



Proposed amendments to strengthen the National Housing Strategy Act and the Poverty Reduction Strategy Act

Maytree submission to the House of Commons Standing Committee on Finance regarding Bill C-97, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2019 and other measures

Submitted by Maytree

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1. About Maytree

Maytree has been dedicated to creating solutions to poverty since 1982. The most enduring way to fix the systems that create poverty is to safeguard economic and social rights for all people living in Canada. Maytree works to advance systemic solutions to poverty through a human rights approach. We work with governments, researchers, the non-profit sector, and community organizations to build strong and vital communities.

2. Scope of our submission

Maytree is pleased to offer comments and recommend amendments to Bill C-97. Our comments are specific to Division 19 to enact the National Housing Strategy Act and Division 20 to enact the Poverty Reduction Act.

3. National Housing Strategy Act

Bill C-97 took a major step forward on legislating housing rights by including a commitment to the progressive realization of the right to housing for the first time in Canada's history. We were pleased to see that the National Housing Strategy Act reflected some of the recommendations made in Canada Housing and Mortgage Corporation's 2018 consultation on a rights-based approach to housing, and the recommendations made in an open letter signed by over 1,100 individuals and organizations from across Canada in August 2018.

The National Housing Strategy Act makes a commitment to the progressive realization of the right to housing consistent with the International Covenant on Economic, Social and Cultural Rights, creates an independent Housing Advocate, establishes a National Housing Council with inclusion of people with lived experience of homelessness and inadequate housing, and commits to ensuring participation of affected communities.

However, as it is written, the National Housing Strategy Act lacks essential elements of an effective human rights framework, particularly in terms of accountability. As such, amendments are needed to ensure that the government achieves its goal not only in recognizing housing as a human right, but in developing the mechanisms it needs to ensure that this right can be upheld. We urge FINA to support our proposed amendments especially with respect to:

- Unequivocally recognizing that housing is a human right;
- Mandating the Housing Advocate to receive and investigate petitions identifying systemic housing rights issues, and establishing a process for a review panel to hear and make recommendations on these issues; and
- Strengthening the monitoring role of the Housing Council.

3.1 Unequivocally recognizing that housing is a human right

The feedback submitted to the government’s *Let’s Talk Housing* consultation showed significant support among Canadians for the recognition that access to good quality, affordable housing with security of tenure is a fundamental human right.

As such, we believe it is critical that the Act include a declaration that “housing is a fundamental human right essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities” and that a purpose of the National Housing Strategy is to “implement the housing policy, taking into account key principles of a human rights-based approach to housing.”

These amendments would be an important signal to affirm Canada’s international commitments to housing as a human right. It will remove any ambiguity and demonstrate 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, steadily advancing towards fulfilling this right for everyone in Canada.

These amendments would establish a long-term direction and goal for housing policy. While there may be competing policy ideas about how this right is upheld, a clear statement that housing is a fundamental human right in the proposed legislation would provide the necessary clarity to guide federal policy development. Further, it would demonstrate the federal government’s leadership to provincial and municipal governments in meeting Canada’s international commitments to social and economic rights.

RECOMMENDED AMENDMENTS:

Amend section 4(a) to include a declaration that “housing is a fundamental human right essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities.”

Amend section 5(2)(a) to specify that a purpose of the National Housing Strategy is to “implement the housing policy, taking into account key principles of a human rights-based approach to housing.”

3.2 Mandating the Housing Advocate to receive and investigate petitions identifying systemic housing rights issues, and establishing a process for a review panel to hear and make recommendations on these issues

We propose amendments that clarify the duties of the Housing Advocate around exploring systemic issues faced by affected groups, monitoring the government’s progress on its housing strategy, and making recommendations to the government on how it can address systemic housing concerns. This clarification would better equip the Housing Advocate to advance the government’s policy commitment to the progressive realization of the right to housing, and strengthen the accountability component of the National Housing Strategy Act.

RECOMMENDED AMENDMENTS:

Amend section 13(1)(a) to clarify that the mandate of the Housing Advocate is to:

- assess and provide advice to the federal government on the implementation of its housing policy;
- hear and identify the systemic housing issues faced by affected groups;
- provide the federal government recommendations to address these systemic housing issues;
- monitor the government’s progress in meeting its goals, timelines and desired outcomes in the housing strategy;
- report on findings and make recommendations to the Minister; and
- participate in the work of the National Housing Council as an ex officio member.

We also propose amendments that ensure a meaningful voice and role for affected individuals and communities.

This would give the Housing Advocate the authority to refer systemic housing issues to a three-person review panel, which will hold hearings and make recommendations to the Minister. The members of the panel would have expertise or experience in human rights and housing matters, and at least one member must be representative of communities directly affected by homelessness and inadequate housing. Hearings should be public and conducted in an open and accessible manner.

The proposed amendments would ensure that the Housing Advocate could bring information forward about systemic issues faced by vulnerable groups, as well as their lived experience. The Advocate would also draw on other experts and the results of investigations and research to put forward practical, evidence-based recommendations to deal with specific problems as they emerge.

This proposed approach is oriented around solving problems, making policies and programs more effective and responsive, engaging with those affected and working collaboratively with multiple stakeholders. It creates accountability and access to justice for the right to housing, without requiring legally binding orders from a court or an official tribunal.

RECOMMENDED AMENDMENTS:

That the list of functions of the Housing Advocate in section 13 include:

- hearing submissions, and identifying systemic housing issues that warrant a hearing; and
- working with affected communities and relevant experts to present evidence and proposals for remedial action to the panel.

Insert a new part in section 13 to establish the role for a three-person panel drawn from the National Housing Council that:

- hears the evidence on systemic issues recommended by the Housing Advocate, and holds public hearings that offer affected communities an opportunity to participate;
- considers the systemic issues and proposed remedies presented to them; and
- reports their conclusions and recommendations for further action to the Minister.

3.3 Strengthening the monitoring role of the Housing Council

We further propose amendments that strengthen the role of the Housing Council. The National Housing Council will further the National Housing Strategy and the right to housing by monitoring the government’s progress on its housing policy, and by providing advice to the federal Minister. Strengthening the Housing Council’s monitoring function is integral—as per a rights-based approach—to ensuring that strong accountability and transparency mechanisms are put in place that help the government in progressively realizing the right to housing. The phrase “progressive realization” recognizes that the right to housing cannot be achieved overnight. Instead, policy, legislative and regulatory measures will help us realize the right to housing over time. A strong monitoring function of the Housing Council will enable it to identify opportunities where the government can do better in achieving to goals, keeping us on track.

We support the draft legislation’s requirement that the membership of the Housing Council include representation of vulnerable groups, people with lived experience of housing need as well as homelessness. Further, given the proposed amendments for a review panel composed of members of the Housing Council that would hold hearings into systemic housing issues identified by the Housing Advocate, it is critical that the Housing Council’s composition include people from affected communities.

The Council should make certain that housing policies and programs are consistent with the commitment to the progressive realization of the right to housing, cultivating a new human rights culture into housing policy, and ensuring that rights-based approaches are embedded in all programs.

RECOMMENDED AMENDMENT:

Amend 6(1)(a) to confirm that the Housing Council’s mandate includes “monitoring progress towards the goals of the housing policy and providing advice to the Minister, on its own initiative or at the request of the Minister.”

4. Poverty Reduction Act

Opportunity for All, the first Canada-wide poverty reduction strategy, sets out a framework for the federal government's efforts towards poverty reduction. Bill C-97 enacts the Poverty Reduction Strategy Act, and includes a number of promising components, including:

- Requiring future governments to maintain a poverty reduction strategy to ensure continued action towards poverty reduction;
- Establishing a National Advisory Council with the mandate to advise government, a requirement to consult, and a requirement to report to the Minister responsible on progress towards poverty reduction annually; and
- Setting the official target against which progress can be monitored, but also allowing flexibility for the Council to consider other metrics to gain a deeper understanding of how poverty is changing in Canada.

However, we are concerned that the Bill C-97, in its current form, misses the opportunity to embed a human rights-based approach to poverty reduction efforts in Canada. In particular, we would like the committee to consider making three amendments to the legislation that will lead to a stronger approach to poverty reduction. Our proposed amendments regarding the Poverty Reduction Act concern:

1. Engaging people with lived experience in the strategy;
2. Clarifying the definition of poverty in the legislation; and
3. Seeking to develop poverty metrics with an equity dimension.

4.1 Engaging people with lived experience in the strategy

Bill C-97 makes it clear that people with lived experience should be actively engaged in the poverty reduction strategy, which makes “consultations with the public, including the academic community and other experts, Indigenous persons and persons with lived experience in poverty” an ongoing requirement of the Council.

But participation is more than just consultation. Employment and Social Development Canada has already welcomed people with lived experienced of poverty to apply to become members of the Council through a designated recruitment stream. To demonstrate that this should be an ongoing element

of the government’s poverty reduction work, and to recognize the value that lived-experience engagement brings to policy-making, we would like to see the legislation require at least one member of the Council to have lived experience of poverty. This amendment would align the Poverty Reduction Act with the National Housing Strategy Act which, even in its initial wording, specifies that the Housing Council include people with lived experience of housing need and homelessness.

We recognize that one lived expert cannot fully represent the experience of poverty. Wider engagement of people with lived experience by all council members is necessary, and needs to be distinct from the consultations with the general public and academics who have long been included in such processes. Instead of naming persons with lived experience as one of the groups the Council consults with, we would like to see the legislation amended to outline an additional function for the Council of “engaging people with lived experience (including Indigenous persons, immigrants, women, single mothers, people with disabilities, and racialized groups) in the design, implementation, monitoring, and evaluation of the strategy.”

Recognizing the importance of lived-experience participation in the legislation puts this and future governments on a path towards more systematic and meaningful participation of people with lived experience.

RECOMMENDED AMENDMENTS:

In section 9(1), specify that the Council include at least one member with lived experience of poverty.

In section 10, specify an additional function of the Council of “engaging people with lived experience (including Indigenous persons, immigrants, women, single mothers, people with disabilities, and racialized groups) in the design, implementation, monitoring, and evaluation of the strategy.”

4.2 Clarifying the definition of poverty in the legislation

The Poverty Reduction Strategy defines poverty as “the condition of a person who is deprived of the resources, means, choices and power necessary to acquire and maintain a basic level of living standards and to facilitate integration and participation in society.” This definition acknowledges that poverty is not just lacking necessities but is a complex issue linked to power and choice and the ability to participate in everyday society.

Including this definition within the Act would provide clarity for the Council and the Minister carrying out their obligations under the Act. It would also provide continuity to ensure future ministers and council members have a shared understanding of poverty and the scope of the strategy.

RECOMMENDED AMENDMENT:

Insert a definition of poverty in section 2 to read, “Poverty means the condition of a person who is deprived of the resources, means, choices and power necessary to acquire and maintain a basic level of living standards and to facilitate integration and participation in society.”

4.3 Seeking to develop poverty metrics with an equity dimension

Along with identifying a specific measureable target for the strategy to aspire towards, the legislation allows for other metrics to be used to monitor the level of poverty. Using multiple metrics will provide the Minister with a more accurate understanding of poverty and it will inform the Council’s advice on how the strategy can be improved.

The legislation also allows the Governor in Council to add or delete metrics. This flexibility means that, as poverty in Canada shifts and investments in data collection yield results, the schedule can be amended to incorporate more appropriate, accurate, and timely metrics.

The government has made welcome investments in Statistics Canada to increase its capacity to collect data on poverty that can be disaggregated by geography and socio-demographic characteristics. This will provide us with a greater understanding of the differential impacts poverty has on certain population groups and inform how the strategy can better recognize this.

Adding a statement in the Act that requires the Governor in Council to “seek to incorporate, wherever possible, metrics that disaggregate data among groups known to be at a greater risk of poverty (including, but not limited to, immigrants, women, single mothers, people with disabilities, Indigenous peoples, and racialized groups)” is important. It would ensure that the results of the government’s investments in data are used to inform and support poverty reduction efforts to benefit all Canadians in poverty.

RECOMMENDED AMENDMENT:

Insert section 8(3) to read, “The Governor in Council should seek to incorporate, wherever possible, metrics that disaggregate data among groups known to be at a greater risk of poverty (including, but not limited to, immigrants, women, single mothers, people with disabilities, Indigenous peoples, and racialized groups).”

5. Concluding remarks

Our recommended amendments draw on our work with legal experts, policy-makers and people with lived experience of poverty and housing need. The amendments to the National Housing Strategy Act in particular have been developed in partnership with a coalition of experts and advocates, many of whom are also appearing before this committee.

These amendments are necessary to provide clarity and accountability, and to ensure that affected individuals and communities have a voice in the development of policies that affect them. None of the amendments alter the scope and principle of the legislation and none require any public expenditure that is not already provided for in the legislation.

Both the Poverty Reduction Act and the National Housing Strategy Act are important commitments to pursuing policy that prioritizes meeting the social and economic rights of all Canadians. Our proposed amendments will strengthen these efforts and give a voice to those affected.

Thank you for your consideration of our recommendations.

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