

The Effects of the Housing Shortage on Indigenous Peoples

A Submission to the House of Commons Standing Committee on
Indigenous and Northern Affairs (INAN)

Native Council of Prince Edward Island



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Introduction

This document shows gaps in federal and provincial housing policies that impede off-reserve Indigenous people in Prince Edward Island (PEI) from accessing Indigenous-led, culturally relevant housing. The federal and provincial contexts will be followed by discussion about NCPEI's¹ goals, housing as a human and Indigenous right, and recommendations.

The federal context

In December 2018, the Congress of Aboriginal Peoples (CAP) signed the CAP-Canada Political Accord with the federal government to identify joint priorities and co-develop policy “to improve socio-economic conditions for off-reserve status and non-status Indians, Métis, and Southern Inuit.... Housing was identified as a joint priority.”²

While Canada's National Housing Strategy (NHS) marks an improvement over recent federal housing policy, it continues to identify Indigenous housing need through a distinctions-based approach that often excludes off-reserve and non-status Indigenous peoples, who comprise the majority: census data indicates that “in 2016, 1,673,785 Indigenous people [were] living in Canada,” with “1,297,221 (78%) [being] off-reserve status and non-status Indians, Métis, and Southern Inuit.”³

Many other funding opportunities, such as those through the Canadian Mortgage and Housing Corporation (CMHC), are distinctions-based and exclude off-reserve Indigenous peoples and their representative organizations. This egregious oversight perpetuates inequity and amplifies the negative impacts of other social determinants of health rooted in colonialism past and present.⁴

Population growth contributes to housing need: “Between 2006 and 2016, the Indigenous population grew by 43%.”⁵ Also, core housing need is greater in Indigenous populations. According to census data provided by CMHC, in 2016, 18% of Aboriginal households had core housing need, compared with 12% for non-Aboriginal households.⁶

¹ For a short description of NCPEI, see final page of this brief.

² VINK Consulting. “Off-Reserve Indigenous Housing: Issues, Programs, and Policy Priorities,” prepared for CAP, Mar. 31, 2020, p. 1.

³ VINK, p. 4.

⁴ Bruce Porter. *Implementing the Right to Adequate Housing under the National Housing Strategy Act: The International Human Rights Framework*, Office of the Federal Housing Advocate, October 2021.

⁵ Indigenous Housing Caucus Working Group. “A For Indigenous By Indigenous National Housing Strategy: Addressing the Housing Needs of Indigenous....” Proposal to Government of Canada by IHC Working Group, May 2018, https://chra-achru.ca/wp-content/uploads/2015/09/2018-06-05_for-indigenous-by-indigenous-national-housing-strategy.pdf

⁶ CMHC. “18% of Indigenous Households in Core Housing Need,” *The Housing Observer*, May 28, 2019, [https://www.cmhc-schl.gc.ca/en/blog/2019-housing-observer/indigenous-households-core-housing-need#:~:text=From%202011%20to%202016%2C%20the,%2DAboriginal%20households%20\(12%25\).](https://www.cmhc-schl.gc.ca/en/blog/2019-housing-observer/indigenous-households-core-housing-need#:~:text=From%202011%20to%202016%2C%20the,%2DAboriginal%20households%20(12%25).)

PEI context

On PEI, several factors contributing to the housing shortage particularly impact off-reserve Indigenous peoples. While recently passed municipal legislation regarding short-term rentals may increase housing in Charlottetown's rental market, no other areas, either urban or rural, are planning similar legislation, and Charlottetown's will not take effect until 2023.

As such, PEI's 1.5% vacancy rate may not change significantly for some time. PEI's urban vacancy rate is also 1.5%⁷ — half that of Canada's 3%.⁸

PEI's population growth is higher than the national average. Statistics Canada estimates that PEI's population on January 1, 2022 was 166,331 — an increase from January 2021 of 4,817 people.⁹ This 3% annual growth rate is more than double Canada's 1.2% rate.

Further, CMHC data indicates that in 2021, the average rent on PEI for apartments and townhouses increased by 8.1%.¹⁰ All of these heighten the demand on already insufficient affordable housing.

Among people experiencing homelessness on PEI, Indigenous peoples are disproportionately represented. In 2018, 14% of PEI's homeless population identified as Indigenous.¹¹ However, in 2016, 2,740 Indigenous people lived on PEI, only 1.9% of the then total population of 142,907.

Further, more Indigenous people live in poverty than the national average: "In 2019, about 18.0% of Indigenous peoples aged 16 and older living off-reserve were below the poverty line."¹² Canada's poverty rate was 10.1% in 2019,¹³ while PEI's was more than 50% higher, at 16.8%.¹⁴ In 2015, 10.9 % of off-reserve Indigenous peoples on PEI "were below the Low-Income

⁷ Kerry Campbell. "PEI vacancy rate drops to 1.5%." CBC, Feb. 23, 2022, <https://www.cbc.ca/news/canada/prince-edward-island/pei-legislature-public-housing-1.6361823>

⁸ CMHC. "Rental Affordability Continues to Pose Significant Challenges." *The Housing Observer*, Feb. 18, 2022, <https://www.cmhc-schl.gc.ca/en/blog/2022/rental-affordability-continues-pose-significant-challenges>

⁹ Government of PEI. "PEI Population Report Quarterly," <https://www.princeedwardisland.ca/en/information/finance/pei-population-report-quarterly>

¹⁰ Kevin Yarr. "PEI rents see biggest increase..." CBC, Mar. 4, 2022, <https://www.cbc.ca/news/canada/prince-edward-island/pei-rent-increase-cmhc-1.6371632#:~:text=Average%20rents%20on%20P.E.I.&text=The%20increase%20is%20easily%20the,government%20described%20as%20subsidized%20units>.

¹¹ Homeless Hub. "Community Profiles: Charlottetown." Circa 2018, <https://www.homelesshub.ca/community-profile/charlottetown>

¹² Statistics Canada. "Canadian Income Survey 2019." Mar. 23, 2021, <https://www150.statcan.gc.ca/n1/daily-quotidien/210323/dq210323a-eng.htm>

¹³ Ibid.

¹⁴ MacKillop Centre for Social Justice and PEI Coalition for a Poverty Eradication Strategy. "Eighth Annual Report on ... Poverty on PEI." Nov. 24, 2021, p. 2, <https://www.campaign2000.ca/wp-content/uploads/2021/11/PEI-2021-Child-Poverty-Report-Card.pdf>

Cut-Offs ... above the provincial average of 6.3%.”¹⁵ Additionally, 28% of Indigenous renters on PEI live in inadequate housing or have core housing need.¹⁶

Moreover, “Indigenous people face limited access to subsidized housing,” partly due to long waitlists.¹⁷ Indigenous peoples are approximately 5% of Canada’s total population yet have “specific access to less than 1% of the social housing stock.”¹⁸ Currently, 10 people/families are on the waitlist for NCPEI’s Nanegkam Housing, which provides 56 rent-geared-to-income units for off-reserve members.¹⁹

The PEI government’s Housing Action Plan 2018–2023²⁰ pledges to “create 1000 affordable housing units to remove households from core housing need ... including building new units and rent supplement of existing housing units” by the end of 2022. At the end of 2021, the PEI government claimed to have provided a 79% increase in social housing supports.²¹ However, the progress report also indicates that only 302 affordable units were completed by August 2021, with 144 in progress. This represents less than half of the promised number, raising doubt as to whether the government will meet its target by the deadline. The Housing Action Plan also asserts a goal to “collaborate and partner with First Nations and Indigenous groups to address affordable housing needs,”²² yet NCPEI’s efforts to work with the provincial government have been met with silence or polite nods.

Existing housing supports

Nanegkam Housing

Nanegkam Housing Corporation provides 56 rent-geared-to-income units to off-reserve Indigenous people in Charlottetown and Summerside. Nanegkam Housing is at risk of losing housing stock due to the ongoing expiry of various operating agreements, and units have deteriorated since being acquired in the 1970s and 1980s. Nanegkam has a continual waitlist, with need increasing in recent years.

¹⁵ Government of PEI. “Demographics of Low Income.” May 17, 2018, p. 5, https://www.princeedwardisland.ca/sites/default/files/publications/demographics_of_low_income_poverty_reduction_backgrounder_may_2018.pdf

¹⁶ Community Housing Transformation Centre, Feb. 1, 2021, <https://centre.support/project/community-project-will-empower-p-e-i-s-indigenous-tenants/>

¹⁷ VINK, p. 11.

¹⁸ Ibid.

¹⁹ Email from Marla Affleck, manager with APhL, the social purpose enterprise management company temporarily managing Nanegkam Housing, Mar. 8, 2022.

²⁰ Government of PEI. “Housing Action Plan 2018–2023.” p. 7, https://www.princeedwardisland.ca/sites/default/files/publications/pei-housing-action-plan_2018-2023.pdf

²¹ Government of PEI. “2021 Housing Progress Report,” Aug. 2021, p. 9, https://www.princeedwardisland.ca/sites/default/files/publications/aug2021_progress_report_housing_-_digital.pdf

²² Government of PEI. “Housing Action Plan,” p. 12.

Affordable housing

NCPEI also offers affordable housing through the Aboriginal Housing Commission, with three duplexes in Charlottetown. Rents are calculated below market rate; however, expenses for the properties exceed the annual rental revenue, incurring a deficit.

Temporary front-line housing support

Reaching for Home Housing Initiative

- Front-line support, shelter diversion, referral, housing placement, and access to culturally relevant activities for off-reserve Indigenous people experiencing or at risk of homelessness

Indigenous Tenant Support Initiative (ITSI)

- Support and information for off-reserve Indigenous tenants regarding their rights and responsibilities, toward reducing evictions

These much-needed programs should not be interrupted, yet they are supported only through temporary project-based funding.

NCPEI's housing goals

While NCPEI receives some provincial funding via joint projects with the John Howard Society of PEI and the Canadian Mental Health Association, for example, the Native Council does not have any direct agreements with the provincial government regarding housing.

NCPEI's 2018 community mapping survey indicates that "of the 33% of respondents who rent their home/apartment, ... 21% feel [their rent is not] affordable."²³ Further, 35% of respondents indicated that "they have any issues or concerns with their current residence," such as mold or insects, or needing upgrades/repairs.

NCPEI has proposed a multi-unit facility for off-reserve Indigenous community members needing temporary housing support. The facility will offer stable, safe housing and serve as a hub for culturally relevant programs and services.²⁴ In January 2020, NCPEI received \$50,000 in seed funding from CMHC towards project management and professional services, which in 2021 went toward a feasibility study and needs assessment by Bow Crow Design in Alberta. The study confirmed that a housing facility with wrap-around, culturally appropriate services would address some of NCPEI members' housing needs. Yet, progress has been hindered by NCPEI's ineligibility for funding, such as a requirement that applicants already own "shovel-ready" land or be located on reserve.

²³ Nishka Smith, "NCPEI Community Mapping Survey 2018," p. 4. Survey can be provided upon request.

²⁴ Detailed description of this project can be provided upon request.

Housing as human and Indigenous right

Canada's *National Housing Strategy Act* recognizes that housing should be considered a basic human right and that a national housing strategy should "recognize that the right to adequate housing is a fundamental human right affirmed in international law" and "further the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights."²⁵

As a report by the National Right to Housing Network²⁶ asserts, "This [right] needs to be applied alongside Canada's other human rights obligations, for example with regard to respecting, protecting, and fulfilling the distinct human rights of Indigenous Peoples as articulated in the UN Declaration on the Rights of Indigenous Peoples," or UNDRIP.

The federal government's fiduciary duty to all Indigenous/Aboriginal people was affirmed in 2016 with the *Daniels* case, which found that non-status and Métis peoples have the right to be treated as "Indians" within the meaning and for the purposes of S.91 (24) of the *Constitution Act*, 1982.²⁷ While *Daniels* emphasizes federal fiduciary responsibility, this does not prevent provincial governments from recognizing their important role in working with organizations like NCPEI, as provinces have always had some responsibility for their residents concerning housing and related issues. The Government of PEI stated in the Housing Action Plan a goal to "collaborate" with Indigenous peoples; however, action to substantiate this goal requires much more than lip service.

Recommendations

NCPEI's recommendations build on but slightly amend some already asserted by the Indigenous Housing Caucus²⁸:

- 1) Add a "Fourth Strategy" to the three distinctions-based strategies in the NHS — namely, an Off-reserve Indigenous Housing Initiative with long-term, consistent funding. This will help address disparities between actual housing need and funds allocated to off-reserve Indigenous peoples.²⁹
- 2) Enable CAP to take the lead on the "Fourth Strategy." CAP can then enable its provincial and territorial organizations (PTOs), such as NCPEI, to build capacity (including opportunities for staffing support and capital purchases), toward providing culturally relevant housing to their own off-reserve memberships.

²⁵ *National Housing Strategy Act*, "Preamble," S.C. 2019, c. 29, s. 313.

²⁶ NRHN, "The Right to Housing in Action: Transforming Housing Law and Policy in Canada," 2022, <https://housingrights.ca/the-right-to-housing-in-action/>

²⁷ *Daniels v Canada (Indian Affairs and Northern Development)*, 2016, SCC 12, paras. 53, 619.

²⁸ IHC Working Group. "A For Indigenous By Indigenous National Housing Strategy: Addressing the Housing Needs...." May 2018.

²⁹ *Ibid.*, p. 8.

- 3) Collaborate with all provinces/territories, cities, and regions across Canada to adopt rights-based frameworks, with the above provisions, toward addressing the housing needs of off-reserve Indigenous peoples.

Conclusion

Gaps associated with national and provincial housing policy, as well as the lack of meaningful engagement with organizations like NCPEI, have long hindered off-reserve Indigenous housing initiatives. The National Housing Strategy has only marginally improved access to housing for off-reserve Indigenous peoples. The above recommendations help ensure inclusivity toward effecting real change in off-reserve Indigenous communities and work toward Canada's fulfilling its stated intention to implement UNDRIP.

About NCPEI

The Native Council of Prince Edward Island is the self-governing representative for Indigenous people residing off-reserve across Epekwitk (PEI), part of ancestral Mi'kma'ki. NCPEI's membership exceeds 1,000 Indigenous people comprising status and non-status Mi'kmaq, Métis, and Inuit, among other Nations. NCPEI addresses challenges in members' living conditions while offering culturally relevant supports and services. NCPEI is a member of the Congress of Aboriginal Peoples, one of five national Indigenous Representative Organizations with provincial and territorial affiliate organizations.

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