

Canada's housing policies, off-reserve Indigenous people, and the National Housing Strategy since 2017

A submission to the House of Commons Standing Committee on Human Resources,
Skills, and Social Development and the Status of Persons with Disabilities

The Native Council of Prince Edward Island

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Introduction

This document serves to demonstrate gaps associated with current national and provincial housing policy that hinder off-reserve Indigenous people in Prince Edward Island (PEI) and other jurisdictions in accessing Indigenous-led, culturally relevant housing.¹ Housing supports offered by the Native Council of Prince Edward Island (NCPEI, or the Native Council) will be described, followed by discussion on community goals, gaps in policy, housing rights for Indigenous people, and recommendations for this committee.

Existing housing supports

Nanegkam Housing

Nanegkam Housing Corporation provides 56 rent-g geared-to-income units to Indigenous individuals and families living off-reserve within the Charlottetown and Summerside areas.

Nanegkam Housing is at risk of losing housing stock due to the ongoing expiry of various operating agreements. The Federal Community Housing Initiative has been put in place by Canada Mortgage and Housing Corporation, but this program is only set until 2028. Housing stock is deteriorating since being acquired in the 70s and 80s. This housing has carried a constant waiting list, and need has risen significantly in recent years.

Affordable housing

The Native Council also offers affordable housing through the Off-Reserve Aboriginal Housing Trust, composing of three duplexes in Charlottetown. Rents are calculated below market rate, but expenses for the properties exceed the revenue from rent, meaning that a deficit is incurred each year.

Temporary front-line housing support programs

Reaching for Home Housing Initiative

- Supports off-reserve Indigenous people that are experiencing homelessness or are at risk through front-line support, shelter diversion, referral, housing placement, and access to culturally relevant activities

Indigenous Tenant Support Initiative (ITSI)

- Supports and informs off-reserve Indigenous tenants on their rights and responsibilities in order to reduce the number of evictions that community members face when renting in PEI

While these programs are much-needed and should not be interrupted, they are only supported through temporary project-based funding. These programs help to address housing discrimination, but workers are forced to engage with front-line organizations that discriminate against Indigenous people.

¹ For a short description of the Native Council of Prince Edward Island, see the final page of this brief.

Housing support goals

There is a clear need demonstrated in PEI for Indigenous-specific, Indigenous-led housing support.²

The Native Council's main goal based on community input and need is to construct a 20-unit facility that will serve off-reserve Indigenous people that need temporary housing support. The housing facility will offer stable, safe housing and serve as a supportive hub for culturally relevant programs and services.

Other goals include increasing rent-geared-to-income housing stock, and stable funding for supporting access and navigation of community housing. Among off-reserve Indigenous people, Elders, those exiting institutions, young families, and other vulnerable or low-income groups are in desperate need of affordable housing.

Policy vacuums

While need for Indigenous-led housing has been clear to the Government of Canada for decades,³ a myriad of policy issues and gaps have hampered access to support in recent years for Indigenous people residing off-reserve in Canada.⁴

Federal government

Despite its strides in re-establishing the federal government's crucial role in housing, the National Housing Strategy (NHS) has ensured that funding for Indigenous-led housing builds/renovations off-reserve would be difficult to access for most applicants. Of the NHS's specific "distinctions-based" strategies, \$600 million was allocated for First Nations (on-reserve), \$400 million for Nunavik, Nunatsiavut and Inuvialuit, and \$500 million to the Métis National Council.⁵ The NHS has faced heavy criticism from Indigenous housing stakeholders for creating "a large service gap."⁶

Funding streams are not oriented to Indigenous housing providers' needs and are virtually impossible to access for understaffed organizations. For example, the National Housing Co-Investment Fund

² For example, see "Characteristics of Households in Core Housing Need, Prince Edward Island, 2016," Canada Mortgage and Housing Corporation, last modified February 2019, <https://cmhc-schl.gc.ca/en/data-and-research/data-tables/characteristics-households-core-housing-need-canada-pt-cmas>; "Executive Summary: Community Advisory Board on Homelessness Point-in-Time Count, 2018," Community Advisory Board on Homelessness, 2018, 2, <https://www.homelesshub.ca/resource/prince-edward-island-2018-pit-count-executive-summary-report>.

³ Ryan Walker, "Aboriginal Self-determination and Social Housing in Urban Canada: A Story of Convergence and Divergence," *Urban Studies* vol. 45, no. 1 (2008): 186.

⁴ For reference, "A For Indigenous By Indigenous National Housing Strategy: Addressing the Housing Needs of Indigenous Families and Individuals in the Urban, Rural and Northern Parts of Canada," Proposal to the Government of Canada by the Indigenous Housing Caucus Working group, Canadian Housing and Renewal Association, May 2018, https://chra-achru.ca/wp-content/uploads/2015/09/2018-06-05_for-indigenous-by-indigenous-national-housing-strategy.pdf.

⁵ "The Government of Canada announces significant investments to address Indigenous homelessness and housing," Employment and Social Development Canada, February 20, 2019, <https://www.canada.ca/en/employment-social-development/news/2019/02/the-government-of-canada-announces-significant-investments-to-address-indigenous-homelessness-and-housing.html>.

⁶ "A For Indigenous By Indigenous."

requires large loans and comprises of an intensive, competitive application process of about 200 questions. A successful applicant to the recent Rapid Housing Initiative essentially requires land ready for development, other contributions to the project, and housing builds in a matter of months.

While streams for housing such as the Indigenous Homes Innovation Initiative have been feasible for registered charities like the Native Council with minimal capital or savings, this stream was highly competitive, leaving most Indigenous organizations unsuccessful. Out of 15 projects submitted from Atlantic Canada, only one application received funding.

Provincial government

The Province of PEI's approach in supporting the housing of off-reserve Indigenous people has been dismal at best.

In 1996, the federal government offloaded administrative responsibility of social housing including off-reserve Indigenous housing supports.⁷ In that same year, the Royal Commission on Aboriginal Peoples (RCAP) urged Canada and “the governments of the provinces and territories undertake to meet fully, in co-operation with Aboriginal people and within 10 years, the need for adequate housing of Aboriginal people not living on reserves.”⁸ Ultimately, at subsequent FPT talks the federal government did not push provinces to ensure funding was earmarked for urban/off-reserve Indigenous people.⁹

PEI is currently experiencing a severe shortage of affordable housing and extremely low vacancy rates. For off-reserve Indigenous people, this issue is worsened because of high risk of facing housing discrimination by landlords or organizations. The province's Housing Action Plan (2018-2023) states that government will “[c]ollaborate and partner with First Nations and Indigenous groups to address affordable housing needs.”¹⁰

The Native Council has been working tirelessly with the Minister(s) responsible, department directors, officials, and others working on behalf of the provincial government to little avail. Negotiations for staffing support, land donation, capital funding through or outside of calls for proposals have been largely met with polite nods and/or silence.

Right to Housing

Housing as a human right has emerged in a range of international legal treaties and agreements, beginning with the *Universal Declaration of Human Rights* in 1948. Other international legal instruments set out the right to “adequate housing”, such as the *International Covenant on Economic, Social and Cultural Rights* (ICESC).¹¹

⁷ Steve Pomeroy, “A New Beginning: A National Non-Reserve Aboriginal Housing Strategy,” in *Volume 4: Moving Forward, Making a Difference, Aboriginal Policy Research Series* (2013), 235, <https://ir.lib.uwo.ca/cgi/viewcontent.cgi?article=1342&context=aprci>.

⁸ Royal Commission on Aboriginal Peoples vol. 3 (1996), 384.

⁹ Walker, “Aboriginal Self-determination,” 199.

¹⁰ “Housing Action Plan for Prince Edward Island,” the Province of Prince Edward Island, July 2018, https://chra-achru.ca/wp-content/uploads/2018/09/pei-housing-action-plan_2018-2023.pdf.

¹¹ See Ryan van den Berg, “A Primer on Housing Rights in Canada,” Library of Parliament, Publication No. 2019-16-E, June 21, 2019, https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/201916E#a3.2.

Housing as an Aboriginal right, housing as an Indigenous right

Aboriginal rights are collective, inherent rights for Indigenous peoples in the territory now known as Canada. These rights can be generic or specific to a particular Nation. Many have argued that there is a generic Aboriginal right to housing in Canada. A main argument is that there is an inherent right due to the pre-existing sovereignty of Indigenous Nations prior to colonization.¹² This constitutional setting forms part of the Crown's fiduciary duty to all Aboriginal people, no matter where they reside or if they have *Indian Act* status.¹³

The Indigenous right to adequate housing is clearly established in the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), a non-binding international declaration that contributes to how Canadian courts view government behaviour and obligations. Article 21 includes that "Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including...housing".¹⁴ Article 23 reads that "Indigenous peoples...have the right to be actively involved in developing and determining...housing...programmes affecting them and, as far as possible, to administer such programmes through their own institutions."¹⁵

There are, however, legally binding international legal instruments that pertain to the Indigenous right to adequate housing, such as the ICESCR.¹⁶ While this provision is not limitless, Canada and other countries must provide special attention to vulnerable people including those experiencing homelessness and Indigenous people in many cases.¹⁷

Recommendations

1. **Ensure there is access to feasible housing project funding specifically for urban and rural off-reserve Indigenous people across Canada for new builds or renovations.** Funding is required to ensure that Indigenous people have access to culturally relevant housing options designed to meet their needs. This funding should include opportunities for staffing support and capital purchases such as land.
2. **Support the increase of housing stock for housing corporations that were formerly supported through the Urban Native Housing Program.** Indigenous housing corporations like Nanegkam Housing provide much-needed rent-geared-to-income housing to vulnerable people and are at risk of losing much of their housing stock. To fully address the overrepresentation of core housing need for Indigenous people off-reserve, dedicated approaches are required to ensure that vulnerable people do not experience homelessness or

¹² For example, see Royal Commission on Aboriginal Peoples, vol. 3 (1996), 348-352.

¹³ *Daniels v. Canada (Indian Affairs and Northern Development)*, 2016 SCC 12, para. 53.

¹⁴ United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295, 17*, https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf.

¹⁵ *Ibid.*, 18.

¹⁶ United Nations General Assembly, *International Covenant on Economic, Social, and Cultural Rights*, Treaty Series 993, 1966, <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

¹⁷ "Indigenous peoples' right to adequate housing: A global overview," United Nations Housing Rights Programme, Report No. 7, United Nations Human Settlements Programme (UN-HABITAT) and Office of the High Commissioner for Human Rights (OHCHR), 2005, <https://www.ohchr.org/Documents/Publications/IndigenousPeoplesHousing.pdf>.

live in unsafe housing.

3. **Expand on the Federal Lands Initiative.** Private donors and other levels of government should have the opportunity to designate lands for new affordable housing projects from organizations that serve vulnerable people. This program should include the opportunity for eligible organizations (such as registered charities) to apply for land purchase subsidy to increase access.

Conclusion

Gaps associated with national housing policy and lack of involvement and communications with organizations like the Native Council have hindered the capacity for off-reserve Indigenous housing initiatives for many years. Canadian housing policy in recent years has only marginally improved access to support for housing despite the depth of the National Housing Strategy. Recommendations have been presented to strengthen approaches and see real change in local communities. Canada must not neglect Indigenous people's rights and needs and in doing so is subject to human rights challenges at the national and international level.

About the Native Council

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