
RIGHT TO HOME

A Municipal Call to Action

- [1] The COVID-19 pandemic has exposed that access to an adequate home is undeniably necessary for the preservation of human life, health, and well-being. Canada's housing crisis has been made more acute during the pandemic and has put at even greater risk those living in street homelessness, shelters, and encampments; families and women experiencing violence; tenants; and all of those living in precarious housing. Cities in every corner of the country are on the frontline of both the housing crisis and the pandemic and are therefore key actors in finding solutions. The urgency facing cities led to the convening of the *Right to Home working group on Housing, Homelessness and COVID-19*.^{*} From this working group, a pan-Canadian consensus is emerging.
- [2] Cities agree that in order to effectively address this crisis, all orders of government must develop enhanced coordination, and housing must be treated as a human right rather than a matter of inconsistent social policy, charity, or financial instrument.
- [3] In 2019, the Government of Canada adopted the National Housing Strategy Act (NHSA), which states that the housing policy of Canada recognizes that housing is a fundamental human right. Canada Mortgage and Housing Corporation recently committed to ensuring that everyone in Canada has a secure, affordable place to call home by 2030. The Government of Canada also has long-standing international human rights obligations with respect to housing arising from the UN Sustainable Development Goals and numerous international treaties.
- [4] The right to housing, as recognized in the NHSA, means the right to live in security, peace, and dignity, and requires that progressive steps be taken in as short a time as possible to eliminate homelessness and to ensure that: evictions do not result in homelessness; housing is affordable based on household income; the financialization of residential real estate does not undermine the right to housing; and resources are allocated in a manner compliant with human rights standards.
- [5] It is our consensus opinion that human rights are transformational and their implementation necessary if Canada is going to reposition itself for the 21st century by reducing income inequality and pursuing a green recovery.¹ For this to be achieved, all orders of government must work in concert in new and creative ways, within Canada's constitutional framework so that cities receive the support needed to ensure the Federal Government's human rights commitments are realized in the area of housing. To this end, we have outlined four points of action of particular urgency in light of the pandemic.

* The Right to Home working group was convened by The Shift and the Canadian Urban Institute and is comprised of elected officials and city staff from Victoria, Vancouver, Yellowknife, Edmonton, Saskatoon, Winnipeg, London, Ottawa, Toronto, Kitchener, and Fredericton.

¹ With residential real estate having become a dominant investment instrument while rents and rates of homelessness increase, housing has become both a driver and a reflection of income inequality. Executing a green recovery requires that we find new solutions to the housing crisis, where repurposing and acquisition are pursued rather than focusing solely on new construction, which contributes heavily to Canada's carbon emissions.

1. STRENGTHEN INTERJURISDICTIONAL COOPERATION SO CITIES CAN EFFECTIVELY IMPLEMENT THE RIGHT TO HOUSING

[6] Canadian cities are dependent on the fluctuating political decisions of federal, provincial, and territorial (FPT) governments, which at times impedes our long-term planning to secure access to housing for our constituents. In light of the urgency created by COVID-19, the Government of Canada must work specifically to ensure cities—those closest to the needs of all people—have the necessary capacities and tools to achieve the goals enshrined in the NHSA. This will require stronger interjurisdictional cooperation, as occurred under the National Housing Act of 1944, when the federal government responded to the acute housing, slum, and eviction crisis facing the nation during a wartime period.

[7] To this end, we urge the Government of Canada to use its capacities and resources, and work collaboratively with us and the provinces and territories to:

i. **End Homelessness.**

a. Establish a nationally-mandated ‘Right to Home’ program that is adequately and robustly resourced by the Government of Canada and made available to those cities that commit to implementing the right to housing and ending homelessness through supportive housing programs and other human rights compliant measures. This could be administered in the same way as the Reaching Home program, with investment flowing directly to cities as well as a monitoring mechanism to ensure compliance with human rights.²

b. Establish a national acquisition strategy, as [outlined](#) by the Federation of Canadian Municipalities (FCM), to expand the supply of deeply affordable and supportive housing unit that may be used to permanently house the most vulnerable.

ii. **Promote Tenants’ Human Rights.** Declare, as a matter of the Government of Canada’s housing policy, a prohibition on evictions during the pandemic on the basis that they are contrary to the right to housing, in accordance with the NHSA. Where such a prohibition on evictions is in place, necessary support must be provided to small-scale landlords as well as landlords who can demonstrate substantial personal economic hardship so that they are not disproportionately affected by this measure.

iii. **Assistance with Household Debt.** Initiate a federal government-backed renegotiation of household debt due to mortgage or rental arrears accrued as a result of the COVID-19 pandemic and its economic effects. This could be facilitated through the development of a program, with the engagement of housing providers, to ensure that no more than 30% of monthly household income is devoted to rental payments or debt servicing and that any debt incurred is exempt from incurring punitive interest.³

iv. **Stabilize Income Support.** The Government of Canada must issue a top-up of social assistance rates to reduce housing instability.⁴ This can be achieved by modifying transfer payments through measures such as increases, earmarking, or conditionality.

² 235,000 people experience homelessness in Canada every year, and 35,000 will experience homelessness on any given night. In 2017/2018, 68,000 women and children were admitted to domestic violence shelters, and we know that domestic violence has only increased in 2020 since the beginning of the pandemic.

³ [A poll](#) released in August 2020 showed that 16% of households are worried about paying housing costs and 25% of renters are worried about making rent.

⁴ [Data](#) shows that social assistance rates are currently grossly inadequate across the country and a major contributor to housing instability and homelessness.

- v. **Regulate Financialization.** The Government of Canada must regulate institutional investors in residential real estate to ensure their compliance with human rights standards in the area of housing.⁵ To this end, the Government could undertake a national audit of housing stock ownership, implement tax reform (with respect to Real Estate Investment Trusts, for example), and curb individual ownership rates of rental housing units by any one owner or their subsidiaries.

2. ENSURE THE ALLOCATION OF FUNDS TO ADDRESS HOMELESSNESS AND HOUSING IS BASED IN HUMAN RIGHTS STANDARDS

[8] Cities in Canada rely on FPT governments for the necessary resources to tackle the housing crisis, but these funds are often insufficient and flow sporadically. Because cities are on the frontlines, city officials know what steps are needed to address the housing crisis. For example, adequate resources are required to provide long-term supportive housing for those living in homelessness or encampments, for new acquisitions, and to ensure that women and children experiencing violence have access to necessary services. Provincial and territorial governments play an important role in ensuring the necessary resources for cities in this regard and benefit from these allocations, as they are cost-saving measures in other areas, such as health and the criminal justice system.

[9] In keeping with a human rights approach to the allocation of funds, we expect that:

- i. All expenditures that affect housing be vetted for their human rights outcomes.
- ii. Funding support from FPT governments match the urgency and scale of the housing crisis.
- iii. All orders of government in Canada mobilize the maximum of their available resources proportionate to their revenue-raising capacities.
- iv. FPT governments address disincentives affecting the development of affordable housing, including those related to taxation. Additionally, tools that allow cities to expand public housing units, like the right of first refusal with respect to purchasing available properties, be extended wherever possible.
- v. Insofar as cities continue to bear substantial responsibility for addressing the housing crisis without sufficient resources from FPT governments, we require new revenue-raising opportunities to leverage diverse resources, such as congestion pricing, excise taxes, municipal income tax, tourist tax, or the allocation of PST generated in municipalities to those same municipalities. This may require reviewing existing municipal acts and implementing enabling legislation to strengthen cities' revenue-generating capacity.

3. EMPOWER CITIES TO ACT ON AN URGENT BASIS TO PREVENT POTENTIAL VIOLATIONS OF THE RIGHT TO HOUSING

[10] During the pandemic, cities have experienced a number of jurisdictional barriers impeding our ability to provide, on an urgent basis, access to safe, secure, and adequate housing for the most vulnerable. For example, in some instances we have had to decrease the number of shelter spaces—in compliance with COVID-19 health policy—without having the resources to secure sufficient housing units for those displaced. This has resulted in a rise of homeless encampments, contrary to human rights principles.

⁵ Approximately 20% of Canada's rental housing stock is now owned by institutional investors, contributing to the unaffordability of housing in cities.

[11] In order to ensure cities can act swiftly in a situation where human rights are at stake, we recommend the principle of subsidiarity be deployed. For example, the principle could be relied upon to ensure cities can secure emergency housing for those in need during the pandemic and recovery period. Any jurisdictional disputes arising, including those related to resources, would be determined after the human rights violation has been remedied.⁶

4. WORK WITH CITIES TO COMBAT HOUSING-BASED DISCRIMINATION

[12] Discrimination and stigmatization of low-income households and those experiencing homelessness or living in encampments has created a significant barrier for cities to secure affordable housing and integrating social services and supports for these populations. Too often, when cities attempt to create new low-income housing, shelters, or support services, or when we provide services for encampments in keeping with human rights norms, we receive complaints from other constituents, including threats to withhold property taxes and demands for police intervention.

[13] In keeping with the National Housing Strategy, we believe that addressing this discrimination requires a national and concerted approach. In particular, we recommend that:

- i. A nationally-led coalition of stakeholders⁷ develop and launch a countrywide-campaign aimed at dispelling myths about people based on their housing status and informing the public about housing as a human right.

⁶ Subsidiarity can be understood as articulated by the Supreme Court of Canada in its 2001 *Spraytech* decision: “law-making and implementation are often best achieved at a level of government that is not only effective, but also closest to the citizens affected and thus most responsive to their needs, to local distinctiveness, and to population diversity”, *114957 Canada Ltée (Spraytech, Société d’arrosage) v. Hudson (Town)*, 2001 SCC 40 at para 3.

⁷ Relevant partners could include cities’ housing and equity departments, provincial human rights bodies, the Canadian Human Rights Commission, and the Housing Advocate and Council (once appointed).

The Right to Home working group brings together elected officials and city staff from across Canada committed to securing the right to housing. It is convened by [The Shift](#) and the [Canadian Urban Institute](#).

Visit maketheshift.org/righttohome to learn more.

ALBERTA

EDMONTON

Christel Kjenner
Director Housing and Homelessness

BRITISH COLUMBIA

VICTORIA

Mayor Lisa Helps
Alison James
Head of Strategic Operations, Mayor's Office

VANCOUVER

Jean Swanson
City Councillor

MANITOBA

WINNIPEG

Cindy Gilroy
City Councillor

NEW BRUNSWICK

FREDERICTON

Mayor Mike O'Brien
Kate Rogers
City Councillor

NORTHWEST TERRITORIES

YELLOWKNIFE

Mayor Rebecca Alty

ONTARIO

TORONTO

Deputy Mayor Ana Bailão

OTTAWA

Catherine McKenney
City Councillor

LONDON

Maureen Cassidy
City Councillor
Craig Cooper
Manager, Homeless Prevention
Arielle Kayabaga
City Councillor
Debbie Kramers
Manager Homeless Prevention
Adam Thompson
Manager, Government and External Relations

KITCHENER

Mayor Berry Vrbanovic
Karen Cooper
Manager of Strategic & Business Planning

SASKATCHEWAN

SASKATOON

Hilary Gough
City Councillor
Michael Kowalchuk
Planning and Development