

# Off-Reserve Indigenous Housing: Issues, Programs, and Policy Priorities

Prepared for the Congress of Aboriginal Peoples

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## Introduction

In December 2018, as one of the five National Indigenous Representative Organizations recognized by the Government of Canada, the Congress of Aboriginal Peoples (CAP) signed an accord with the Government of Canada 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 Indigenous Peoples. Housing has been identified as a joint priority for policy.

This paper was prepared by Vink Consulting to help inform CAP of policy priorities related to urban and rural (off-reserve) Indigenous housing. The report involved: research and analysis of key issues and themes, a review of Government of Canada policies and programs, and identification of advocacy and policy development work that other organizations are engaged in related to urban and rural Indigenous housing. Based on this research, recommendations for policy statements and priorities related to housing were developed for consideration by CAP.

## Key Issues and Themes

The following section outlines the key issues and themes related to housing of urban and rural status and non-status Indians, Métis and Southern Inuit Indigenous Peoples.

### Demographic Factors Contribute to Particular Needs

Several demographic factors contribute to the housing needs of the Indigenous people living in urban and rural communities in Canada.

#### **The vast majority of Indigenous people live outside of First Nation communities (off-reserve) and outside of Inuit Nunangat**

In 2016, there were 1,673,785 Indigenous people living in Canada (Statistics Canada, Census 2016). Of these, 1,297,221, or 78%, were off-reserve status and non-status Indians, Métis and Southern Inuit Indigenous Peoples. Approximately two-thirds (67%) of off-reserve status and non-status Indians, Métis and Southern Inuit Indigenous Peoples lived in an urban area of at least 30,000 people, while the remaining third lived in a small town, rural, or remote area.

#### **The Indigenous population is growing rapidly**

Between 2006 and 2016, the Indigenous population grew by 43% (Statistics Canada, Census, 2006 and 2016). The First Nations population – including both those who are registered or treaty Indians under the Indian Act and those who are not – grew by 39%, while the Métis population increased by 51% and Inuit population grew by 29%. The Indigenous population grew at more than five times the rate of Canada's non-Indigenous population, which grew by 8% over the same period. Two main factors have contributed to the growing Indigenous population (Statistics Canada, 2017). The first is natural growth, due to increased life expectancy and relatively high fertility rates. The second is related to changes in self-reporting – more people are newly identifying as Indigenous on the Census.

Based on Statistics Canada's population projections, the Indigenous population could grow by 50% between 2016 and 2036 (to 2,510,000) (Statistics Canada, Table: 91-552-X, 2015). First Nations people are projected to grow by 62%, while Métis are projected to grow by 41% and Inuit by 32%. The Indigenous population is projected to grow at a rate more than twice that of

Canada's non-Indigenous population (which is anticipated to grow by 23%). Investments in Indigenous housing should therefore reflect this growing need.

### **The Indigenous population is young**

The high growth rate of the Indigenous population leads to a younger population than the non-Indigenous population. The average age of the Indigenous population was 32.1 years in 2016—almost a decade younger than the non-Indigenous population (40.9 years) (Statistics Canada, Census, 2016). A greater number of youth leads to higher levels of household formation, and in turn a need for more housing. Some 29% of urban and rural Indigenous households are led by people age 15 to 34 years of age, compared to 20% of non-Indigenous households (Statistics Canada, Custom Census Data, 2016).

### **The specific needs of youth should be considered in addressing Indigenous housing needs**

Youth in a variety of situations require housing to address the challenges they face. Aboriginal Housing Management Association, in consultation with its member societies in British Columbia, has identified the following groups of Indigenous youth in need of housing in British Columbia, although these groups of youth are also in need across the nation:

“...Teenaged single parents dealing with poverty and inexperience with parenting, the students who living in town on their own for high school, young people leaving care without further support, the many youth looking for work that is not to be found on reserves, or trying to find an affordable place to live in a costly resource community. These young people need not only housing but in many cases, far from their homes, they need support in finding their way to urban adulthood: access to child care, help with parenting, staying in school, finding and keeping work, dealing with the temptations around them, even the basics of adulthood such as managing money, meeting their daily needs for food and shelter, and finding friends” (AHMA, 2007).

### **There is a growing number of older adults among the Indigenous population**

While the younger population continues to skew Indigenous housing needs more towards youth and families, a growing number of older adults has led to the need for more housing that is appropriate for older adults. Older adults account for a larger share of the Indigenous population than in the past. In 2016, 7.3% of the Indigenous population was age 65 and older, compared to 4.8% in 2006 (Statistics Canada, Census, 2016). Some 13% of Indigenous

households were led by people age 65 and older (compared to 24% of the non-Indigenous population) (Statistics Canada, Custom Census Data, 2016).

Older adult housing has been identified as a need by a number of communities (AHMA, 2007). Reasons for this include: older adults are occupying units that are designed for, and could otherwise be used for, families, and, more older adults are requiring supports such as meals, housekeeping and recreation programs, and access to personal care to allow them to continue to live independently. Research has also found that Indigenous elders are often uncomfortable in typical seniors-type lodging that is available for the general population, and Indigenous-specific elder housing would better meet their needs (Catherine Palmer & Associates Inc., 2007; AMHA, 2007).

### **The social and economic positions of many urban and rural Indigenous peoples are below that of Non-Indigenous people, contributing to a higher level of housing need**

The social and economic positions of many urban and rural Indigenous peoples are below that of Non-Indigenous people, contributing to a higher level of housing need. Many face low-incomes, challenges finding and maintaining employment, and lower levels of educational attainment relative to non-Indigenous people:

- In 2015, the average household income of Indigenous households living in urban and rural areas was \$87,248, compared to an average of \$96,507 for non-Indigenous households (Statistics Canada, Custom Census Data, 2016).
- Some 21% of urban and rural Indigenous households lived in low-income households, compared to 15% of non-Indigenous households (Statistics Canada, Custom Census Data, 2016).
- Three quarters (66%) of Indigenous people age 15 and over living in urban and rural areas had completed their high school diploma or equivalency certificate, compared to 80% of the non-Indigenous population (Statistics Canada, Census, 2016).
- Almost two thirds, 64.5%, of Indigenous people were participating in the labour force, a similar participation rate to the non-Indigenous population (65.4%). However, the unemployment rate of Indigenous people was 13.5%, compared 7.4% for the non-Indigenous population (Statistics Canada, Census, 2016).

### **Rates of disability among First Nations and Métis living in urban and rural areas are higher than for Non-Indigenous people**

In 2017, 32% of First Nations, 30% of Métis and 19% of Inuit people age 15 and over living in urban and rural areas had one or more disabilities that limited them in their daily activities (Statistics Canada, Aboriginal Peoples Survey, 2017). In 2016, the disability rate for the total Canadian population age 15 and over was 22% (Statistics Canada, Canadian Survey on Disability, 2017). Disability tends to increase with age (Morris et al., 2018). Given that the average age of the Indigenous population is younger than the non-Indigenous population, this points to a need for more housing that is appropriate to the needs of Indigenous people of all ages with disabilities.

## **Historical (Colonial) and Cultural Factors**

“Historic displacement of Indigenous communities, spiritual disconnection, cultural disintegration and mental disruption caused by colonialism’s entrenched social and economic marginalization of Indigenous peoples” have all contributed to Indigenous housing and homelessness issues (Thistle, 2007). As such, Indigenous housing issues must be contextualized through the frame of colonization, which has played a fundamental role in these issues.

### **Intergenerational trauma from residential schools and the Sixties Scoop has led to the need for housing with life skills, education, training and/or employment supports for a number of groups of Indigenous people**

Residential schools and the Sixties Scoop led, as intended, to the loss of Indigenous language and cultural identity (AMHA, 2007). Many students also faced abuse while attending residential schools. The trauma caused by these policies has had led to a high incidence of demoralization: family violence, substance abuse, ill health and poverty. The transgenerational effects have resulted in a high incidence of children in care and of very young single mothers; incarceration; abused women, elders and children; prostitution; individuals disabled by accident or violence; people with Fetal Alcohol Spectrum Disorder (FASD); and high numbers of people experiencing homelessness. Because children were removed from their families, many students grew up without experiencing a nurturing family life and without the knowledge and skills to raise their own families. As a result, some of today’s Indigenous adults lack adequate parenting skills.

Colonialism has worked to deprive Indigenous peoples of self-determination, despite continued resilience. Many Indigenous children learned the hard way through residential schools not to question the authority of institutions (AHMA, 2007). Many lost confidence to stand up for themselves and make decisions about their own lives and housing. Asserting one’s tenancy

rights or even completing forms or providing documentation may still present a barrier for some to accessing housing.

### **Indigenous people face systemic discrimination, leaving them more vulnerable to housing insecurity and homelessness**

Through colonialism, Indigenous Peoples have faced exclusion from mainstream society, although there has been ongoing resistance. Those trying to function within mainstream society have faced systemic discrimination and institutional racism (Patrick, 2014; AMHA, 2007; INAC, 1996). This has had a significant impact on Indigenous peoples' access to resources and opportunities, and in turn has reduced their ability to deal with social challenges. One of the areas Indigenous women have faced systemic discrimination is in regard to housing title. Federal policy is such that legal title is usually in the hands of the husband or the band, and women are not provided any matrimonial property rights in the event of a breakdown in a spousal relationship. This leaves women more vulnerable to housing insecurity and homelessness.

### **Canada's colonial history has led to an over-representation of Indigenous people in Canada's criminal justice and child welfare systems – systems which often fail to support adequate transitions to housing**

Indigenous people are significantly overrepresented in the Canadian criminal justice system and child welfare system – systems which often fail to support adequate transitions to housing. In 2016/2017, Indigenous adults accounted for 30% of provincial/territorial custody admissions, 27% of federal custody admissions, and 27% of the federal in-custody population, while representing 4.1% of the Canadian adult population (Malakieh, 2018). At the same time, Indigenous youth accounted for 50% of custody admissions, while representing 8% of the Canadian youth population. Indigenous children represent 52.2% of children in foster care in private homes in Canada (Canada, 2018). The greatest contributor to this overrepresentation is Canada's colonial history which has created collective and individual intergenerational trauma (Report of the Royal Commission on Aboriginal Peoples, 1996).

### **The poverty on reserve leads many Indigenous people to move to urban and rural areas, though many are unable to access the supports needed for a successful transition**

It is widely accepted that the Indian Act has contributed to poverty on reserves, with poor access to housing, economic and educational opportunities (AANDC, 2013). Unlike the housing



programs the federal government established off-reserve for Non-Indigenous people that supported the creation of wealth, the housing programs it set up on-reserve have generated poverty (Sylvia, 1996). The Indian Act prohibits the seizure of on-reserve assets. The result was that money could not be borrowed on-reserve to help cover the cost of housing. This meant that the federal government had to set up a system to supply housing using a welfare model. The welfare model itself presents challenges, and housing on-reserve has been chronically under funded. Another factor is that in the Indian Act, a reserve is defined as land held in trust by the Crown for the band. This creates questions about who owns the housing, and results in uncertainty about responsibility for its ongoing management. Devolution of responsibility for housing to the bands after 1996 also contributed to housing issues on reserves, as many bands did not have qualified people to ensure building codes and standards were being met. “Inappropriate housing design and frequently shoddy construction, combined with tenants’ lack of resources and education, experience in home maintenance, and incentives to make repairs, has left ... the reserves with large portions of their housing stock in poor repair or downright uninhabitable” (AHMA, 2007).

The poverty created on reserves has led many people to move to urban centres in search of better housing, economic and educational opportunities and to be closer to medical services. However, many people moving from reserves are unable to access the supports needed for a successful transition from the reserve. They face barriers to education, employment, social services, and housing. Many need supports to develop their capacity to manage their own lives in their own way – including life skill development, education, training and employment opportunities (National Aboriginal Housing Association, 2009; AHMC, 2007).

### **Preference for extended family households generates a need for housing that can be multigenerational**

Indigenous families often prefer to live in households that include several generations and whose members, and numbers may vary from time to time. “For this reason, they require housing that can be multigenerational: more adaptable and larger than the norm set for standard housing programs. In addition, both housing design and occupancy policies must be flexible to allow for families’ changing use and needs that differ from mainstream housing practice” (AMHA, 2007).

### **It is common practice for Indigenous people to stay temporarily with family or friends when they cannot find housing, but this can burden the households offering the housing**

For Indigenous people, couch surfing or staying temporarily with family or friends is a common strategy for coping with homelessness. Transitions from reserves to urban areas are also often accompanied by living with friends and family for a period of time. While staying with family or friends can help with transitions, many urban Indigenous households are burdened by many people who stay with them because they cannot find housing (Graham and Peters, 2002). This reduces the number of Indigenous people on the street and staying in shelters, but it also makes households much more vulnerable, due to the unpredictability of arrivals and departures, and overcrowding.

## **Barriers to Access Appropriate Housing**

### **Lower levels of literacy, numeracy, and technological skills can hinder Indigenous peoples' ability to access and maintain housing**

Indigenous people have lower levels of literacy, numeracy and technological skills, and educational attainment relative to non-Indigenous people (Min et al, 2019). This can make it difficult to search for housing, complete tenancy applications, and understand leases and information about tenant rights and responsibilities. In some cases, this may result in Indigenous people paying more in rent or having a poor rental history.

### **Discrimination presents barriers to access housing**

In addition to systemic discrimination, Indigenous people often face issues of discrimination based on race when trying to access housing in the private market (NWAC, 2019, Carter, 2004; CMHC, 1996a). Being regularly denied the opportunity to rent can present a significant barrier to accessing housing for Indigenous people. While landlords are permitted to screen tenants based on references and credit, some Indigenous people face further barriers to housing as a result of poor references from previous landlords where they resided in an abusive relationship, having bad credit, or no credit history (NWAC, 2019).

### **The location of affordable housing can present a barrier to accessing appropriate housing**

In many urban areas affordable housing is only available in certain parts of the community, which can create a barrier to appropriate housing, jobs, or supports. National Online Survey on Indigenous Housing respondents reported that affordable housing is often only available in

specific parts of urban areas, forcing people to leave their community and family supports (NWAC, 2019).

In the past, the location of affordable housing may have contributed to the Indigenous population living in different neighbourhoods in Canadian cities than the non-Indigenous population. However, the latest data has found that the Indigenous population is now more evenly distributed across neighbourhoods (Anderson, 2019). This could however, at least in part, be a result of more people identifying themselves as Indigenous in 2016. In 2016, Toronto and Regina were the only urban areas that Statistics Canada classified as having moderate levels of differences in the areas where Indigenous people lived versus non-Indigenous people.

### **Long wait lists and limited availability of social housing**

Indigenous people face limited access to subsidized housing. There are long wait lists for Indigenous housing and other social housing (NWAC, 2019). In Canada, the Indigenous population is approximately 5% of the total population, yet only has specific access to less than 1% of the social housing stock (Indigenous Housing Strategy Engagement Table, 2016).

### **Indigenous people also face barriers to homeownership**

Although Indigenous people are more likely to live in a dwelling that is owned by a household member than they were a decade ago, homeownership rates among Indigenous households are still lower than non-Indigenous households (57% compared to 69%) (Statistics Canada, Custom Census Data, 2016, and Census, 2006). In urban areas, homeownership rates are highest among Métis (61%), followed by Inuit (48%) and First Nations people (43%) (Anderson, 2019). Some of the barriers Indigenous people face in becoming homeowners include deficiencies in savings for a down payment, in awareness of homeownership, in information about the process of buying a home, and challenges related to accessing financing in remote communities (R.A. Malatest & Associates Ltd., 2005; SHS Consulting, 2013).

### **High costs of basic necessities in remote communities presents challenges to maintaining affordable housing**

Indigenous people that live in remote communities face a number of additional barriers to accessing adequate housing. Many remote communities have high costs for basic goods and services and high housing and energy costs, which presents challenges to maintaining affordable housing (Indigenous Housing Caucus Working Group, 2018).

## **The creation of affordable housing in northern communities of the provinces is challenging and expensive**

Some communities in the northern parts of several provinces have seasonal or limited road access, while others are “fly-in” only. Shorter construction seasons, higher construction and transportation costs and very few economies of scale contribute to challenges and high costs of construction and operation of housing (Conference Board of Canada, 2013; SHS Consulting, 2013; SHS Consulting, 2012). Housing programs have not recognized the large disparities in construction costs between the northern and southern parts of various provinces (Indigenous Housing Caucus Working Group, 2018).

### **Unmet Housing Needs**

#### **There are disparities in the housing of Indigenous versus non-Indigenous households**

In 2016, about 12% of Indigenous households living in urban and rural areas were in housing that needed major repairs (Statistics Canada, Custom Census Data, 2016). This was higher than non-Indigenous households (6%). The proportion of Indigenous households who lived in a crowded dwelling was about 7%, also higher than non-Indigenous households (5%). Indigenous people who lived in a rented dwelling were more likely to be in housing that was in need of major repairs (13%) than those who lived in a dwelling that was owned (10%).

#### **A disproportionate number of Indigenous households live in core housing need**

CMHC’s core housing need indicator is an accepted measure of those households who are experiencing at least one housing problem such as overcrowding, poor dwelling conditions and/or lack of affordability. The measure then checks to see if those households are able to solve these housing problems by moving to more adequate, suitable and affordable accommodations. In 2016, 118,500 Indigenous households living in urban and rural areas were in core housing need (Statistics Canada, Custom Census Data, 2016). Some 18% of Indigenous households were in core need. This compares to 12% of Non-Indigenous households. Among renters, an even greater proportion of households are in core housing need; 34% of Indigenous households were in core need in 2016. This compares to 26% of Non-Indigenous households.

For many Indigenous households in urban and rural areas in core housing need, the issue is not only one of affordability, is also an issue of adequacy and of suitability. Some 96,270

Indigenous households in core housing needs were experiencing affordability issues – spending 30% or more of their income on shelter costs (81% of those in core need) (Statistics Canada, Custom Census Data, 2016). Of these, 41,250 were spending at least half of their income on shelter costs. Some 28,655 households were experiencing adequacy issues, meaning that their home required major repairs (24% of those in core need). Some 21,065 households were living in housing that was not suitable based on the size and composition of the household members (18% of those in core need).

In order to reduce the incidence of core housing need of Indigenous households from 18% to the 12% for Non-Indigenous households over 38,000 Indigenous households in urban, rural and northern areas would need assistance to help them out of core housing need (Indigenous Housing Caucus Working Group, 2018).

### **Youth and older adult led Indigenous households are more likely to have unmet housing needs**

While the overall incidence of core housing need among Indigenous households was 18% in 2016, the incidence among households led by someone age 15 to 24 was 30% and 25 to 34 was 21% (Statistics Canada, Custom Census Data, 2016). Older adults age 65 and over also had a higher incidence of core housing need (20%). This points to the increased need for measures to address housing affordability for both younger and older age groups.

### **Unmet housing needs are highest among single person Indigenous households**

In 2016, almost one-third, 32%, of one-person Indigenous households were in core housing need (Statistics Canada, Custom Census Data, 2016). This compares to 15% of two or more person households. There is limited Indigenous housing stock for single adults, as most of the stock was designed for family or seniors' use.

## **Homelessness**

### **Indigenous homelessness is not simply a lack of structure of habitation, but also includes a loss of land, family, community, and culture**

Thistle (2017) explains that “Indigenous homelessness is a human condition that describes First Nations, Métis and Inuit individuals, families or communities lacking stable, permanent,

appropriate housing, or the immediate prospect, means or ability to acquire such housing. Unlike the common colonialist definition of homelessness, Indigenous homelessness is not defined as lacking a structure of habitation; rather, it is more fully described and understood through a composite lens of Indigenous worldviews. These include: individuals, families and communities isolated from their relationships to land, water, place, family, kin, each other, animals, cultures, languages and identities.” Research, service provision and policy solutions regarding Indigenous peoples’ homelessness and housing insecurity must incorporate Indigenous peoples’ notions of land, family and community (Alaazi et al., 2015).

Research into Indigenous people’s experiences with “At Home Chez Soi”, a Housing First intervention intended to end homelessness for people living with mental illness, found that although Indigenous participants were relatively satisfied with the housing intervention, “their sense of place in the city remained largely disconnected from their housing experiences” (Alaazi et al., 2015). They found that “structural factors, particularly the shortage of affordable housing and systemic erasure of Indigeneity from the urban sociocultural and political landscape, have adversely impacted Indigenous peoples' sense of place and home”.

### **Indigenous people are overrepresented among those experiencing homelessness**

A not-yet-released national study of emergency shelter data from 2016 found that Indigenous people accounted for about 30% of shelter users (National Post, 2019). Indigenous women were 15 times more likely than non-Indigenous women to use shelters. Indigenous men were 10 times more likely.

In “Everyone Counts 2018”, the federal government’s second coordinated Point-in-Time count of people experiencing homelessness, nearly one third (30%) of respondents identified as Indigenous, despite making up only about 5% of the national population (Employment and Social Development Canada, ND). The percentage was higher among those who stayed in unsheltered locations (37%) and among those who were staying with others (43%).

### **Certain sub-groups of Indigenous peoples are overrepresented among those experiencing homelessness, including women, girls, people of non-binary genders, individuals with mental health and addiction challenges, and youth who have been involved with child protection**

An understanding of Indigenous homelessness must include an understanding of the experiences of specific sub-groups of Indigenous peoples’ who are most marginalized and over-

represented in homelessness systems. We know the following about sub-groups of Indigenous peoples experiencing homelessness:

- Indigenous women, girls and **people of non-binary genders** gender-diverse people are more likely to experience homelessness or housing insecurity compared to Indigenous men (Patrick, 2014). They are also particularly at risk of victimization and distress when experiencing homelessness (Kidd et al., 2018)
- Indigenous women are more likely to experience violence. Violence creates and exacerbates experiences of homelessness among Indigenous women (Patrick, 2014)
- Indigenous youth experiencing homelessness face greater mental health and addiction challenges compared with non-Indigenous youth (Kidd et al., 2018)
- Indigenous youth experiencing homelessness are more likely to have experienced involvement of child protection (Kidd et al., 2018)

Kidd argues that these factors reinforce the need for Indigenous-specific interventions for these populations, including policy-driven prevention initiatives to address the legacy of colonization.

### **Shorter shelter stays and less likelihood of moving from shelter to housing for Indigenous people points to issues with the current shelter and housing systems**

In addition to the overrepresentation of Indigenous people in emergency shelters, other problematic findings of a national study of emergency shelter data were that Indigenous people are spending fewer nights in emergency shelters and they are less likely to stop using shelters because they had found more stable places to live (National Post, 2019). This points to issues with the current shelter and housing systems.

### **Many Indigenous people have faced barriers to accessing shelter**

While Indigenous people face some of the same challenges in accessing shelters as non-Indigenous people, such as shelters being stretched and at over-capacity, many Indigenous people face additional barriers in accessing shelter. Some 12.7% of respondents to the National Online Survey on Indigenous Housing said they experienced gender or race-based discrimination while trying to access shelters or transitional housing services (39.7% of respondents stated the question was not applicable to them) (NWAC, 2019). Indigenous women with children are particularly hesitant to access shelter for fear of child protection taking their children. The Native Women's Association of Canada argues that the focus should be on securing housing to keep families together, rather than an environment where women are afraid to access shelters for fear of child protection taking their children (NWAC, 2019).

## **Emergency shelter appropriate to the needs of Indigenous people experiencing homelessness is urgently needed in many communities**

While Indigenous people represent a significant portion of shelter users, not many Indigenous service providers provide emergency shelter. Services delivered by non-Indigenous providers are not always delivered in a manner that is culturally appropriate for Indigenous people (Urban Aboriginal Task Force- Final Report, 2007; McCallum and Isaac, 2011). Jesse Thistle argues that Indigenous shelters should be established and funded based on the proportion of people in the shelter system that are Indigenous (National Post, 2020). He notes that “shelters that focus on Indigenous users have taught people their languages and traditions, which help forge connections to community and identity. The lack of those connections can be a unique factor in Indigenous homelessness”. In the Aboriginal Housing Management Association’s consultations with Indigenous housing societies and communities in BC, it found that emergency shelter is urgently needed but communities may differ in whether it should be Indigenous specific, or whether it is more useful to focus on linkages with existing shelters and providing appropriate transitional housing for referral (AHMC, 2007).

## **Short Term, Transitional and Long-Term Housing with Supports**

### **There is a need for increased supply of short term and transitional housing and housing with long-term supports**

Lack of access to adequate housing is an acute issue for Indigenous people in high-risk environments and Indigenous peoples with disabilities. These groups often face increased barriers to adequate housing. Barriers include discrimination, lack of government-subsidized housing, and insufficient housing to meet disability needs (United Nations, 2009).

The following types of housing are needed for Indigenous people experiencing homelessness, disabilities, and other specific needs:

- Short term housing – particularly for students, youth leaving foster care, and singles; short term lodging is also needed for people needing to stay in urban areas for medical treatment; pregnant teen or very young single parents; and victims of trafficking
- Transitional housing – this include second-stage housing for women leaving abuse, transitional housing for youth, particularly those leaving care, as well as low-income singles trying to move to more independence



- Housing with long term supports – are needed for people with developmental disabilities including FASD; people with mental illnesses or addictions; frail elders/seniors; and people with physical illnesses, including HIV/AIDS (Indigenous Housing Strategy Engagement Table, 2016; AHMA, 2007)

For housing supports, publications were divided as to whether Housing First should be pursued, with some advocating for Housing First strategies, while others cautioned that the model needs modifications and refinement to meet safety needs as well as housing needs (Yerichuk, et al, 2016). Housing First is an approach where housing is provided as the first step, in combination with supportive services, and does not require people to be participating in treatment or be clean and sober. It is based on the idea that any other issues a person is living with can be addressed once a person has housing.

## **Housing Impacts on Other Socio-Economic Outcomes**

### **Lack of appropriate housing impacts other socio-economic outcomes**

Severe affordability problems, inadequate housing, and overcrowding of Indigenous Canadians have impacts on other socio-economic outcomes of Indigenous peoples, including health and education attainment levels. Inuit Tapiriit Kanatami explains that “Our society is experiencing enormous stress from the negative effects of overcrowded and inadequate housing. Housing affects every aspect of life, including work, education and family and is therefore one of the most crucial determinants of a healthy life for individuals and communities. Inuit suffer from the highest rates of tuberculosis and the lowest rates of educational attainment (ITK, 2016). The societal impacts of Indigenous people living in inadequate housing are enormous and impossible to quantify (Catherine Palmer & Associates Inc., 2007).

## **Housing Sector Issues**

### **Indigenous housing stock is at risk**

The Urban Native housing portfolio is at risk. The Indigenous Housing Caucus Working Group of the Canadian Housing and Renewal Association notes that “with all units in the portfolio targeted to low-income Indigenous families and individuals at rents-geared-to-income, revenues from rents do not cover the costs of operations. These properties are therefore more

at risk than mainstream social housing properties in other housing programs that assist families and individuals with a mix of incomes. In addition, many of the units in the Urban Native housing program are in need of major repair. This is especially the case for individual homes that are part of scattered unit portfolios. The majority of Urban Native housing agreements expire after 2018/2019” (Indigenous Housing Caucus Working Group, 2018). It is hoped that federal, provincial, and territorial funding commitments will ensure this stock is maintained. The Government of Canada’s Housing Partnership Framework with provincial and territorial governments states that “provinces and territories will ensure no net loss of Urban Native units and will improve the condition of the retained units through repairs and/or capital replacement. All units will have adequate affordability support” (Canadian Intergovernmental Conference Secretariat, 2018).

### **There are varying levels of capacity and need for capacity-building among some Indigenous housing and homelessness service providers**

Some Indigenous organizations bring strong capacity in terms of housing development experience, tenant management experience, land, buildings, support services, commitment, and partners (Indigenous Housing Caucus Working Group, 2018; National Aboriginal Housing Association, 2009; Vink Consulting, 2017; Catherine Palmer & Associates Inc., 2007). However, some smaller Indigenous housing organizations and service providers need capacity-building support and/or partnerships with other Indigenous organizations to transition their existing housing stock as it ages, and to develop additional housing and services (Vink Consulting, 2017, AMHA, 2007).

### **There are gaps in funding for the homeless-service systems**

Although there are some changes underway, funding for homelessness services has been primarily directed to larger communities (National Aboriginal Housing Association, 2009; Webster, 2007). Funds for Indigenous needs in smaller communities is often very limited. Further, existing funding levels and short-term commitments to funding create some challenges in sustaining homelessness services.

## **Housing Policy and Programs**

The following section reviews past and current Indigenous housing policy and programs. It is important to review these policies and programs to understand the types of programs that have been most effective in addressing Indigenous housing and homelessness needs and where there are gaps in current programs.

### **Housing Programs**

#### **Off-Reserve Housing Support Program – Downpayment Assistance (1966-1985)**

One of the first off-reserve Indigenous programs was the Off-Reserve Housing Support Program. The program entitled Status Indians who were living off-reserve and who were employed to receive assistance in the form of a low cost first mortgage (\$10,000) and a forgivable second mortgage (at a rate of \$1,000 a year over ten years) (Kuchera, 2003; CAAN, 2010). Initially, \$16,000 was set as the maximum annual household income which remained in place for the duration of the program. Over time, this resulted in little take up of the program and it was terminated in 1985 (CAAN, 2010).

#### **Demonstration Program – Rental Housing (1970-1974)**

The Demonstration Program was a \$200 million dollar program initiated in 1970 by CMHC. The program resulted in the first six Indigenous owned and managed non-profit housing communities in Canada, with a total of 600 units. The program was intended to offer a level of 'self-determination' to Indigenous peoples regarding decisions affecting their housing environments (Walker, 2004). All of the housing created under the program involved the rehabilitation of older homes (Walker, 2004).

The program led to changes to the National Housing Act (NHA) in 1973; introducing 100% capital financing, a fixed long term mortgage interest rate, and 10% capital forgiveness (CAAN, 2010). To further assist in the viability of these projects, CMHC provided an annual grant under the Research and Demonstration Section of the NHA (CAAN, 2010). "Amendments to the NHA in 1973 were monumental in that they placed a new emphasis on social housing, federal leadership in social housing, and to a lesser extent, the social right of Canadians to adequate and affordable housing" (Walker, 2004).

Over the same time, the federal rent supplement program was extended to include eligible non-profit and co-operative housing developments, and provinces would cost-share in the subsidy to low income tenants with the federal government (Walker, 2004). “The relationship during this phase of social housing production was between the federal government (as financier and program architect and central administrator), provincial governments (as secondary financial and administrative partners), and voluntary sector organizations (as sponsors and administrators of specific housing developments)” (Walker, 2004).

### **Rural and Native and Urban Native Housing Program (1974-1993)**

After a two-day meeting with Indigenous housing agencies in 1974, CMHC developed the Urban Native Housing Program. Later that year it began funding the Rural and Native Housing Program, which provided subsidies for the construction or acquisition of housing units for low-income people in rural areas, defined as being off-reserve and in areas with a population of less than 2,500 (CAAN, 2010). The program ended in 1993 (CMHC, 2011).

After the initial launch of the Urban Native Housing Program, some argued that the NHA already provided programs to the urban poor and therefore a new initiative was not needed (CAAN, 2010). At this time, CMHC “urged provinces to use their cost-shared funding under Section 44 of the NHA to provide deeper shelter subsidies for low income Aboriginal families” (CAAN, 2010:3). However, the Native Council of Canada (NCC), now the Congress of Aboriginal Peoples (CAP), and urban Indigenous organizations urged CMHC to increase the housing unit allocation for Indigenous housing organizations (CAAN, 2010; Walker, 2004). In 1978, the joint NCC-CMHC initiative was announced. The program was part of the Non-Profit Housing Program and included 400 units a year, or 10% of the mainstream social housing allocation, dedicated for urban Native non-profit housing groups (CAAN, 2010; CMHC, 2011). Through this initiative CMHC “provided mortgage interest assistance in the form of non-repayable subsidies to reduce the effective interest on the mortgage to 2% as well as an amount for operations and maintenance” (CAAN, 2010:4). In recognition that most urban Indigenous families could not afford the rents for the non-subsidized units, the program was amended in 1986 to cover the gap between operating costs and the rental revenues based on an RGI of 25% of the household income (CMHC, 2011).

The biggest change in this phase of social housing programs was that non-profit and co-operative corporations now obtained 35-year mortgages from ‘approved lenders’, rather than the federal government providing additional all of the necessary funding to cover capital costs.

This programmatic change was successful in expanding the creation of non-profit and co-operative housing (Walker, 2004).

The Urban Native Non-Profit Housing Program was officially enacted in 1985, although it evolved from the early 1970s (as described above) (Walker, 2004). In 1984 a deeper subsidy was applied to 600 additional units annually (Walker, 2004). The Urban Native Housing Program (revised from Urban Native Non-Profit Housing Program) was incorporated into the 1986 Urban Social Housing Strategy (CMHC, 2011).

An evaluation of the Urban Native Housing Program in 1999 offered evidence of the importance of Indigenous housing and its ability to strengthen tenants and build community. The evaluation found that it “out-performed other programs (i.e. non-profit and rent supplement) on several indicators of emotional well-being” (Walker, 2004:10). It reported that “since moving into their current housing a significantly higher proportion of households in Urban Native Housing Program units had increased their use of social services, made more friends, felt more secure, more settled, and more independent” (CMHC, 1999 as reported in Walker, 2004:11).

### **Social Housing in the 1990s**

CMHC shifted its objectives related to housing in the early 1990s away from social housing and towards support for the private housing market. In 1991, CMHC and Canadian Government created the Canadian Centre for Public/Private Partnership Housing to identify, initiate and facilitate public-private partnerships for low-cost housing (Walker, 2004). Although 39 projects sponsored by community based non-profit groups were created, with a total of 2,143 housing units, none of the projects targeted Indigenous people (Walker, 2004). Social housing programs were discontinued in 1993 with the exception of First Nations reserves. The administration and oversight role of existing stock, including the portfolio developed under the Urban Native Housing Program, was transferred to most provincial governments through bi-lateral agreements beginning in 1996 (Walker, 2004).

### **Off-Reserve Aboriginal Housing Trust Fund (2006-2009)**

In 2006, the Federal Government provided one-time funding to provinces and territories in several areas including to address short-term housing needs for Indigenous Canadians living off-reserve. Funding, \$300 million over three years, was allocated to provinces and territories

based on their share of the Indigenous population living off-reserve (CMHC, 2011). An additional \$300 million was allocated for northern and remote communities.

### **Affordable Housing Initiative (2001-2020)**

The Affordable Housing Initiative was introduced in 2001 to create new affordable housing units through up-front capital contributions rather than ongoing subsidies (CMHC, 2011). Agreements were made with each province and territory establishing the terms of the program, which saw matching investments from provinces/territories. In 2008, the Government of Canada committed to an investment of more than \$1.9 billion in housing and homelessness. In 2009, provinces and territories entered into a renewed agreement with the federal government until 2011 (CMHC, 2011). In July 2011, federal, provincial, and territorial ministers responsible for housing announced a \$1.4 billion combined investment under a new Investment in Affordable Housing (IAH) 2011-2014 Framework Agreement (CMHC, 2011). A further extension was made to the Investment in Affordable Housing (2014-2020). A total of \$1.9 Billion in federal funding is being provided between 2011 and 2019 to improve access to affordable housing to March 31, 2020 (CMHC, 2017). In addition, in recognition of the distinctive needs of Nunavut, an additional \$100 million over two years (2013-2015) was provided to support new affordable housing in Nunavut.

Although new 'affordable' rental units have been created under the program, key weaknesses of the AHI are the limited total number of new housing units it has produced and the fact that funding has generally been insufficient to reduce rents enough for those most in need of nonmarket housing (Pomeroy, 2004 in IRPP, 2008). In addition, AHI did not have targeted funding for off-Reserve housing, nor any requirement for an Indigenous component, other than for repair and rehabilitation funding through the Affordable Housing Program Northern Component. Of note, the province of Ontario established an Off-Reserve Aboriginal Housing component for AHI funding and entered into agreements for this component to be delivered by two Indigenous organizations (OAHS, 2014). Miziwe Biik Development Corporation was contracted to deliver funding in the Greater Toronto Area and Ontario Aboriginal Housing Services was contracted to deliver funding throughout the rest of Ontario, allowing for the first time the freedom for Indigenous corporations to design and deliver the programs. Likewise, the province of British Columbia also established an Aboriginal Housing Initiative, using federal and provincial AHI funding, which was extended in 2014 (BC Housing, 2014). Based on the opinions of key stakeholders, where provinces elected to provide specific delivery allocations to Indigenous designed and delivered programs, they were highly successful.

## **National Homelessness Initiative/Homeless Partnering Strategy (2000-2019)**

The National Homelessness Initiative began in 2000 with federal funding of \$753 million over three years with periodic extensions until the program was updated in 2007 (CMHC, 2011). The program was aimed at enhancing community capacity to address local homelessness issues, foster investments in facilities and services for homeless people, and increase knowledge of homelessness in Canada (CMHC, 2011). There were several program components including The Supporting Communities Partnership Initiative (SCPI), Urban Aboriginal Homelessness (UAH), National Research Program (NRP), Surplus Federal Real Property for Homelessness Initiative (SFRPHI), Regional Homelessness Fund (RHF), and Homeless Individuals and Families Information System (HIFIS) (Homeless Hub, 2017). The Urban Aboriginal Homelessness component was designed to address the unique needs of the Indigenous population by providing flexibility in meeting the needs of homeless Indigenous people through culturally sensitive services (The Homeless Hub, 2017).

Based on a 2007 summative evaluation of the NHI, “positive impacts on the daily lives of individuals are one of the major areas of success for the NHI”; Indigenous people were one population group noted as benefiting from the program (HRSDC, 2008). The evaluation also found that one area identified as a challenge in some communities was the development of capacity to address Indigenous-specific homelessness issues (HRSDC, 2008). This was particularly a challenge where funding for SCPI and UAH were provided by different entities.

In 2007, the Homelessness Partnering Strategy was introduced. HPS shifted the government’s homelessness strategy to a Housing First approach. There are three streams to HPS funding: designated communities, rural and remote homelessness (non-designated communities) and Indigenous homelessness. The Indigenous homelessness funding stream was aimed at addressing the needs of off-reserve homeless Indigenous population by partnering with Indigenous groups to ensure that services meet the unique needs of off-reserve homeless Indigenous people in cities and rural areas (Government of Canada, 2016).

## **National Housing Strategy**

In 2017, the federal government announced Canada’s first National Housing Strategy (NHS). The National Housing Strategy is a \$55 billion dollar plan to help reduce homelessness and improve the affordability, availability, and quality of housing for Canadians in need. The federal government has said that the “NHS programs prioritize applications from Indigenous

communities” (Canada, 2020). The NHS has made four commitments related to off-reserve Indigenous housing, discussed below.

### **Indigenous Community Housing (Urban Native Housing)**

The federal government has committed \$200 million for Urban Native housing providers to protect affordability for Indigenous families and undertake necessary repairs. This funding is being delivered through federal bi-lateral agreements with provinces and territories. The funding is intended to help stabilize the existing Urban Native housing stock while longer-term strategies are developed. While there hasn’t been broad communication on the specifics of this funding yet, operating agreements have been extended with some Urban Native housing providers whose original agreements were expiring.

Aboriginal Housing Management Association is among the organizations that have critiqued the government’s commitments in this area, stating that “the planned level of funding for federal administered community housing for Indigenous households not living on-reserve is less than half the level of the funding provided over the previous ten-years; dropping from \$534 million dollars” (AMHA, 2019).

### **Co-Investment Fund**

The federal government has committed \$25 million for Indigenous housing projects through the National Housing Co-Investment Fund. The Co-Investment fund is designed to provide low-cost loans and capital contribution for repairing/renewing and building new affordable housing, shelters, transitional and supportive housing. To date, stakeholders have noted that limited, if any, funding has been allocated through this program to Indigenous housing projects. Reasons for this include a lengthy and complex application process, which has been an issue for Indigenous and non-Indigenous housing providers alike (CHRA, 2020).

### **Reaching Home**

Through Reaching Home, Canada’s Homelessness Strategy, \$413 million has been committed to address Indigenous homelessness in urban centres over the next nine years. The intent is to provide the funding to Indigenous organizations in urban centres, and the program aims to ensure that culturally-appropriate supports are available for Indigenous peoples who are experiencing homelessness in urban centres. Communities have begun to see some of this



funding flowing to Indigenous organizations providing supports to help prevent and reduce homelessness.

### **Distinctions-Based Indigenous Housing Strategies**

The federal government has also committed to \$1.5 billion in ‘distinctions-based’ support for a First Nations-led housing Strategy, and Inuit-led housing plan, and the Métis Nation’s housing strategy. The First Nations-led housing strategy primarily applies to housing on-reserve, but also includes some investments in housing for First Nations people living temporarily off-reserve, such as those needing emergency/short-term housing. The Inuit-led housing plan is specific to the Inuit Nunangat region, and does not address the needs of southern Inuit people. The Métis Nation’s housing strategy includes \$500 million dollars in support over 10 years.

The Indigenous Housing Caucus of the Canadian Housing and Renewal Association, the national body for Urban, Rural and Northern Indigenous housing providers from across Canada, has been among the groups advocating for a need for a fourth strategy for Indigenous households in need of housing in urban, rural and northern areas. It argues that the distinctions-based Indigenous Housing Strategy creates a large gap for Indigenous peoples not living on reserves. “For these Indigenous people, a national network of non-profit Indigenous housing organizations provides affordable and social housing taking a service-based rather than a distinctions-based approach” (Indigenous Housing Caucus Working Group, 2018).

There are a number of key observations that can be made from the review of past and current Indigenous housing programs:

- Funding programs have often been short term and have not provided adequate resources to urban and rural Indigenous communities to address the current disparities and on-going need for appropriate, affordable housing and related services.
- Without funding that is specifically targeted to meet the needs of off-reserve Indigenous individuals and families, fewer Indigenous people will have their housing needs met.
- Distinctions-based strategies leave a large gap for Indigenous peoples not living on reserves. A service-based approach, where all Indigenous people qualify for housing and supports, is needed in urban and rural areas.
- Housing programs have had varying degrees of Indigenous design and delivery. Programs that have provided a degree of self-determination have generally had more

success. Application and delivery processes must align with the needs of Indigenous housing providers.

- Housing and supports that are culturally-appropriate and Indigenous-delivered are key to achieving desired outcomes that go beyond housing, including strengthening individuals and families and building community.
- Deep capital funding or rent subsidies are critical for allowing targeting of Indigenous people with low incomes.
- It is important that funding is available to address the needs of Indigenous households in both urban and rural areas.
- Funding must be delivered in a way the supports that capacity development of Indigenous housing and supports providers.

## Recommendations for Priorities and Policy Statements

The following recommendations for priorities have been developed for consideration by the Congress of Aboriginal Peoples.

**The federal government should establish a fourth Indigenous Housing strategy alongside the three distinctions-based housing strategies that includes specific programs and investments to address the housing needs of Indigenous households in urban and rural areas**

The majority (78%) of Indigenous peoples in Canada live outside of First Nation communities (off reserve) and outside of Inuit Nunangat, and yet are left with a major gap by the distinctions-based Indigenous housing strategy. The majority of non-profit Indigenous housing, homelessness and service organizations take a service-based rather than a distinctions-based approach.

CAP should call upon the Government of Canada to eliminate this gap by funding of a fourth strategy for Indigenous households in need of housing in urban, rural and northern areas. Funding for this strategy needs to be over and above the current funding commitments of the National Housing Strategy.

**A new structure, such as an Indigenous national housing centre, should be established to support communities and housing and support service providers in addressing the housing needs of Indigenous peoples in urban and rural parts of Canada**

A new structure should be created that is Indigenous designed, owned, and operated, and takes a service-based approach to meeting affordable housing and service support needs of Indigenous people living in urban, rural, and northern parts of Canada. The structure would recognize and implement Indigenous peoples right to self-determination related to housing. It would establish a new relationship with the Federal Government and ensure programs and services for Indigenous peoples are developed in collaboration with Indigenous nations, housing organizations, provinces, territories, and municipalities.

The structure should administer and manage federal funding for Indigenous housing and related support services. The structure should also serve as a resource to non-profit housing agencies and service providers. It should conduct research, share knowledge of best practices, and provide education and technical supports to non-profit housing and service providers to

strengthen their capacity. It could also support centralized business services, support the amalgamation of existing smaller housing providers and the development of new rental housing.

Program elements of an urban and rural Indigenous housing strategy should include the following:

**Measures should be taken to ensure no net loss in rent-geared-to-income units and safety and good physical condition of Indigenous social housing**

Existing Indigenous social housing provides affordable housing to approximately 10,000 low-income Indigenous households across Canada. Much of this housing is in older and aging portfolios, and providers have insufficient capital reserves. Given the deep targeting of 100% of low-income residents paying rents that are geared-to-income, providers rely on government subsidy to help cover basic operating costs. In order to move forward with addressing the gap in core housing need between Indigenous and non-Indigenous households, it is critical that there be no net loss in these units. The funding committed by the federal government will be an important interim solution to ensuring the same number of households receive rent-geared-to-income assistance and that these units are maintained in an adequate condition. Over time, providers will require support in restructuring their portfolios to optimize real estate assets and leverage opportunities.

**Financial investments to increase the supply of stable, safe affordable housing should be made at a scale that seeks to equalize core housing need between Indigenous and non-Indigenous households**

In 2016, 18% of Indigenous households were in core housing need, compared to 12% of non-Indigenous households. The need for Indigenous housing will only increase in the next ten years. The federal government must recognize that the disparity between the housing situations of Indigenous peoples and non-Indigenous people is unacceptable. The federal government should make investments commensurate with the scale needed to eliminate the gap in the incidence of core housing need between Indigenous and non-Indigenous households. In order to reduce the incidence of core housing need of Indigenous households from 18% to the 12% for non-Indigenous households, over 38,000 Indigenous households in urban, rural and northern areas would need assistance to help them out of core housing need.

Needs and effective solutions differ across communities, but should be designed, delivered and managed by the Indigenous community. New affordable rental housing will need to be a key component. To support the creation of new Indigenous affordable rental housing, the federal government should provide deep capital funding to allow for higher targeting of low-income Indigenous households and/or stacked rent supplements or housing allowances to target low income households, as appropriate for the local market.

### **Additional measures and increased funds are needed to reduce, prevent, and ultimately end Indigenous homelessness**

As discussed above, approximately 30% of people experiencing homelessness across Canada are Indigenous, despite making up only about 5% of the national population. The shorter shelter stays and less likelihood of Indigenous shelter users moving from shelter to housing points to issues with the current shelter and housing systems. Indigenous peoples have unique cultural, health, education, and social needs, and research has found that these needs are better addressed by services specifically designed for, and provided to, Indigenous people. However, the culturally-appropriate responses to Indigenous homelessness are underdeveloped in many communities.

The federal government must recognize that Indigenous homelessness is egregious and must provide increased funds to address Indigenous homelessness on an urgent and priority basis.

Funds should be provided through Reaching Home's Indigenous Homelessness stream, but should be available to ensure culturally-appropriate supports are available for Indigenous peoples who are at risk of or experiencing homelessness in both urban centres and rural areas.

### **Culturally based support services should be funded along with housing**

Supports services to Indigenous households are often as important as the provision of the housing itself and are critical to the well-being and long-term success of the individuals and families being served. The federal government should provide sufficient resources for support services to households receiving housing assistance. Agencies serving Indigenous peoples, including shelter and transition home providers, friendship centres, outreach and mental health and addiction agencies, and housing providers will need to collaborate to ensure the effective delivery of housing and support services.

**Additional investments should be made in the North and the “Provincial North” to address high construction and transportation costs and higher incidence of core housing need**

The incidence of core housing need among Indigenous households in the north is higher than other parts of the country. There is often aging infrastructure, high energy costs, and a lack of housing options. At the same time, the provision of housing in the Provincial North and the three Territories is challenging and more expensive, particularly in isolated communities where there is limited or no road access. Much of the three territories are outside of Inuit Nunangat and therefore not covered by the existing distinctions-based components of the Indigenous Housing Strategy.

Housing investments by the federal government must be higher in the North to recognize the large disparities in construction costs between the North, including the Provincial North, and southern parts of the provinces.

## Appendix 1: Relevant Federal Government Policy and Reports

The federal government has established principles respecting the federal government's relationship with Indigenous peoples. While not specific to housing, they are relevant and have been outlined below. These principles are guided by the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and informed by the Report of the Royal Commission on Aboriginal Peoples (RCAP) and the Truth and Reconciliation Commission (TRC)'s Calls to Action. These are also discussed below.

### Principles respecting the Government of Canada's relationship with Indigenous peoples

The federal government has prepared a set of principles to guide its relationship with Indigenous peoples (Government of Canada, Department of Justice, 2018). The principles are intended to achieve reconciliation with Indigenous peoples through a renewed, nation-to-nation, government-to-government, and Inuit-Crown relationship based on recognition of rights, respect, co-operation, and partnership as the foundation for transformative change.

The principles recognize that:

All relations with Indigenous peoples need to be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government.

1. Reconciliation is a fundamental purpose of section 35 of the Constitution Act, 1982.
2. The honour of the Crown guides the conduct of the Crown in all of its dealings with Indigenous peoples.
3. Indigenous self-government is part of Canada's evolving system of cooperative federalism and distinct orders of government.
4. Treaties, agreements, and other constructive arrangements between Indigenous peoples and the Crown have been and are intended to be acts of reconciliation based on mutual recognition and respect.
5. Meaningful engagement with Indigenous peoples aims to secure their free, prior, and informed consent when Canada proposes to take actions which impact them and their rights on their lands, territories, and resources.
6. Respecting and implementing rights is essential and that any infringement of section 35 rights must by law meet a high threshold of justification which includes Indigenous perspectives and satisfies the Crown's fiduciary obligations.

7. Reconciliation and self-government require a renewed fiscal relationship, developed in collaboration with Indigenous nations, that promotes a mutually supportive climate for economic partnership and resource development.
8. Reconciliation is an ongoing process that occurs in the context of evolving Indigenous-Crown relationships.
9. A distinctions-based approach is needed to ensure that the unique rights, interests and circumstances of the First Nations, the Métis Nation and Inuit are acknowledged, affirmed, and implemented.

### **The Declaration of Rights of Indigenous Peoples (2007)**

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) sets out the standards for establishing policies and programs in the area of housing for Indigenous people, including:

- Rights to self-determination and indigenous institutions and systems
- Rights to lands, resources and territories
- Rights to equal enjoyment of economic and social rights, including housing.
- Two articles in particular pertain to the right to improvement in housing conditions and the right to self-determination of priorities and programs in housing and other economic and social sectors (Walker, 2004).

Article 22: Indigenous people have the right to special measures for immediate effective and continuing improvement of their economic and social conditions, including in the areas of employment, vocational training and retraining, housing, sanitation, health and social security. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and disabled persons;

Article 23: Indigenous people have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous people have the right to determine and develop all health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions;

In 2012, the Truth and Reconciliation Commission (TRC), recommended that all levels of government meet and explore DRIP as a framework for reconciliation in Canada, and in the 2015 Final Report stated “we remain convinced that the United Nations Declaration provides



the necessary principles, norms, and standards for reconciliation to flourish in twenty-first century Canada” (TRC, 2015: 21).

The Federal Government has committed to implementing the UN Declaration through the review of laws and policies, as well as other collaborative initiatives and actions. At the time of writing this document, a law to initiate the implementation of the Declaration has not yet been tabled.

### **International Principles of the Right to Adequate Housing**

The United Nations identifies several fundamental principles to inform the implementation of the right to adequate housing for Indigenous people.

- Right to self-determination - essential to the well-being and dignity of Indigenous peoples
- Includes recognition of Indigenous customs, traditions and land tenure systems, and of the right to determine and develop priorities and strategies in exercising their right to development
- Participation in decision making processes – ensure that Indigenous people living in urban areas are included as equal partners in all housing-related decision-making processes
- Participation and consultation should follow principles of UNDRIP
- Indigenous voices must be heard, and demands and grievances must be met when major decisions taken
- All Indigenous individuals – women, persons with disabilities, sexual minorities, youth and children, must equally enjoy participation
- Non-discrimination and equality – housing policy and programs must be founded on principles of non-discrimination
- Particular attention should be paid to the needs of Indigenous women, persons with disabilities, elders, sexual minorities, youth and children
- Policies and programs address structural disadvantage and historical injustice
- Guaranteed enforcement of the principle of non-discrimination and the equal right to the enjoyment of housing (United Nations, 2009)

## The Royal Commission on Aboriginal Peoples (1996)

In 1991, four Indigenous and three non-Indigenous commissioners were appointed to investigate the issues and advise the government on the relationship between Indigenous and non-Indigenous people in Canada and to propose practical solutions.

The central conclusion was summarized as “The main policy direction, pursued for more than 150 years, first by colonial then by Canadian governments has been wrong” (INAC, 2010). The report confirmed issues of substandard housing conditions and recommended infrastructure programs to deal with urgent problems of housing, water supplies, and waste management in Indigenous communities as a high priority for governments. “The coming of self-government offers a golden opportunity to recast national, provincial and territorial policies governing Indigenous housing and community services. As it stands, governments are simply not keeping up with desperate need. In some cases, they have cut useful assistance programs before they met their targets. Until Indigenous nations can take over the field, Canadian governments have an obligation to ensure adequate shelter for all Indigenous people” (INAC, 2010).

Walker reports on the testimony of the Urban Native Housing Program described in the RCAP: The accommodation provided through these housing corporations, as revealed in tenant interviews, has had considerable benefits, including family stability, access to education opportunities, the preservation and reinforcement of cultural identity, and, for the most part, a positive impact on relations between Indigenous and non-Indigenous people. In addition, the stable environment provided by these corporations has enabled tenants to take advantage of employment opportunities, to further their education and, in some instances, to buy their own homes. Through counselling services, the corporations have also helped tenants gain access to government and other resources to increase their chances for self-reliance (RCAP, 1996b, in Walker, 2004).

In 1997 the Government of Canada responded with Gathering Strength: Canada’s Aboriginal Action Plan. It builds on the federal inherent right policy in 1995 to include a specific reference to urban Indigenous self-government (Walker, 2004).

The Government of Canada recognizes that Indigenous people have maintained self-sufficient governments with sustainable economies, distinctive languages, powerful spirituality, and rich, diverse cultures on this continent for thousands of years. Consistent with recommendations of the Royal Commission on Aboriginal Peoples, the Federal Government has recognized the inherent right of self-government for Indigenous people as an existing Aboriginal right within

section 35 of the Constitution Act, 1982 (Government of Canada 1997:13 as reported in Walker, 2004)

## **Appendix 2: Advocacy and Policy Development Work of Other Organizations**

The Canadian Housing and Renewal Association (CHRA), on behalf of Indigenous housing and homelessness service providers in urban and rural areas, has been leading national advocacy efforts related to urban and rural Indigenous housing. In 2018, CHRA's Indigenous Housing Caucus Working Group released its proposed "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. It has also met with several politicians to discuss the proposed strategy.

CHRA has also had some engagement with Inuit Tapiriit Kanatami and the Ontario Federation of Friendship Centres on the Strategy and has plans to meet with the National Association of Friendship Centres to discuss collaboration opportunities. CHRA's Indigenous Housing Caucus indicated that they would welcome the Congress of Aboriginal People's supportive voice on the "For Indigenous By Indigenous National Housing Strategy" and would be happy to meet with CAP to discuss collaboration opportunities.

As a result of this advocacy work, in February 2020, the House of Commons Standing Committee on Human Resources, Skills and Social Development, and the Status of Persons with Disabilities agreed to proceed with a study to examine the needs and challenges facing urban, rural and northern Indigenous housing in Canada. The study is expected to be completed by spring 2020 and is intended to inform the policy framework for an eventual urban, rural and northern Indigenous housing strategy. Government representatives have indicated that policy and funding commitments related to an urban and rural Indigenous housing strategy won't occur until 2021.

The next step in the Indigenous Caucus' advocacy efforts are to appear as a witness to the Committee and ensure the committee has access to all of the research and policy proposals that the Caucus has produced. CHRA has suggested that CAP should seek to appear as a witness to the Committee.

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