

Bill C-??

An Act to progressively realize the right to housing in Canada by means of a National Housing Strategy

## Preamble

Considering that

Canada has ratified the International Covenant on Economic, Social and Cultural Rights and other human rights treaties and has, in so doing, recognized that access to adequate housing is a fundamental human right included in the right to an adequate standard of living,

This fundamental human right to housing is inseparable from other human rights, including those guaranteed by the Canadian Charter of Rights and Freedoms, and operates in conjunction with them,

Canada has undertaken to take steps to the maximum of its available resources, with a view to achieving progressively the full realization of the right to housing by all appropriate means, including legislative measures, and

The Covenant and other human rights treaties apply throughout Canada and all governments in Canada have shared responsibility for realizing the right to housing by all appropriate means, within the limits of their authority and available resources.

NOW, THEREFORE, Her Majesty by and with the consent of the Senate and the House of Commons of Canada enacts as follows:

## Short title

1. This Act may be cited as the *National Right to Housing Strategy Act*.

## Interpretation

### Definitions

2. The following definitions apply in this Act.

**Covenant** means the International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the United Nations in resolution 2200 (XXI) of December 16, 1966 and acceded to by Canada on May 19, 1976. (*Pacte*)

**Housing Advocate** means the Housing Advocate appointed under section 26 of the *Canadian Human Rights Act*. (*défenseur du logement*)

**Minister** means the member of the Queen's Privy Council for Canada designated by the Governor in Council to be the Minister for the purpose of this Act. (*Ministre*)

**National Housing Strategy** means the strategy required by section 4. (*Stratégie nationale sur le logement*)

**progressive realization**, in relation to the right to housing, means implementing reasonable measures, within available resources, sufficient to ensure the right to housing for all in the shortest possible time and according priority to vulnerable groups and those in greatest need of housing. (*mise en oeuvre progressive*)

**right to housing** means the right described in subsection 3(1). (*droit au logement*)

**systemic housing issues** means issues affecting the housing system as a whole in relation to housing for marginalized or disadvantaged groups or impeding the progressive realization of the right to housing and includes issues about the implementation of the National Housing Strategy. (*questions systémiques en matière de logement*)

## Purpose

### Progressive realization of right to housing

3. (1) The purpose of this Act is to affirm the Government of Canada's recognition of the right to housing as a fundamental human right, to ensure accountability for the progressive realization of this right and to implement a National Housing Strategy to progressively realize the right to housing in Canada. The right to housing affords everyone a safe and secure home in which to live in security, peace and dignity, meeting standards of adequacy, including standards relating to legal security of tenure, affordability, habitability, availability of services, accessibility, location and culture.

### International obligations

(2) The right to housing is to be realized in accordance with Canada's obligations under the Covenant and other human rights treaties, taking into account principles of inclusion, accountability, participation and non-discrimination.

### How purpose to be achieved

- (3) To achieve its purpose, this Act
- (a) recognizes the right to housing and commits the Government of Canada to progressively realize this right by all appropriate means within the purview of matters coming within the legislative authority of Parliament;
  - (b) requires a National Housing Strategy to be prepared and updated annually so as to be consistent with the commitment to the progressive realization of the right to housing;
  - (c) requires that federal policies, funding programs and inter-governmental agreements affecting housing be reviewed for consistency with the commitment to the progressive realization of the right to housing;
  - (d) provides means by which individuals and organizations, including those affected by homelessness and inadequate housing, may participate in the design, implementation and monitoring of the National Housing Strategy;
  - (e) establishes a Housing Advocate and a Housing Council to facilitate the participation of those affected in ensuring the progressive realization of the right to housing, consideration of systemic housing issues and identification of appropriate remedial recommendations;
  - (f) provides means to ensure the implementation of the remedial recommendations by legislative and governmental bodies; and
  - (g) provides support for community initiatives and public education to support local communities in monitoring compliance with and advancing the right to housing.

## National Housing Strategy

### National Housing Strategy

4. (1) The Minister must prepare a National Housing Strategy to be reviewed and approved by the Governor in Council before the end of each financial year.

### Guiding principles and objectives

#### (2) The Strategy must

- (a) be grounded in the principles of inclusion, accountability, participation and non-discrimination;
- (b) contribute to realization of the United Nations Sustainable Development Goals; and
- (c) ensure compliance with the obligation to progressively realize the right to housing under the International Covenant on Economic, Social and Cultural Rights.

### Elements of strategy

#### (3) The strategy must include the following elements:

- (a) initiatives to identify and address the effects of discrimination in relation to housing and the housing related needs of all vulnerable or marginalized groups, including:
  - (i) analysis and measures to address systemic discrimination based on race, colour, or national or ethnic origin and to ensure the equal enjoyment of the right to housing without discrimination on these grounds, consistent with the Convention on the Elimination of All Forms of Racial Discrimination, adopted in New York March 7, 1966 and ratified by Canada on October 14, 1980,
  - (ii) gender-based analysis and measures to address discrimination and inequality experienced by women, including women escaping violence, consistent with the Convention on the Elimination of All Forms of Discrimination against Women adopted December 18, 1979 in New York and ratified by Canada on December 10, 1981,
  - (iii) initiatives to identify and address the housing circumstances of persons with disabilities, including mental, physical and intellectual disabilities and including support to live independently in the community, consistent with the United Nations Convention on the Rights of Persons with Disabilities adopted December 13, 2006 in New York and ratified by Canada on March 11, 2010,
  - (iv) initiatives to identify and address the housing circumstances and to ensure the right to housing of children and young adults, consistent with the Convention on the Rights of the Child, adopted in New York on November 20, 1989 and ratified by Canada on December 12, 1991,
  - (v) housing strategies to identify and address the distinctive barriers, needs and rights of urban and rural Indigenous Peoples, co-developed with Indigenous

- Peoples' organizations, to ensure the equal enjoyment of the right to housing consistent with the Declaration on the Rights of Indigenous Peoples;
- (vi) housing strategies for First Nations, Inuit and Métis Nation partners negotiated on the basis of Inuit-to-Crown, government-to-government, nation-to-nation relationships, to ensure the equal enjoyment of the right to housing consistent with the Declaration on the Rights of Indigenous Peoples, and
  - (vii) initiatives to identify and address the housing circumstances and to ensure the right to housing of migrants, refugees, the elderly, veterans, members of LGBTQ2 communities and other groups facing discrimination or with particular housing needs;
- (b) measures to combat discrimination on the grounds of housing status, including measures to address and prevent stigmatization and criminalization of those who are homeless,
  - (c) measures and resources to support community-based initiatives to promote the right to housing locally;
  - (d) measures to support and ensure meaningful participation by, and accountability to, diverse communities affected by homelessness and inadequate housing in all elements of the Strategy,
  - (e) initiatives to implement remedial recommendations from the Housing Council and the Housing Advocate;
  - (f) measures to be implemented in coordination with provinces, territories, municipalities and Indigenous communities to prevent and eliminate homelessness, including measures to provide rapid relief and necessary assistance to low income households and individuals for the payment of housing costs, adjusted to local housing needs and priorities and consistent with the purpose of this Act;
  - (g) measures to be implemented in coordination with provinces, territories, municipalities and Indigenous communities to ensure the protection of affordable housing and the displacement of low income and mixed income communities by development and ensure that new development is planned and implemented in consultation with those in need of adequate and affordable housing in the community and addresses their needs;
  - (h) measures to be implemented in coordination with provinces, territories, municipalities and Indigenous communities to ensure that investment in housing and real estate supports the progressive realization of the right to housing,
  - (i) indicators to assess progress in implementing the strategy, developed in consultation with relevant experts in housing and human rights, civil society organizations and communities experiencing housing need; and
  - (j) plans, targets and timelines based on the indicators, consistent with the purpose of this Act, for reducing and eliminating homelessness, removing households from housing need, creating new housing units, repairing and upgrading existing housing units, improving the

housing conditions of groups identified in 3(a); and other measures of progress in achieving the purposes of this Act.

**Minister to maintain Strategy**

- (3) Within 90 days after the end of each calendar year, the Minister must
  - (a) review the Strategy and its implementation, particularly taking into account remedial recommendations made by the Housing Advocate and the Housing Council during that year; and
  - (b) respond to the remedial recommendations and propose adjustments to ensure compliance with the obligation to progressively realize the right to housing.

**Housing Advocate**

**Functions of Housing Advocate**

- 5. The functions of the Housing Advocate are
  - (a) to advance the progressive realization of the right to housing and the implementation of the National Housing Strategy;
  - (b) to conduct investigations into systemic housing issues and the implementation of the National Housing Strategy, including potential non-compliance and the identification of appropriate solutions;
  - (c) to work with affected communities and individuals to identify and address systemic housing issues, including through hearings before an investigative panel, and to facilitate their participation through community meetings, communications procedures and public presentations;
  - (d) to develop and conduct programs of public information and education to promote the realization of the right to housing and the implementation of the National Housing Strategy;
  - (e) to undertake, direct and encourage research into the housing needs of vulnerable and marginalized communities, to identify means to better realize the right to housing and to make recommendations designed to ensure the realization of the right to housing;
  - (f) to examine and review any statute or regulation, and any program or policy, and make recommendations on its consistency with the obligation to progressively realize the right to housing or with the goals, timelines or initiatives of the National Housing Strategy;
  - (g) to initiate reviews and inquiries into incidents or conditions in a community, institution, industry or sector of the economy, and to make recommendations, and encourage and co-ordinate plans, programs and activities to promote and ensure the realization of the right to housing; and
  - (h) to promote, assist and encourage public and private programs and action to promote the realization of the right to housing.

### **Petitions**

6. (1) Any person or group may submit a petition regarding a systemic issue to the Housing Advocate raising concerns
- (a) that a legislative provision, a policy, a program or a decision is contrary to the progressive realization of the right to housing; or
  - (b) that a government has failed to adopt reasonable measures to ensure the progressive realization of the right to housing; or
  - (c) that the National Housing Strategy has not been implemented in accordance with its guiding principles and objectives and the purposes of this Act.

### **Investigation**

(2) The Housing Advocate must review the petition to determine whether an investigation is warranted and, if so, conduct an investigation. The Housing Advocate must also communicate the determination to the person or group who submitted the petition.

### **Request for information**

(3) The Housing Advocate may send a request to any person for information relating to the petition. The person must respond to the request within a reasonable period of time specified in the request.

### **Opinion**

(4) After conducting an investigation and reviewing the responses and any other relevant information, the Housing Advocate may issue an opinion as to whether the concerns raised in the petition are substantiated and may direct the opinion to the relevant minister or ministers and any other persons.

### **Remedial recommendations**

(5) The Housing Advocate may also issue remedial recommendations prescribing actions necessary for the progressive realization of the right to housing or the implementation of the National Housing Strategy in accordance with its guiding principles and objectives and with the purpose of this Act.

### **Minister to respond to opinions and recommendations**

(6) The Minister, or any other minister to whom an opinion or remedial recommendation is directed, must provide a written response within 60 days after receiving the recommendation outlining what will be done to address the matters raised in the opinion or to implement the recommendation.

### **Referral of petition to Canadian Human Rights Tribunal**

7. (1) At any stage in the review or investigation of a petition, the Housing Advocate may request the Chairperson of the Canadian Human Rights Tribunal to institute an inquiry under section 59.1 of *the Canadian Human Rights Act* if the Housing Advocate considers that the systemic housing issue

raised in the petition warrants an inquiry into possible non-compliance with the obligation to progressively realize the right to housing.

#### **Referral of other systemic housing issues**

(2) The Housing Advocate may also request the Chairperson to institute an inquiry under section 59.1 of the *Canadian Human Rights Act* if the Housing Advocate identifies any other systemic housing issue and considers it to warrant an inquiry into possible non-compliance with the obligation to progressively realize the right to housing.

#### **Summary of information**

(3) The request must identify the systemic housing issue and its possible implications for the progressive realization of the right to housing and include a summary of the information that formed the basis for referring the petition.

#### **Housing Advocate to work with affected communities**

(4) The Housing Advocate must work with affected communities and relevant experts to present the evidence and potential solutions to the Tribunal panel assigned to inquire into the petition.

#### **Minister to respond to Tribunal findings and remedial recommendations**

(5) When a Tribunal submits a report of its findings and recommendations under section 59.1 of the *Canadian Human Rights Act*, the Minister must provide a written response within 60 days after receiving the report outlining what will be done to implement the recommendations and specifying, as indicated by the Tribunal, timelines and reports to be provided to the Housing Advocate.

#### **Housing Advocate to monitor implementation**

(6) The Housing Advocate must monitor the implementation of the recommendations of the Tribunal to see whether it is in accordance with the ministerial response.

#### **Implementation concerns**

(7) If the Housing Advocate considers that any recommendations are not being implemented in accordance with the ministerial response, the Advocate must notify the Minister, outlining implementation concerns and actions needed. The Minister must provide a written response within 30 after being notified.

#### **Annual report**

8. (1) The Housing Advocate must, within three months after the end of each financial year, submit a report to Parliament on their activities during that financial year.

#### **Special Report**

(2) The Housing Advocate may at any time make a special report to Parliament on any matter within the scope of their duties and functions if, in the opinion of the Housing Advocate, the matter is of such urgency or importance that a report on it should not be deferred until the next annual report.

### **Advance copy of reports to Minister**

(3) The Housing Advocate must give a copy of each annual report and special report to the Minister at least 30 days before it is submitted to Parliament.

### **Transmittal and referral of reports to Parliament**

(4) Each annual report and special report is to be transmitted to the Speaker of the Senate and to the Speaker of the House of Commons for tabling in those Houses and referral to the committees established to deal with housing matters.

## **Housing Council**

### **Housing Council established**

9. (1) There is established a Housing Council consisting of a president and not more than [??] other members to be appointed by the Governor in Council.

### **Members to be representative**

(2) The members of the Housing Council are to be representative of the federal, provincial, territorial, Indigenous and municipal governments in Canada, the housing sector, the human rights community, the research community and people with lived experience of homelessness or inadequate housing.

### **Meetings**

(3) The Council may meet at such times and at such places in Canada as it considers necessary, but it must meet at least twice a year.

### **Executive committee**

(4) There is established an executive committee of the Council consisting of the President, the Vice-President and at least six other members selected by the Council, with at least one representative of each level of government and one representative of each other group identified in subsection (2).

### **Administrative matters**

(5) *[There are many machinery issues to be addressed in establishing public bodies. Threshold issues are how many members, how are they appointed and for how long? Additional issues relate to officers, remuneration, staff, by-laws and reporting. An example of Federal legislation establishing a council is the [Social Sciences and Humanities Research Council Act](#). It provides examples of these issues and how they might be addressed.]*

### **Functions**

10. The functions of the Housing Council are to work with the Housing Advocate

- (a) to ensure the National Housing Strategy is implemented to progressively realize the right to housing; and
- (b) to set and monitor goals and timelines for the reduction and elimination of homelessness and progress in ensuring adequate housing;



- (c) to monitor and provide input on compliance with government obligations to progressively realize the right to housing; and

**Expert panel**

- 11. (1) The Housing Council must appoint, on an annual basis, a panel of experts to advise on statistical, qualitative and other measures for assessing progress in implementing the Housing Strategy.

**Disaggregation of measures and indicators**

- (2) The Council must ensure that statistical, qualitative and other measures and indicators for assessing progress in achieving the purpose of the Housing Strategy are disaggregated by age, geography, household type, Indigenous status, immigration status, race, gender, disability and other relevant personal characteristics.

**Targets and timelines**

- (3) On the basis of advice and information provided by the panel of experts, the Housing Council must establish and review annually targets and timelines for implementing the National Housing Strategy to ensure consistency with the progressive realization of the right to housing, including plans, targets and timelines for

- (a) reducing and eliminating homelessness;
- (b) removing households from housing need;
- (c) creating new housing units;
- (d) repairing and upgrading existing housing units; and
- (e) improving the housing circumstances of Indigenous peoples, women, people with disabilities and other groups facing racial and other forms of discrimination.

**Monitor progress and make recommendations**

- (4) The Housing Council must monitor progress in implementing the National Housing Strategy and in achieving its purpose, report annually to the Minister on the progress and make recommendations to the Minister regarding measures necessary to ensure the targets and timelines are met and that obstacles to achieving the purposes of the National Housing Strategy are addressed.

**General**

**Interpretation and application of other legislation**

- 12. Other Acts and regulations relating to housing, including the *National Housing Act*, are to be interpreted and applied so as to support the realization of the right to housing and the National Housing Strategy.

**Other measures and recourse not affected**

- 13. The provisions of this Act are in addition to any measures or recourse to realize the right to housing under any other law and do not limit those measures or recourse.

## Commencement

14. This Act comes into force [*when?*].

## Amendments to the Canadian Human Rights Act

**16. Section 26 of the *Canadian Human Rights Act* is amended by adding the following subsection after subsection (1)**

### Housing Advocate

(1.1) The Commission also includes a full-time member referred to as the “Housing Advocate” to be appointed by the Governor in Council. The person appointed must have knowledge and experience relating to human rights law and housing matters.

**17. The Act is amended by adding the following subsection after section 31:**

### Acting Housing Advocate

**31.1** (1) If the Housing Advocate dies, resigns or is unable or neglects to perform their duties and functions, the Governor in Council may appoint an Acting Housing Advocate to hold office for such period as may be specified in the appointment.

### Duties, remuneration and expenses

(2) An Acting Housing Advocate must perform the duties and has the powers of the Housing Advocate and is to be paid the remuneration and allowance for expenses that are fixed by the Governor in Council.

**18. Section 48.1 of the Act is amended by adding the following subsection after subsection (2):**

### Qualifications for members appointed under section 59.1

(2.1) Persons who are representative of communities directly affected by homelessness and inadequate housing must also be appointed as members of the Tribunal to be assigned to panels instituted to conduct inquiries into systemic housing issues under section 59.1.

**19. The Act is amended by adding the following after section 59:**

## Inquiries into Progressive Realization of Right to Housing

### Request for inquiry

**59.1** (1) On receipt of a request for an inquiry into a systemic housing issue from the Housing Advocate under section 7 of the *National Right to Housing Strategy Act*, the Chairperson must institute the inquiry by assigning a panel of members to conduct it.

### Panel membership

(2) The panel is to consist of three, members with expertise in human rights law and housing matters. Expertise includes lived experience and membership in communities directly affected by homelessness and inadequate housing.

**Panel's duties****(3) The panel must**

- (a) consider the systemic housing issues raised in the petition and determine whether remedial action is required for compliance with the progressive realization of the right to housing
- (a) ensure that the information it uses when conducting the inquiry is made available to the public;
- (b) hold hearings in a manner that offers the public an opportunity to participate in locations that are accessible to members of affected communities and persons with disabilities;
- (c) provide for participation by members of affected communities and groups with expertise and experience in human rights and housing, including payment of travel and other expenses;
- (d) prepare a report that
  - (i) sets out the panel's findings of fact,
  - (ii) summarizes the submissions of the hearing participants,
  - (iii) states the panel's conclusions about the systemic housing issues as they affect the progressive realization of the right to housing, and
  - (iv) states its remedial recommendations for all relevant levels of government and governmental bodies and for non-governmental organizations and the private sector; and
- (e) submit its report to the Minister designated under the *National Right to Housing Strategy Act*.

**Hearings to be public**

(4) Hearings must be public unless the panel is satisfied after representations made by a witness that specific, direct and substantial harm would be caused to the witness or specific harm would be caused by the disclosure of the evidence, records or other things that the panel orders the witness to give or produce.

**Informal and accessible hearings**

(5) The panel must, to the extent that is consistent with natural justice, emphasize flexibility and informality in the conduct of hearings and, if appropriate, receive evidence that would not normally be admissible under the rules of evidence in a court.

**Procedural matters**

(6) Subsections 50(3) and (4) and sections 52 and 58 apply to proceedings under this section.