

# REALIZING THE RIGHT TO HOUSING IN CANADIAN MUNICIPALITIES

## *SUMMARY OF RECOMMENDATIONS*

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Priority 1: Human Rights Infrastructure	
Key Challenges to Localizing the Right to Housing	Recommendations for Municipalities
1. Gaps between international human rights law and the National Housing Strategy that create barriers for municipalities to access resources, implement policies, assess their progress, and develop local strategies in alignment with their human rights obligations.	<ul style="list-style-type: none"> <li>Recognize the human right to housing in local charters, declarations, or ordinances.</li> <li>Implement local accountability and enforcement mechanisms to secure the right to housing, seeking to ensure rights-based participation in the creation of these mechanisms and ongoing assessment of their efficacy.</li> <li>Collect real-time, person-specific data capable of assessing progress towards realizing the right to housing locally, including in relation to homelessness and core housing need.</li> </ul>
2. Limited infrastructure or mechanisms to support coordination and coherence across provincial/territorial policy areas that impact the right to housing, such as child welfare, social assistance, and policies related to disabilities.	
3. Failure to recognize the right to housing in provincial/territorial legislation or policy.	
4. Limited provincial/territorial and federal judicial recognition of the right to housing, preventing the accumulation of jurisprudence that could be used to advance the right to housing locally.	

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## Priority 2

### Key Challenges to Localizing the Right to Housing

### Recommendations for Municipalities

#### *Federal Challenges*

1. The funding provided through the NHS does not yet meet the standard of utilizing maximum available resources to support those in greatest need. As of 2021, NHS funds have been underspent and alternative revenue-generating opportunities have not yet been maximized.

2. The delivery of NHS programs through cost-sharing, bilateral agreements with the provinces/territories prevents the swift allocation of funds at the municipal level, creating barriers to alleviating housing need and homelessness quickly.

3. Gaps in the NHS's prioritization of resources for those most in need, and the failure to specifically target available resources, has contributed to sub-optimal progress on improving the housing conditions of those who are most marginalized.

4. The NHS has not yet established an Urban, Rural, and Northern Housing Strategy, despite its commitment to do so and the severity of housing inequities faced by Indigenous communities.

#### *Provincial/Territorial Challenges*

1. In some cases, provincial/territorial governments have failed to allocate maximum resources available towards supportive, social, or affordable housing, including for those most in need.

2. Many provincial/territorial governments fail to sufficiently invest in homelessness shelters and services relative to need, and in some cases existing investments are not equitably distributed.

3. Failure to adopt the United Nations Declaration on Indigenous Peoples within provincial/territorial legislation or policy.

- Train and support municipal staff to understand the human right to housing and how to meet their human rights obligations.
- Adopt rights-based budgeting across city departments and divisions, seeking to use maximum available resources to address the housing of needs of those most marginalized.
- Embed Indigenous Peoples' right to housing and distinct rights under UNDRIP in municipal housing strategies and plans to end homelessness, transferring decision-making power and resources to local Indigenous communities wherever possible.
- Maximize all available jurisdictional powers to implement zoning policies, municipal bylaws, and other policies that can accelerate the creation of affordable housing.

### Priority 3

Key Challenges to Localizing the Right to Housing	Recommendations for Municipalities
<p>1. FTP and municipal governments have implemented limited mechanisms through which people with lived expertise can participate in program or policy design. Individuals experiencing the most severe forms of housing marginalization often face the greatest barriers to participation, including due to language, ability, citizenship status, and/or systemic discrimination.</p>	<ul style="list-style-type: none"><li>• Develop municipal infrastructure that embeds the meaningful participation of people with lived expertise into all policy development relevant to housing and homelessness. Such mechanisms should be co-developed with these experts, based in rights-based principles of participation, and be equitably and permanently funded.</li></ul>
<p>2. Where Canadian governments have created opportunities for people with lived expertise to participate in policymaking processes, this inclusion is often not accompanied by respective authority or power.</p>	<ul style="list-style-type: none"><li>• Advance participation of Indigenous Peoples in all municipal policy areas that affect the right to housing locally, in alignment with UNDRIP and the principles of free, prior, and informed consent.</li><li>• Adopt LEAC Principles within local policy making processes related to housing and homelessness, seeking to ensure equitable decision-making power is allocated to people with lived expertise.</li></ul>

### Priority 4

Key Challenges to Localizing the Right to Housing	Recommendations for Municipalities
<p>1. There is a jurisdictional disconnect between revenue and responsibility with regards to the realization of the right to housing, with municipalities often bearing the burden of addressing homelessness but lacking the tax base to address the scale of the issue.</p>	<ul style="list-style-type: none"><li>• Re-deploy city-owned land and buildings, and acquire existing distressed properties, in order to create permanent housing for people experiencing homelessness on an urgent and priority basis.</li></ul>
<p>2. There has been limited action from federal or provincial/territorial governments to address the widespread discrimination against people on the basis of housing status, and protection against this form of discrimination is not well established in provincial/territorial legislation or policy.</p>	<ul style="list-style-type: none"><li>• Work with provincial/territorial and federal governments to identify and implement additional revenue-generating mechanisms at the local level to address homelessness.</li><li>• Implement local anti-discrimination campaigns focused on eliminating stigma and discrimination on the basis of housing status.</li></ul>
<p>3. Some of the affordability metrics used to allocate federal homelessness and housing funds fail to reflect the depth of housing marginalization and poverty experienced by people who are homeless. This makes it more difficult for cities to eliminate homelessness swiftly and in alignment with their human rights obligations.</p>	<ul style="list-style-type: none"><li>• Formally adopt A National Protocol for Homeless Encampments in Canada within municipal policies.</li><li>• Provide guidance, support, and incentives to ensure that local homelessness and VAW housing and service providers employ a rights-based approach.</li></ul>

## Priority 5

Key Challenges to Localizing the Right to Housing	Recommendations for Municipalities	
SPOTLIGHT: Women, Girls, & Gender Diverse People 1. Inequitable federal investments in emergency shelter beds.	<ul style="list-style-type: none"><li>• Set local targets, timelines, outcomes, and indicators that redress systemic barriers to adequate housing experienced by those in the most need.</li></ul>	
3. Chronic provincial/territorial underinvestment in Violence Against Women Shelters and Services.		<ul style="list-style-type: none"><li>• Conduct GBA+, rights-based audit of local policies and programs relevant to securing the right to housing.</li></ul>
4. Conflicting and contradictory policies across provincial/territorial public systems can undermine housing stability for women and exacerbate family dissolution.		

## Priority 6

Key Challenges to Localizing the Right to Housing	Recommendations for Municipalities	
1. The financialization of housing is poorly regulated in federal/provincial legislation and policy, making it difficult for cities to produce affordable housing at the rate that it is being lost.	<ul style="list-style-type: none"><li>• Embed the right to housing in urban planning processes and practices.</li><li>• Preserve the existing stock of affordable housing through community-based, non-market acquisition of distressed housing.</li><li>• Leverage existing municipal taxation opportunities to generate additional revenue for affordable housing.</li><li>• Maximize land use, zoning, and other bylaw opportunities to increase the availability of affordable housing and preserve existing affordable housing units.</li><li>• Regulate short-term rentals, such as Airbnb and VRBO.</li></ul>	
2. Some government programs are subsidizing corporate landlords and other developers under the guise of creating affordable housing.		
3. Canadian governments rely heavily on tax revenue produced through real estate development to fund their budgets, creating a disincentive for them to adopt policies that would curb the financialization of housing.		
4. Financialization of housing deepens discrimination and inequities, creating further challenges for cities to advance non-discrimination and substantive equality.		

## Priority 7

### Key Challenges to Localizing the Right to Housing

1. Household incomes cannot keep up with the escalating cost of housing across Canada, including due to low provincial/territorial social assistance rates.

2. Legal loopholes in provincial/territorial legislation enable landlords to raise rents above rent control guidelines, contributing to evictions and the loss of naturally-occurring affordable housing.

3. While some provinces and territories adopted eviction moratoriums during the COVID-19 pandemic, most have now lapsed and a wave of evictions is occurring in many cities across the country.

4. Provincial/territorial divestment from legal aid supports undermines marginalized groups' ability to avoid evictions.

### Recommendations for Municipalities

- Invest in emergency financial supports for tenants at risk of eviction, such as rent banks or emergency cash relief programs.
- Improve access to legal information, advice, and representation for persons at risk of eviction, particularly for those who face marginalization.
- Analyze local data on evictions to better understand and address systemic and neighbourhood-based inequities.
- Develop screening programs to identify individuals and families at risk of eviction, providing immediate interventions to stabilize housing.