



# The Housing Accelerator Fund

**Submission to the Standing Committee on Human Resources, Skills and Social Development  
and the Status of Persons with Disabilities**

**By**

**The Federal Housing Advocate**

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<https://www.housingchrc.ca/en>

## Housing Accelerator Fund Federal Housing Advocate's Submission to the Standing Committee on Human Resources, Social Development and the Status of Persons with Disabilities

### Executive Summary

As I take on my new role as Canada's first Federal Housing Advocate, I welcome this opportunity to provide human rights guidance as the Committee studies the Housing Accelerator Fund (the Fund). I understand that the Government's goal is to encourage the building of affordable homes and incentivize municipalities to remove barriers that may exist. The rush to build new housing units, however, must never be at the expense of human rights. As a new program that is being launched after Parliament passed the *National Housing Strategy Act*, it is critical that this Fund respects the Government's legislated commitment to the right to adequate housing as defined under international law.

The launch of this new four billion dollar federal housing program offers an opportunity to incorporate these human rights principles from the outset. The Fund must be designed, implemented and monitored using a human rights-based approach. People experiencing inadequate housing and homelessness must be in the centre of all considerations. At the same time, the Fund should "do no harm" and careful consideration must be given to ensure it does not exacerbate the financialization of housing or contribute to the erosion of existing affordable housing stock. It must provide opportunities which improve housing outcomes for Indigenous Peoples as well as rural, remote and northern communities.

In order to align the Housing Accelerator Fund with the human rights obligations imposed by the NHA, I recommend that the Fund:

1. Prioritize the needs of people experiencing inadequate housing and homelessness, members of disadvantaged groups, and Indigenous peoples;
2. Dedicate the maximum available resources to increasing the supply of adequate and affordable housing for these groups over the long term and to preventing the loss of affordable housing and neighbourhoods;
3. Meaningfully involve affected communities, those most in need and Indigenous Peoples in the design, implementation and monitoring of the Fund;
4. Adopt a human rights-based approach, with clear human rights-informed targets, timelines and indicators;
5. Collect disaggregated data to understand the challenges and monitor results; and

6. Ensure collaboration and coordinated action between federal, provincial, territorial, municipal and Indigenous governments on implementing a human rights-based approach to the Fund.

### Section 1     The Federal Housing Advocate

The Federal Housing Advocate is an independent, nonpartisan accountability mechanism established by the National Housing Strategy Act (2019) to ensure meaningful action to address inadequate housing and homelessness in Canada. The Federal Housing Advocate, housed at the Canadian Human Rights Commission, promotes and helps to protect the right to housing in Canada. The Advocate is expected to drive systemic change and advance the right to housing for all in Canada by:

- receiving public submissions;
- amplifying the voices of affected communities;
- making recommendations to improve housing laws, policies and programs; and
- monitoring and holding governments to account for their human rights obligations, including to progressively realize the right to adequate housing.

The Advocate makes recommendations to improve Canada’s laws, policies and programs so that they enable people and families in Canada to have access to adequate, affordable and safe housing that meets their needs. The Advocate’s mandate is guided by a human rights-based approach, which values participation, accountability, non-discrimination, equity, transparency, empowerment, accessibility, respectful relationships with Indigenous Peoples, and respect for human rights laws and obligations.

### Section 2     The *National Housing Strategy Act* (2019) legislated a human rights-based approach to housing

The *National Housing Strategy Act* (NHTSA, 2019) legislated that the Government of Canada’s housing policy is required to:

- a) recognize that the human right to adequate housing is a fundamental human right affirmed in international law;
- b) recognize that housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities;
- c) support improved housing outcomes for the people of Canada; and
- d) further the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights.

In international human rights law, the phrase “progressive realization” acknowledges that solving these problems will not happen overnight – it will take time, effort, coordination and resources before everyone can equally enjoy adequate housing.

However, progressive realization also means that governments must act as quickly and as effectively as possible to promote, protect and fulfill the human right to adequate housing, giving priority to those in greatest need.

In international human rights law, progressive realization creates an obligation for governments to take immediate concrete steps, to use the maximum available resources, and to use all appropriate means, to create the conditions for everyone to have access to adequate housing in the shortest possible period of time. Governments also have an immediate obligation to ensure non-discrimination in housing policies and programs as well as outcomes.

#### [A human rights-based approach](#)

Approaching housing as a human right emphasizes the intrinsic link between housing and human dignity. It also connects the human right to housing to other fundamental human rights, including the rights to life, work, physical and mental health, social security, political participation, education, the right to a clean and healthy environment as well as the United Nations Declaration on the Rights of Indigenous Peoples.

The obligations imposed by the NHTS require that legislation, policies and programs affecting housing will emphasize participation, empowerment, accountability, and non-discrimination while fulfilling the human right to adequate housing.

The NHTS created a series of accountability tools that aim to promote and protect the implementation of the right to adequate housing in Canada, including the National Housing Strategy (NHS), the Federal Housing Advocate, the National Housing Council and review panels.

The human right to adequate housing means that everyone has the right to housing that meets a set of basic conditions, recognized under international human rights law:

- **Secure** – security of tenure means that a tenant is protected from arbitrary eviction, forced relocation or harassment;
- **Affordable** - housing costs should not be a barrier to a person meeting their other basic needs such as food; costs should be protected against unreasonable increases;
- **Habitable** – dwellings should have adequate space for the inhabitants, be properly maintained, and provide protection from the elements and other threats to health and well-being;
- **Provide basic services** – including safe drinking water, sanitation, heating, lighting, and emergency services;
- **In a location that is close** to employment and basic social services such as childcare, education and healthcare, and is not located in a polluted or dangerous area;
- **Accessible** – for people of all abilities, particularly those experiencing discrimination or living in vulnerable circumstances; and

- **Culturally appropriate** – respects and is appropriate for the expression of the inhabitants’ cultural identity and ways of life, and uses appropriate building designs and materials.

All people have the right to equitable access to adequate housing, without discrimination based on gender, race, disability, Indigenous identity, faith, place of birth, age, sexual orientation, and other grounds.

### Section 3 The Federal Housing Advocate’s position on the National Housing Strategy and the Housing Accelerator Fund

Canada is experiencing a housing crisis which is also a human rights crisis. Hundreds of thousands of people across the country are experiencing homelessness, living in unsanitary conditions and facing hard choices about whether they can afford their rent or feed themselves. The 2018 Canadian Housing Survey reported that 3,151,900 people were in Core Housing Need<sup>1</sup>. If you just consider renters, 19% of all renters are in core housing need compared to 9% of the total population. These numbers represent an affront to human dignity and violations of the right to adequate housing.

There is a widespread tendency, including in the framing of the 2022 Budget, to diagnose the problem as almost exclusively a supply issue. Many housing rights advocates, including some who have appeared before this committee, have expressed concern about this focus on supply and have urged that the Fund focus on creating “the right supply”– that is, adequate housing for those most in need. Witnesses have noted that there are important challenges on the demand side and evidence that the supply currently being built is not affordable and accessible for those experiencing the greatest disadvantages in the housing market. As Steve Pomeroy has noted, “expanded supply in and of itself will not achieve the objective of reining in excessive rent and price increases nor realigning them with the incomes of low- and middle-income households.”<sup>2</sup>

Indeed, even where there is significant new supply being built, it is often not matched to the tenure, price, size, or accessibility requirements of the households that the National Housing Strategy is required to target. Instead, much new supply responds to investor demand.<sup>3</sup>

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<sup>1</sup> A household is said to be in core housing need if their dwelling falls below at least one of the affordability, suitability, or condition of dwelling standards, and would have to spend 30% or more of their total before-tax income to pay the median rent of alternative local housing that is acceptable. Source: [Statistics Canada, Housing Experiences in Canada: Total population in 2018](#)

<sup>2</sup> [Observations and suggestions for the proposed Housing Accelerator Fund](#), Steve Pomeroy (January 2022)

<sup>3</sup> In 2020, investors purchased 44% of new units in Vancouver and 39% in Toronto. <https://betterdwelling.com/canadian-cities-have-seen-up-to-90-of-new-real-estate-supply-scooped-by-investors/>

Development of new housing and infrastructure can also result in higher land values and rents in surrounding neighbourhoods, which can lead to the displacement of low- and moderate-income tenants, who are disproportionately members of NHS priority groups.

The focus on supply obscures the need to focus on affordability and the real challenges of tackling inadequate housing and homelessness. While the Housing Accelerator Fund is still being developed and while there is still time, this Committee should give careful consideration to the diagnosis of the problem and ensure that the Fund does not continue to feed the root causes of the current crisis and exacerbate housing precarity and homelessness in Canada.

Solutions to the housing crisis require a human rights-based approach and a paradigm shift in the implementation of existing NHS programs and in the design of new NHS programs like the Housing Accelerator Fund. Since the adoption of the NHS, the Government of Canada has increased its housing investments. However, it has failed to fully integrate a human rights-based approach to housing and has, in practice, failed to recognize housing as a fundamental human right. Research commissioned by my office<sup>4</sup>, and by the National Housing Council<sup>5</sup>, reveals that NHS programs have fallen far short in reaching disadvantaged groups. Furthermore, some NHS programs have been found to be contributing to the financialization of housing which is an important contributing factor to the current inflation in housing prices and increase in renoventions.

Many of the current NHS programs were designed prior to the adoption of the NHSA and the legislated commitment to the right to adequate housing. As a result, these programs must be re-designed to better align them with the obligations of the NHSA. The current process to design the Housing Accelerator Fund provides the opportunity to integrate a human rights-based approach from the very beginning in order to avoid the challenges faced by other programs.

In making its recommendations, this Committee should also be careful to ensure that this new Fund doesn't make the situation worse. It must be designed in such a way so as to not further contribute to the financialization of housing and to preserve existing affordable housing stock. It must also avoid some of the challenges with existing NHS programs. The Fund should focus on addressing the housing needs of priority groups and it should be structured so that it can

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<sup>4</sup> See <https://housingrights.ca/the-right-to-housing-in-action/>

<sup>5</sup> See <https://www.placetocallhome.ca/en/national-housing-council/media-newsroom/analysis-affordable-housing-supply-created-unilateral-nhs-programs>

address the severe housing challenges of Indigenous Peoples and rural, remote and northern communities who have faced challenges accessing other NHS programs.

#### Section 4 *Aligning the design of the Accelerator Fund with key principles of the National Housing Strategy Act*

Having shared a number of overarching principles to guide the Committee's study of the Housing Accelerator Fund, I offer the following recommendations to ensure that the new Fund is aligned with the human rights principles legislated in the NHTS.

##### **1. Prioritize the needs of people experiencing inadequate housing and homelessness, members of disadvantaged groups, and Indigenous peoples.**

The NHTS requires that the National Housing Strategy prioritize the rights of Indigenous peoples and the needs of disadvantaged groups, including people experiencing homelessness; survivors of violence; seniors; people who identify as 2SLGBTQI+; people with disabilities; people with mental health or addiction issues; veterans; young adults; racialized groups; newcomers to Canada; and other groups. Women and gender-diverse people within each of these groups are disproportionately affected by inadequate housing and homelessness.

To ensure the Fund benefits priority groups and respects human rights principles, it must:

- Target investments to housing that is affordable, suitable and accessible for those in greatest need ;
- Design, implement and monitor the Fund using a gender-based analysis (GBA Plus) throughout;
- Include a particular focus on how the fund will contribute to accessible housing for people with disabilities; and
- Align with the UN Declaration on the Rights of Indigenous Peoples Act, including the right to self-determination, rights related to lands, resources and territories, social and economic rights, rights related to non-discrimination and the importance of indigenous peoples' right to determine their own housing institutions, programs and policies. It will be important that the Fund consider the unique realities and respond to the needs of indigenous peoples.

##### **2. Dedicate the maximum available resources to increasing the supply of adequate and affordable housing for these groups over the long term, and prevent the loss of affordable housing and neighbourhoods.**

The NHTS commitment to progressive realization requires governments to dedicate the maximum available resources to realizing the right to adequate housing. This \$4 billion investment must be targeted to creating adequate housing that is affordable, suitable, and accessible for those in greatest need. The program must be designed to maintain affordability

in perpetuity, and to prevent financialization and displacement. Without a human rights framework, there is a risk that the Fund will simply incentivize the development of more units to meet investor demand, and exacerbate the housing crisis.

**3. Meaningfully involve affected communities, those most in need and Indigenous Peoples in the design, implementation and monitoring of the Fund.**

Meaningful and inclusive engagement and adequate consultation with affected members of the public and those with lived experience of housing need is imperative in the design and delivery of all NHS policies and programs. This type of engagement offers an opportunity for rights-holders to be directly engaged in decisions that affect them. Furthermore, the active engagement of rights holders can help solve problems that governments on their own cannot resolve. It makes programs more responsive to real people and their real needs. CMHC should engage with people with lived experience when identifying its program targets and monitoring outcomes, and should require municipal partners to do so as well.

**4. Adopt a human rights-based approach, with clear human rights-informed targets, timelines and indicators**

The key to human rights-based measurement is that it focuses on people and outcomes, not just dollars spent or units created. These targets and indicators should track how the Fund advances the progressive realization of the right to adequate housing, with a focus on improving housing outcomes for groups experiencing the most severe forms of inadequate housing and homelessness.

**5. Collect disaggregated data to understand the challenges and monitor results**

Disaggregated data is necessary for tracking the impact of government laws, policies and programs on diverse groups and people most in need and identifying patterns that aggregate data does not capture. Collecting disaggregated data has the benefit of providing information that will help improve or tailor programming and solutions more efficiently to specific communities and to those most in need. Such data should be made public and used to understand program results and identify practical recommendations for improving program implementation

**6. Ensure collaboration and coordinated action between federal, provincial, territorial, municipal and Indigenous governments on implementing a human rights-based approach to the Fund**

Housing touches on the mandates of many federal departments and involves many areas of shared jurisdiction with other orders of government. Likewise, the Housing Accelerator Fund will rely on partnerships and agreements with municipalities, and perhaps other actors, to ensure success. As a federal program, however, it will be critical that the Federal Government plays its leadership role in promoting and protecting the right to adequate housing when establishing agreements with municipalities, as well as provinces and territories. For those in greatest need, it will be important that the increased supply of affordable units be coordinated



with income supports and other forms of support to ensure successful transitions to long-term stable and secure housing.

When Minister Hussen appeared before the Committee on June 2<sup>nd</sup>, he acknowledged that the Federal Government can build in “leverage in our agreements to make sure that people are keeping their commitments”. To ensure that the Housing Accelerator Fund contributes to the human rights requirements of the NHTA, all agreements should emphasize the importance of a human rights-based approach and focusing on the needs of priority groups.

## Section 5 The HUMA Committee’s ongoing role in advancing the right to adequate housing

As this is my first opportunity, but hopefully not the last, to submit to this Committee, I would like to close with some broader reflections on how you might continue to advise the Government when it comes to housing legislation, policies and programs.

I strongly urge you to mainstream the human right to adequate housing, including an understanding of the Indigenous right to adequate housing, in all your studies, reports and recommendations. Housing cannot be addressed in isolation. It is interlinked with countless other policy and program areas. It will be essential to reflect on the aims of the NHTA and how the issue you are studying might have an impact on the right to adequate housing. For example, consider the right to housing at the same time as you consider GBA Plus, the United Nations Declaration Act and reconciliation efforts, Canada’s poverty reduction strategy, the rights of people with disabilities, addressing systemic racism and discrimination, pandemic response and recovery, and the needs of northern and remote communities.

When providing your advice to Government, it is important that you underline their responsibilities and obligations when it comes to fulfilling the NHTA and the right to adequate housing, alongside other human rights legislation. I hope you can encourage departments to incorporate this right to housing lens into documents like Memoranda to Cabinet, Treasury Board submissions, drafting instructions for new laws as well as the evaluation process of programs and policies.

As Canada’s Federal Housing Advocate, I have been tasked with monitoring the delivery of the National Housing Strategy and assessing how it is performing against commitments to the right to adequate housing. In doing so, I look forward to working with government departments and collaborating with this Committee to ensure there is a robust human rights-based measurement framework in place for the Housing Accelerator Fund and all other NHTA programs.

If the issues raised in this submission are left unaddressed, there is a significant risk that the Housing Accelerator Fund will fail to advance the human right to housing, and the objectives of the NHSA. If I am still speaking to you about the importance of aligning NHS programs like the Housing Accelerator Fund with the NHSA when my first term as Advocate expires in three years, you will know that this initiative has been a failure.