

Hon. Jean-Yves Duclos, P.C., M.P.
Minister of Families, Children and Social Development
140 Promenade du Portage
Phase IV, 14th Floor
Gatineau, Quebec
K1A 0J2

April 17, 2019

Dear Minister,

On behalf of the Canadian Housing and Renewal Association (CHRA) I want to congratulate your government on introducing the “National Housing Strategy Act” as part of Bill C-97, the Budget Implementation Bill. As I said to you at the April 11 press conference where you officially announced the legislation, this is a historic moment for Canada, but also internationally, as Canada becomes one of only a few countries in the world with explicit legislation recognizing the progressive realization of the right to adequate housing.

Although CHRA welcomes the legislation and believes it goes a long way to protect and strengthen access to housing for all people in Canada, we would like to suggest a few amendments to the bill that we believe will strengthen the legislation and the accountability measures that the legislation contains. These suggestions include the following:

- **Include an explicit reference to the right to housing for Indigenous peoples and the requirement to develop and maintain a distinct urban and rural Indigenous housing strategy:** As it currently stands, the legislation does not include an explicit right to housing to reflect the unique needs of Indigenous peoples, particularly those living in urban and rural settings. We would recommend the inclusion of a distinct right to housing for Indigenous peoples that reflects their needs and rights. In addition, we would recommend the legislation explicitly include the requirements for the “development and maintenance” of an urban and rural Indigenous housing strategy, co-developed with urban and rural Indigenous organizations, consistent with the UN Declaration on the Rights of Indigenous Peoples. In fact, just as the preamble to the legislation references the International Covenant on Economic, Social and Cultural Rights, so too would we recommend that the legislation reference the UN Declaration on the Rights of Indigenous Peoples.
- **A clear statement that the National Housing Advocate will report to Parliament:** The legislation is vague with regard to whether the proposed National Housing Advocate will report directly to the responsible Minister or Parliament. We suggest that the legislation explicitly make clear that the Advocate report to Parliament, so as to avoid any possible political interference in the Advocate’s work.

- **Implement meaningful mechanisms for the Federal Housing Council and/or the National Housing Advocate to assess and make recommendations about whether policies or systemic issues raise concerns about compliance with housing policy:** Although the legislation provides the means for the Advocate and Council to assess and research on issues related to systemic housing issues, there are no additional means or tools at the disposal of either the Advocate or Council to conduct investigations, hold hearings, and/or seek remediation for systemic issues that are identified through the course of that work. Amending the legislation to broaden the scope of responsibility of the Advocate and Council to provide for more fulsome investigatory and remediation powers would provide a stronger recourse for those parties who are facing housing barriers and/or discrimination. Among these powers, CHRA endorses the suggestion that the Advocate be allowed to refer investigations to the Canadian Human Rights Tribunal when it is in the Advocate’s opinion that such a referral is warranted.
- **Move the text outlining the progressive realization of rights from the Preamble to the body of the legislation:** One of the components of the Preamble is the following: “And whereas a national housing strategy would support the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights, to which Canada is a party”. This is the strongest language in the bill reinforcing the concept of the right to housing. CHRA is recommending that this section be moved to the text of the bill rather than the Preamble, where it can have a greater force of law than in the Preamble. We would also recommend strengthening the language so that a national housing strategy would not only support the right, but that it would recognize and reinforce such a right.
- **Amending the Ministerial reporting timeframe from three years to one:** The proposed legislation states that the Minister “must, before March 31, 2021 and within every three years after that date, cause a report to be made on the effectiveness of the National Housing Strategy, with respect to the achievement of the desired outcomes, and the initiatives related to its implementation.” Although CHRA welcomes the need for Ministerial accountability and reporting, CHRA believes that it would be more beneficial if the reporting timeframe were annual, rather than triennial. It will be difficult to properly evaluate the effectiveness of the National Housing Strategy on a 3 year basis, especially if gaps or problems are identified that need to be addressed. A one year reporting time frame will better allow CMHC and the federal government to respond to issues as they arise in the rollout of the Strategy.

CHRA believes that with the inclusion of these amendments, the legislation can provide an even stronger tool to ensure that every person living in Canada has access to safe, affordable housing that meets their needs.

On a non-legislative note, CHRA will be happy to work with you and your officials to identify candidates who could serve on both the Housing Council and in the role of the Advocate. We hope that those positions will be filled quickly following passage of the legislation so that the work of both bodies can commence quickly. Ideally, appointments to these positions would happen in advance of the October 2019 federal election.

Again, thank you for your leadership in bringing forth this bill. CHRA looks forward to continuing to work with you on this legislation and the overall National Housing Strategy.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Jeff Morrison', is centered below the closing. The signature is fluid and cursive, with a large initial 'J' and 'M'.

Jeff Morrison
Executive Director

cc. Adam Vaughan, MP, Parliamentary Secretary
Wayne Easter, MP, Chair, House of Commons Standing Committee on Finance
Evan Siddall, President and CEO, CMHC