maytree heard from people in the context of community conversations on the national housing strategy hosted last year, outside or non-traditional voices have had little opportunity to engage at all.¹² This is inconsistent with a human rights approach and is likely to lead to poor outcomes.

The national housing strategy should include ongoing opportunities for people to have input on the policies and programs that affect their lives and in ways that will elicit open and honest feedback. It is important to ensure that policies are informed by the needs of the people at the centre of the strategy, rather than shaped exclusively by government or even by the agencies who currently provide services to people in housing need. That those with lived experience don't have the same advocacy resources as more well-resourced stakeholder organizations shouldn't mean that they do not have an opportunity to engage. Instead, it means that we need processes and resources dedicated to supporting meaningful participation. The Lived Experience Advisory Council (LEAC) has developed a set of principles for leadership and inclusion of people with lived experience of homelessness that provide some tangible steps that can be taken to improve inclusion, including greater lived experience representation on staff teams, committees and boards at all levels.¹³

It is not only a matter of engagement and opportunity, however. People face a diversity of experiences and challenges in accessing safe, affordable housing. "People with lived experience" do not make up a homogeneous or monolithic group. The mechanisms built to enable participation of people with lived experience must recognize and accommodate many voices and distinct needs. We need to ensure the time and space established to engage people with lived experience throughout the policy process accounts for this diversity. While participation should be built-in throughout the policy cycle from understanding the problem we are trying to solve and designing responses, an important part of human rights approaches in poverty

12 Vlachoyannacos, Effie. October 24, 2016. "What we heard: Community Conversations." Maytree. <https://maytree.com/publications/heard-community-conversations/>

13 Lived Experience Advisory Council. 2016. "Nothing about us without us: Seven principles for leadership and inclusion of people with lived experience of homelessness." Toronto: The Homeless Hub Press. www.homelesshub.ca/NothingAboutUsWithoutUs

reduction and other areas is making sure people can claim their rights. That means institutions provide an open, accessible, and responsive complaints procedure. Paired with the data and measurement, this can provide us a more complete picture of where we are falling short and ensure accountability is in place for continued progress.

Achieving effective engagement and participation requires investment at both ends of the conversation, in government and in the community. At one end, there is a need to increase the receptive capacity of government to shift the culture and practice in the public service to effectively engage people with lived experience of housing need. While culture change in the public service is not something that happens overnight, it is also a common and necessary feature of modernizing the public service.

One potential institutional change to support this shift would be the creation of a dedicated Office of Public Engagement at Employment and Social Development Canada (ESDC) with a mandate to improve engagement with the public to shape and inform strategies, policies, and programs, with a focus on including people who face barriers to participating (including those experiencing poverty and housing need). By creating a dedicated office outside of traditional stakeholder relations and communications channels, this institutional change could allow for a critical mass of expertise and space to create new practices.

By situating this office within ESDC rather than CMHC (where most of the programs for the NHS will be managed), the Office would ensure engagement rests closer to democratic accountability and could also support other key strategies and policies that rest with the department including the Canadian Poverty Reduction Strategy and the Early Learning and Childcare Framework. This Office could model some of the best practices around inclusion of people with lived experience including a lived experience advisory group integrated into the work of the office and employing peer leaders and peer researchers in work to address barriers to participation in formal consultation processes.

At the other end of the conversation, it is important to invest in the capacity of individuals and communities to engage in this work. For instance, the federal government can engage and enable participation of

people with lived experience of homelessness and housing poverty by, for example, allocating funds for groups that work directly with people in housing need to support their engagement. This fund could improve resources and programs to support a robust tenant advocacy system, better equipping people to channel their voices into the policy conversation and decision-making process.

Moving forward

The forthcoming national housing strategy is a unique milestone for Canada. It marks the beginning of a new phase of housing policy and an opportunity to change our approach. If we are to be consistent with the International Covenant on Economic, Social and Cultural Rights and with the growing consensus within Canada that decent housing is a fundamental right, the strategy needs to ensure the right to housing is a foundation for the all of the work that follows.

By affirming the right to housing in domestic legislation, transparently measuring our progress, and engaging people with lived experience of housing need, the strategy can set the direction for future policies. Realizing the right to housing does not end here. The specific policies that make up the strategy will matter to whether we succeed in fulfilling people's right to affordable, quality, and secure housing in practice. But the strategy can ensure that all that follows is grounded in human rights, which will set clear goals, ensure accountability, and establish a practical path forward.

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