



**ACORN Canada**  
Uniting Communities for Justice

**ACORN Canada's Submission to the Canada Mortgage and Housing Corporation's National Consultation on a Human Rights-Based Approach to Housing**

**June 2018**

## Introduction

***“Housing rights are human rights and everyone deserves a safe and affordable place to call home.”***

Prime Minister Justin Trudeau, November 2017.

By introducing a National Housing Strategy (NHS) and making a commitment to a rights-based approach to housing, the Federal Government is taking a significant step towards tackling Canada’s housing crisis. ACORN members welcome this national plan. Yet, we acknowledge that there is a long way to go to overcome the systemic issues that have led to so many homeless and underhoused Canadians.

1.7 million families are without housing that meets their basic needs. Over 24 percent of Canadian households spend more than a third of their income on shelter costs. ACORN works with tenants in low-income communities across the country and as a result, we witness too many low and moderate income Canadians who are forced to live in substandard housing, often having to choose between feeding their families and paying rent. Change is needed, so we are pleased that the Federal Government is taking leadership to address the critical issue of housing. We welcome the opportunity to provide feedback that will inform the strategy and its implementation. In this paper, ACORN presents key suggestions for a rights-based approach to housing, from the perspective of our low and moderate-income membership.

## Rights-Based Approach

A rights-based approach to housing must include the following key elements:

### 1. Legislation

We support the Government’s commitment to embedding the National Housing Strategy in legislation, to ensure it is an ongoing priority<sup>1</sup>. This is an important step, but the proposed legislation must go further to protect the right to housing. The Universal Declaration of Human Rights and international treaties, such as the International Covenant on Economic, Social and Cultural Rights, outline the right to adequate housing. ACORN members feel strongly that Canada must implement legislation that recognizes and protects the right to adequate housing, as defined in international law. According to the United Nations, there are specific benefits to legislating the right to housing:

*While law should not be seen as the only way to ensure housing rights, it is unique in its ability to both establish and define clear state obligations in the area of housing. Moreover, it offers advocates at all levels an important tool that can be used as part of a larger movement aimed at positive and progressive change.<sup>2</sup>*

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<sup>1</sup> <https://www.placetocallhome.ca/pdfs/Canada-National-Housing-Strategy.pdf>

<sup>2</sup> <http://www.ohchr.org/Documents/Publications/HousingRightsen.pdf>

Legislation which affirms the right to adequate housing is crucial to protecting the rights of community members and providing an opportunity to claim their rights. ACORN members believe that legislation will provide our members, other tenant organizations and housing advocates with a powerful tool to ensure the right to housing is a reality in our communities. Effective legislation will crystallize the government's commitment to the right to housing for two reasons: 1) For community members whose rights have been violated, having the right to housing protected by law will provide an accountability mechanism; 2) Legislation can help preserve the right to housing to ensure that it withstands changes in government.

## ***2. Office of the Federal Housing Advocate and the National Housing Council***

An independent Office of the Housing Advocate must be equipped with the necessary tools to conduct deep engagement with communities, identify systemic barriers which impact the right to housing, and make formal recommendations for remediation, which are responded to by government promptly and transparently. ACORN members believe that the Office of the Housing Advocate must have real power to hold government to account and make recommendations that tackle systemic barriers to the right to housing. It is imperative that there is there is transparency and trust so that affected communities feel adequately represented by the Advocate.

Through the National Housing Council, the government has an important opportunity to ensure the right to housing is truly participatory. Given the right support, a diverse Council, comprised of non-token community members with lived experience of being underhoused, homeless or impacted by precarious housing, can use their experience as a powerful tool to inform the NHS. The United Nations promote a housing strategy that incorporates "extensive genuine consultation with, and participation by, all those affected, including the homeless, the inadequately housed and their representatives."<sup>3</sup> Council members should be connected with community organizations who are well-resourced to provide research and support, to ensure that members are equipped to participate fully. Council members should be selected by the communities they represent and have real input to all aspects of the NHS, the adjudication process, and ongoing evaluation and monitoring, to ensure accountability.

## ***3. Adjudication and Remediation***

To allow Canadians to realize the right to housing, there must be an adequate accountability mechanism that enables individuals to claim their rights. The UN recommends "accessible, transparent and effective mechanisms of accountability"<sup>4</sup>. ACORN calls for an adjudication panel that would listen to Canadians' claims of systemic rights violations. We recommend that this panel includes both human rights experts and non-token, community members with lived experience (for example, members of the National Housing Council). The panel should be equipped to make recommendations for remedial action to government, to be responded to in a timely and transparent manner. Inclusion of individuals with lived experience on the

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<sup>3</sup> <http://www.ohchr.org/Documents/Publications/HousingRightsen.pdf>

<sup>4</sup> <http://hrbportal.org/resources/frequently-asked-questions-on-a-humanrights-based-approach-to-development-cooperation>

adjudication panel would reflect genuine participation and reinforce the government's commitment to a rights-based approach to housing.

#### **4. Funding Obligations to Ensure the Right to Housing**

Through the National Housing Strategy, the Federal Government is promising billions of dollars in funding towards affordable and community housing repairs, as well as new affordable housing. We welcome this much-needed investment in our communities. However, to ensure the right to housing is embodied in all aspects of the National Housing Strategy, ACORN recommends that municipal, provincial and territorial NHS funding is hinged upon:

1. The obligation to realize the right to housing;
2. Promotion of inter-jurisdictional policies which support the right to housing, such as real rent control and inclusionary zoning.

Although the National Housing Strategy is spearheaded by Federal Government, there is great power within territorial, provincial and municipal governments to make housing decisions that benefit our local communities. The United Nations emphasizes the importance of a coordinated approach between different levels of government, to ensure policy aligns with mandated obligations.<sup>5</sup> All aspects of housing policy must promote the right to housing, which requires buy-in at all levels of government. One mechanism to ensure that provinces and municipalities commit to a rights-based approach would be to make the right to housing a requirement of funding.

An inter-jurisdictional approach provides a unique opportunity to share best practices and policies across the country, ensuring the approach taken is truly a national strategy. Real rent control, by eliminating vacancy decontrol, has the ability to stop rents from rising out of control when a tenant vacates their property. This will retain much-needed low-end rental housing within our communities. Research from California has found the benefits of vacancy control to include lower rent increases for tenants; increased rental stability and increased neighbourhood diversity.<sup>6</sup> We can also increase supply of affordable housing through policies such as inclusionary zoning, which allows municipalities to require a certain percentage of affordable housing in new developments. These policies should be promoted and shared across the country to address the fragmented approach to housing policy which currently impacts the realization of the right to housing.

#### **5. Prioritization of the Needs of Marginalized Groups**

Embedded in all elements of the rights-based approach to housing must be a consideration, and prioritization, of the needs of all marginalized groups, including low-income Canadians, racialized groups, people with disabilities and other groups who are vulnerable to precarious

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<sup>5</sup> <http://www.ohchr.org/Documents/Publications/HousingRightsen.pdf>

<sup>6</sup>

[https://www.researchgate.net/profile/Allan\\_Heskin/publication/249051872\\_The\\_Effects\\_of\\_Vacancy\\_Control/links/566053af08aebae678aa06e2/The-Effects-of-Vacancy-Control.pdf?origin=publication\\_detail](https://www.researchgate.net/profile/Allan_Heskin/publication/249051872_The_Effects_of_Vacancy_Control/links/566053af08aebae678aa06e2/The-Effects-of-Vacancy-Control.pdf?origin=publication_detail)

housing or homelessness. We are encouraged to see the Government's commitment to maintaining a NHS which "prioritizes the housing needs of the most vulnerable Canadians both now and in the future"<sup>7</sup>. ACORN calls for all aspects of the National Housing Strategy to recognize, and prioritize, the needs of all marginalized groups in relation to housing.

### ***6. Support for Community Organizations***

Independent, local organizations already working on housing and tenant initiatives must be well-resourced, to ensure they can engage and organize low-income and marginalized tenants and community members on the right to housing. This includes grassroots organizations who may need additional support to ensure their community members can participate. The UN calls for participation that goes beyond consultation with affected groups, and is instead "active, free and meaningful"<sup>8</sup>. Supporting grassroots community organizations will ensure that disadvantaged tenants and community members who are homeless or underhoused can be meaningfully engaged. Ongoing engagement of low and moderate income Canadians will ensure that those with the most acute housing needs can inform the NHS so that it meets their needs.

### **Right to Housing Case Studies**

To implement a rights-based approach to housing that is truly fit for purpose, CMHC must listen to the needs of community members whose rights have been violated. Those with lived experience, and the community organizations who work with them, can speak with authority on what a rights-based approach to housing should look like. As a national, membership organization of low and moderate income people, ACORN is well-placed to amplify the voices of some of Canada's most vulnerable community members. Here, we have included the stories of two of our members who have faced discrimination, rising rents and substandard living conditions which have impacted on their right to housing:

#### ***Case Study A: ACORN Leader Norma-Jean, Ottawa***

To Norma-Jean, the right to housing means a safe, clean and healthy environment to raise her children. Norma-Jean is in a same-sex relationship. With her wife, she has two children: one child who is of school age and a toddler. Her partner, who is in precarious, part-time employment, is the sole earner in their household. Finding affordable, livable housing in a neighbourhood where their children can thrive is a key concern for many couples. However, when planning to start a family, Norma-Jean and her partner faced discrimination from landlords who did not want same-sex couples living in their building. Although they realized they were being discriminated against, the couple did not know where they could complain, or where to start. They found there is a lack of information and support to help people who face discrimination in housing.

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<sup>7</sup> <https://www.placetocallhome.ca/pdfs/NHS-Human-Rights-Approach-to-Housing-en.pdf>

<sup>8</sup> <http://hrbportal.org/the-human-rights-basedapproach-to-development-cooperation-towards-a-common-understanding-among-un-agencies>

In addition to the discrimination that the couple has faced, Norma-Jean finds that housing is increasing unaffordable in Ottawa, where her family lives. Even though rent increases are capped in Ontario, Norma-Jean is concerned that her rent will reach a point where she can no longer afford to live in the city. This is a stressful situation for her family, and she worries that she will not be able to find alternative housing that is affordable, as landlords are increasingly focused on making profit. She believes the government needs to do more to create affordable housing, tackle the stigma of social housing and ensure neighbourhoods are diverse. With ACORN, Norma-Jean is calling for housing policy that increases the supply of affordable housing, such as inclusionary zoning, to help people like her to recognize their right to housing. Norma-Jean believes there is a disconnect between the people making decisions and community members and encourages policymakers to reach out to organizations like ACORN to bridge that gap. She also calls for greater clarity around the roles of the Housing Advocate and National Housing Council. Norma-Jean says there must be a system that enables community members to communicate housing discrimination, which leads to appropriate action being taken.

### ***Case Study B: ACORN Leader Ebony, Toronto***

Ebony has faced multiple instances of discrimination and systemic failures that have affected her right to housing. When she first left home at 16, Ebony faced discrimination from landlords who were reluctant to rent to her because of her age. By the age of 18, she was an Ontario Disability Support Program (ODSP) recipient and faced barriers renting again. Landlords both explicitly refused to rent to ODSP recipients and implied that disability and social assistance recipients were not welcome through rental ads that specified, “working, single people only”. With no job, it is difficult for Ebony to pass a credit check. This presents an additional barrier to finding shelter, as most landlords require a good credit score. When pregnant, Ebony found that landlords did not want to rent to someone with kids, who they thought might make too much noise. When she eventually found a one bedroom plus den to rent, the landlord sold the property and the new landlord gave her an infraction for using the den as a bedroom for her children, because it was near the furnace. She had to find somewhere else to live. At one point she was living in an apartment she could afford, but the landlord refused to do any maintenance or renovations until finally she was forced to leave and he could raise the rent. Policies such as elimination of vacancy decontrol would prevent this situation from occurring.

The cost of renting in Toronto has been a persistent barrier to finding affordable, livable housing for Ebony. She is far down the social housing waitlist and pays a huge amount of her small income on rent. To afford a place with enough space and a backyard for her children, she would need to sacrifice essentials like food and clothing. Currently, she is living in a house with her mother-in-law which is infested with cockroaches, like many of her previous apartments. Most of her friends have moved out of the city and she is probably going to have to do the same soon. Ebony believe that everyone deserves a place to live. She calls on the government to ensure that there is accountability when discrimination occurs so that low-income people are no longer forced to live in substandard housing in run-down neighbourhoods.

### **What is ACORN Canada?**

ACORN Canada (Association of Community Organizations for Reform Now) is an independent national organization of low- and moderate-income families. We have over 113,000 members organized into twenty-four neighbourhood chapters in seven cities across Canada. We believe that social and economic justice can best be achieved with a national active membership who are invested in their organization and focused on building power for change.

**For more information, contact ACORN Canada at (416) 461 6696 or [research@acorncanada.org](mailto:research@acorncanada.org)**

**[www.acorncanada.org](http://www.acorncanada.org)**