

# **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,

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 1976.

“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.

“National Housing Strategy” means the strategy required by section 4.

“right to housing” means the right to adequate housing described in subsection 3(1).

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“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.

“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.

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

### 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) initiatives to identify and address the distinctive barriers, needs and rights of Indigenous peoples, co-developed with Indigenous peoples' organizations,
  - vi) housing strategies for First Nations, Inuit, Métis Nation and urban and rural Indigenous 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 for Indigenous peoples both on and off reserve, consistent with the Declaration on the Rights of Indigenous Peoples,
  - vii) initiatives to identify and address the housing circumstances and to ensure the right to housing of migrants, 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 affordable housing in the community and adequately 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 progressively 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**

### **Appointment of Housing Advocate**

- 5. (1) The Governor in Council must appoint a Housing Advocate after consultation such representatives of civil society and Indigenous peoples as the Governor in Council considers appropriate.

### **Tenure**

- (2) The Housing Advocate holds office for a term of six years, but may be removed for cause by the Governor in Council at any time.

### **Qualifications**

- (3) To be appointed as the Housing Advocate, a person must have knowledge, experience or training with respect to human rights law and housing matters.

### **Reappointment**

- (4) A person who has been appointed is eligible for reappointment at the end of their first term for a further term of six years.

### **Rank, powers and duties generally**

- 6. (1) The Housing Advocate ranks as, and has the powers of, a deputy head of a department. A person appointed as Housing Advocate must engage exclusively in the duties and functions of that office and must not hold any other office under Her Majesty for reward or engage in any other employment for reward.

### **Salary and expenses**

- (2) The Housing Advocate is to be paid a salary equal to the salary of a judge of the Federal Court, other than the Chief Justice, and is entitled to be paid reasonable travel and living expenses incurred in the performance of their duties and functions.

### **Pension benefits**

(3) The provisions of the [Public Service Superannuation Act](#), other than those relating to tenure of office, apply to the Housing Advocate.

### **Other benefits**

(4) The Housing Advocate is to be considered employed in the public service of Canada for the purposes of the [Government Employees Compensation Act](#) and any regulations made under section 9 of the [Aeronautics Act](#).

### **Acting Housing Advocate**

7. (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.

(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.

### **Employees**

8. (1) Officers and employees as are necessary to enable the Housing Advocate to perform their duties and functions are to be appointed in accordance with the [Public Service Employment Act](#).

### **Technical assistance**

(2) The Housing Advocate may engage on a temporary basis the services of persons having technical or specialized knowledge of any matter relating to the work of the Advocate to advise and assist on the performance of their duties and functions and, with the approval of the Treasury Board, may fix and pay the remuneration and expenses of such persons.

### **Functions of Housing Advocate**

9. (1) It is the function of the Housing Advocate
- (a) to advance the progressive realization of the right to housing and to scrutinize the implementation of the National Housing Strategy in accordance with this purpose;
  - (b) to conduct investigations into systemic housing issues and the implementation of the National Housing Strategy, including potential infringement of the right to housing 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 in all aspects of the Strategy, including through community meetings, petition procedures and public presentations;

- (d) to develop and conduct programs of public information and education and to make submissions to any domestic or international body to promote the realization of the right to housing and the implementation of the 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 with respect to ensuring the progressive realization of the right to housing;
- (g) to initiate reviews and inquiries into incidents or conditions in a community, institution, industry or sector of the economy or factors affecting the housing system that may impede or contribute to the progressive 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**

10. (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;
  - (b) that the government has failed to adopt reasonable measures to ensure the progressive realization of the right to housing; or
  - (c) regarding a failure to implement the National Housing Strategy in accordance with its guiding principles and objectives and with the purpose of this Act.

#### **Investigation**

(2) The Housing Advocate must review the petition to determine whether, in their opinion, an investigation is appropriate in the circumstances 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.

### **Systemic housing issues**

11. (1) The Housing Advocate may identify particular systemic housing issues which, in their opinion, warrant the appointment of a review panel to hold hearings to consider the issue and determine whether remedial action is required.

#### **Request for panel**

(2) If the Housing Advocate identifies a systemic housing issue and considers it warrants a hearing, the Housing Advocate must

- (a) provide the Housing Council with a summary of the information that formed the basis for identifying the issue and its possible implications for the progressive realization of the right to housing; and
- (b) request the Housing Council to appoint a review panel to hold hearings into the issue and to determine whether remedial action is required.

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

(3) If the Housing Council appoints a review panel to consider a systemic housing issue, the Housing Advocate must work with affected communities and relevant experts to present the evidence and potential solutions to the panel.

### **Annual report**

12. (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**

13. (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 13(2).

### **Administrative matters**

(5) *[There may be other machinery issues to be addressed in establishing the Council, for example relating to. 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**

14. (1) The functions of the Housing Council are to work with the Housing Advocate and in support of community initiatives
- (a) to ensure the National Housing Strategy is implemented in accordance with its guiding principles and objectives and with the purpose of this Act;
  - (b) to set and monitor goals and timelines for the progressive realization of the right to housing;
  - (c) to monitor and provide input on compliance with government obligations in the National Housing Strategy; and
  - (d) to consider recommendations from the Housing Advocate and to appoint panels to hold hearings into systemic housing issues.

### **Expert panel**

15. (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.

### **Review Panel**

16. The Housing Council may, on the recommendation of the Housing Advocate, appoint a review panel, including its chairperson, and establish its terms of reference to consider systemic housing issues and the implementation of the National Housing Strategy.

### **Membership**

(2) The panel is to consist of at least 3, but not more than 9 members with expertise or experience in human rights and housing matters. The panel must be gender balanced and at least one third of members must be representative of communities directly affected by homelessness and inadequate housing.

**Administrative matters**

17. [Remuneration, staff, etc.]

**Review panel’s duties**

18. (1) A review panel must, in accordance with its terms of reference,
- (a) consider the systemic housing issues identified in the terms of reference and whether remedial action is required;
  - (b) ensure that the information it uses when conducting the review is made available to the public;
  - (c) 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;
  - (d) provide for participation by members of affected communities and groups with expertise and experience in human rights and housing, including the payment of travel and other expenses;
  - (e) prepare a report that
    - i) sets out the panel’s findings of fact,
    - ii) summarizes the submissions of the hearing participants and
    - iii) states the panel’s conclusions about the systemic housing issues as they impact 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
  - (f) submit its report to the Minister and make it public.

**Hearings to be public**

19. (1) 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**

(2) A review panel must, 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.

**Power to summon witnesses**

20. A review panel has the power to summon any person to appear as a witness before it and to order the witness to give evidence, orally or in writing and produce any records and other things that the panel considers necessary for conducting its review.

### **Enforcement powers**

(2) A review panel has the same power as a court of record to enforce the attendance of witnesses and to compel them to give evidence and produce records and other things.

### **Immunity**

21. No action or other proceeding lies against a member of a review panel for or in respect of anything done or omitted to be done during the course of and for the purposes of the review.

### **Minister to respond to panel reports**

22. The Minister, or any other minister to whom a panel report is directed, must provide a written response within 60 days after receiving the panel's report outlining what will be done to address the systemic housing matters it addresses and to implement its recommendations.

## **General**

### **Interpretation and application of other legislation**

23. 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**

24. The provisions of this Act are in addition to any measures or recourse to realize the right to housing under any other law, including the *Canadian Human Rights Act*, and do not limit those measures or recourse.

### **Commencement**

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