



# **INDIGENOUS HOUSING MANAGEMENT:**

## A Comparative Evaluation of On Reserve and Off Nation Housing Programs

*Prepared by Joanne Nellas for the Aboriginal Housing Management Association*



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### **Purpose:**

This report presents key findings from a four-month study exploring the gap between on reserve and off nation Indigenous housing through the lens of two core funding streams, Section 95 (serving First Nations on reserves) and the Urban Native Housing Program (serving urban Indigenous populations).

Cover Photo: Vancouver Native Housing Society

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## EXECUTIVE SUMMARY

Canada has a housing crisis occurring on both First Nation reserves and off nation areas. While Canada's mainstream housing crisis often refers to "the struggle to match housing costs to income" or the out-of-control home prices, many First Nations simply lack access to acceptable housing. The lack of acceptable housing is both a cause and effect of poverty, low educational attainment, high unemployment, food insecurity, and poor health, all of which have affected Indigenous peoples, both on reserve and off nations, considerably worse than non-Indigenous populations. Thus, there is a large difference in acceptable housing between Indigenous peoples and non-Indigenous peoples which calls for an urgent need to bridge the housing gap. The "gap" refers to the disparity of sale, affordable, and acceptable housing, including housing conditions and diverse supply, between Indigenous peoples and non-Indigenous peoples. Bridging the gap between on reserve and off nation housing requires improving the quality of homes and communities everywhere to allow Indigenous peoples the ability, choice, and freedom to comfortably live where they wish.

This report explores the housing gap through the lens of Section 95 and the Urban Native Housing Program, the two core funding streams for Indigenous housing. Both developed by the Canada Mortgage and Housing Corporation (CMHC) within 1977 and 1978, Section 95 serves First Nations living on reserves and the Urban Native Housing Program serves Indigenous peoples living in urban areas, also referred to as "off nation" areas. While the Section 95 and Urban Native Housing programs were identically developed by the CMHC, each were faced by unique contributing factors that shaped the successes and challenges of each program. These factors characterized the the different socioeconomic and political environments of on reserve and off nation areas. Yet, both programs experience low administrative capacity, housing shortages and insufficient housing types. With both on reserve and off nation housing experiencing a housing crisis, the pursuit of bridging the gap requires dedicated collaborations and partnerships amongst stakeholders, clear jurisdictional responsibility, and Indigenous-led solutions.

Bridging the gap between on reserve and off nation housing means to improve the quality of homes and communities everywhere to allow Indigenous peoples the ability, choice, and freedom to live where they wish comfortably. This ability entails that the obstacles and barriers to building and maintaining a home on reserve and off nation are addressed. However, housing insecurity cannot be addressed with just housing, rather, a holistic approach is needed. Housing insecurity can be linked to poor social development and health, employment opportunities, child and family services, Missing and Murdered Indigenous Women, Girls and 2SLGBTQIA people, and more. A systemic crisis calls for systemic solutions. Significant improvements towards social and economic developments, strong institutional will and commitment to the provision of housing, and the institution's realization of Indigenous People's right is necessary.

## NOMENCLATURE

"Indigenous peoples" is a generalized term used to refer to the original peoples and their descendants of Turtle Island. In this report, the term refers to First Nations, Métis, Inuit, and those that self-identify as Indigenous but do not have a Indian status.

"Off nation" and "urban Indigenous peoples" are used in this report to refer to Indigenous peoples who live, and housing located outside of First Nation reserve land. This includes within municipalities of urban and rural areas. However, jurisdictional lines are blurring as First Nations are beginning to utilize and own land outside of reserve boundaries.

"On reserve" is used in this report to refer to housing located within First Nation reserve land. Reserves are a tract of land set aside under the Indian Act for the exclusive use of a First Nation. The reserve system was a government-sanctioned displacement of First Nations that divided up the traditional territories of Indigenous peoples.



## INTRODUCTION

Canada's housing crisis was the spotlight of the 2021 federal election. All three major parties have promised to increase housing supply, affordability, and repurpose underutilized federal properties to create housing options. In particular, the political parties have promised to co-develop an Indigenous Housing Strategy with Indigenous communities. With the formation of another minority government, compromise and cooperation are important now more than ever for the parties to keep their promises of affordable housing supply. Indigenous leaders have been sharing about their housing crisis on reserve and off nations for decades while government leaders were listening with closed ears. The Indigenous housing shortage, lack of housing options, and unaffordability occurring on and off nations call for urgent action and for promises to be kept.

The legacy of colonialism continues to diminish many Indigenous peoples' access to adequate, affordable, and culturally appropriate housing in British Columbia (BC), Canada. The effects from the pervasive control exercised through the Indian Act, the loss of access to lands and resources, and the history of assimilative measures such as residential schools have had a damaging effect on Indigenous peoples' health and well-being.<sup>1 2</sup> In particular, these historical forces have made it difficult for many communities to break out of the ongoing housing crisis that continues to afflict Indigenous peoples residing both on reserves and off nations. While Canada's mainstream housing crisis often refers to "the struggle to match housing costs to income"<sup>3</sup> or the out-of-control home prices,<sup>4</sup> many First Nations simply lack access to acceptable housing. The lack of acceptable housing is both a cause and effect of poverty, low educational attainment, high unemployment, food insecurity, and poor health, all of which have affected Indigenous peoples, both on and off nations, considerably worse than non-Indigenous populations.<sup>5</sup> This report presents key findings from a four-month study exploring the gap between on and off nation Indigenous housing through the lens of two core funding streams, Section 95 (serving First Nations on reserves) and the Urban Native Housing Program (serving urban Indigenous populations).

### Key Definitions<sup>6</sup>:

A household is in **core housing need** if its housing does not meet one or more of the adequacy, suitability, or affordability standards. It would have to spend 30% or more of its before-tax income to access local housing.

**Acceptable housing** is adequate in condition, suitable in size, and affordable.

**Adequate housing** does not require any major repairs, according to its residents.

**Suitable housing** has enough bedrooms for the size and make-up of resident households, according to the National Occupancy Standard requirement.

**Affordable housing** costs less than 30% of before-tax household income.

## BACKGROUND

### *History of Indigenous Social Housing Programs*

After changes to the National Housing Act were made in 1973, the Canada Mortgage and Housing Corporation (CMHC) developed and administered social housing programs until 1993, when CMHC froze expenditures and discontinued the development of new social housing units.<sup>6 7</sup> Two of the most important housing programs for Indigenous peoples were introduced out of the changes: "Section 95" for First Nations

1 Fred Wien. Pursuing Well-Being: Lessons from the First Nation Poverty Action Research Project. Report. 2018. Accessed July 25, 2021. <https://www.edo.ca/downloads/poverty-action-research-project-2.pdf>.

2 Fred Wien. Tackling Poverty In Indigenous Communities In Canada. Report. 2017. Accessed July 25, 2021. <https://www.nccih.ca/docs/determinants/FS-TacklingPovertyCanada-SDOH-Wien-EN.pdf>.

3 Jim Dunn. "Canada's Housing Crisis Needs Answers - but First We Need to Ask the Right Questions." The Conversation. June 30, 2021. Accessed July 25, 2021. <https://theconversation.com/canadas-housing-crisis-needs-answers-but-first-we-need-to-ask-the-right-questions-162745>.

4 "Canada's Housing Market Is Broken. Let's Fix It." Canada's Housing Crisis – Fight for Sustainable Home Prices. Accessed July 25, 2021. <https://www.canadahousingcrisis.com/>.

5 Native Women's Association of Canada. First Nation's Housing Strategy Indigenous Women, Girls, and LGBTQ2S: Engaging a National Framework for Housing Policy. Report. April 2018. Accessed May 23, 2021.

6 Sylvia Olsen. "Making Poverty: A History of On-reserve Housing Programs, 1930-1996." PhD diss., University of Victoria, 2016.

7 Ryan Walker. "Aboriginal Self-determination and Social Housing in Urban Canada: A Story of Convergence and Divergence." Urban Studies 45, no. 1 (January 2008): 185-205. Accessed April 27, 2021. doi:10.1177/0042098007085107.

living on reserves and the “Urban Native Housing Program” for Indigenous peoples living off nations. In 1977, the “On Reserve Non-Profit Housing Program”, also commonly known as “Section 95”, was designed to help First Nation communities build, purchase, and renovate affordable rental housing for low and moderate-income families and individuals on reserve, with a 25 to 35-year Operating Agreement.<sup>8 9</sup> CMHC developed an identical program a year later called the “Urban Native Housing Program” (UNHP) to address the migration of reserve residents into urban areas.<sup>10</sup> Subsidised by CMHC, UNHP allowed urban Indigenous housing providers and non-profit organisations the initiative to build, acquire and rehabilitate existing housing and rent them to low-income families with a 25-35 year Operating Agreement.<sup>11</sup> The first homes built from Section 95 have either had their mortgages paid in full or almost completely paid in full in recent years. On the other hand, in 2019, the federal government had announced to extend the expiry of all UNHP units to 2028. As the expiry of all current UNHP units is now quickly approaching, concerns surrounding post-expiry contingency plans are emerging. Thus, this study aims to understand the impacts of each program while uncovering the barriers and opportunities to build housing on reserve versus off nation.

### ***Migration and Connection to a Reserve***

It is estimated that over 50% of First Nations people are living away from their home communities and approximately 10% of First Nations that live in urban environments would go home if they could.<sup>12</sup> According to Chief Dan George of the Ts’il Kaz Koh First Nation in Burns Lake, First Nations leaders “never stop striving for housing options to offer those who want to come home.”<sup>13</sup> Many migrate to urban centres because they don’t have housing solutions available on reserve.<sup>14</sup> Others have also described the poor living conditions on reserves, including overcrowding, unsafe living conditions, and limited access to clean water, as their reason to leave.<sup>15</sup> Due to this, and many other reasons such as the lack of housing options, health care, education, and economic opportunities on reserves, many Indigenous people continue to migrate to urban centres. Amidst their search for better opportunities in urban spaces, many people were met with racial discrimination, and, oftentimes, poverty. In a study conducted by the Standing Senate Committee on Human Rights, Indigenous leaders have stated:

“We are not leaving our communities because we want to, but usually because we are seeking better living conditions. If the living conditions in our communities supported women, if they offered women safety, greater justice, adequate programs, both for themselves and for their families, and the fundamental rights they are entitled to, as human beings, I do not think we would see so many people coming and going between our communities and urban or rural areas.”<sup>16</sup>

Migration between on and off nations occurs in both directions and the reasons are widely varied. While living in urban and rural areas, many Indigenous people maintain an ongoing relationship with their reserves to visit families, engage in cultural and spiritual activities, and attend ceremonies.<sup>17</sup> Additionally, many First Nations would rather prefer to live in their reserves where there is a strong sense of community, identity, and connection to the land and culture.<sup>18 19</sup> In the Standing Senate Committee on Human Rights report in 2013, Chris Beaton, the Project Manager with the Tilicum Lelum Aboriginal Friendship Centre says:

8 Standing Senate Committee on Aboriginal Peoples. *Housing on First Nation Reserves: Challenges and Successes*. Report. February 2015. Accessed April 28, 2021. <https://sencanada.ca/content/sen/Committee/412/appa/rep/rep08feb15b-e.pdf>.

9 Olsen. “Making Poverty: A History of On-reserve Housing Programs, 1930-1996”, 290.

10 Ibid., 297.

11 Ibid.

12 Rod Hill, BC Housing Representative. Interviewed by Joanne Nellis, July 15, 2021.

13 Sylvia Olsen. “On- and Off-reserve Homelessness Must Be Solved Together”. *Thestar.com*. March 10, 2019. Accessed May 19, 2021. <https://www.thestar.com/opinion/contributors/2019/03/10/on-and-off-reserve-homelessness-must-be-solved-together.html>.

14 Ibid.

15 Merle Alexander and Erin Reimer. “Rights to Off-Reserve Housing.” *Aboriginal Housing Management Association*. May 22, 2018. Vancouver, BC.

16 Ibid.

17 Standing Senate Committee on Human Rights, *Recognising Rights: Strengthening Off-Reserve First Nations Communities*, Report, December 2013, Accessed May 23, 2021.

18 Ibid.

19 Native Women’s Association of Canada, *First Nation’s Housing Strategy Indigenous Women, Girls, and LGBTQ2S: Engaging a National Framework for Housing Policy*.

“Increasingly we have people with the means to travel back to their communities – and my family is one of them – particularly during the hunting season or fishing season or berry season. A lot of our people as we are getting healthier are accessing traditional thinkers and traditional practitioners to do ceremonies. There is two-way mobility.”<sup>20</sup>

Although it is common for many Indigenous peoples to move between communities, many urban and rural Indigenous peoples have little or no connection to a First Nation. In particular, Métis, Inuit, and non-status Indigenous peoples do not have a “reserve” like First Nations. Thus, it is important to improve housing conditions and quality of life for Indigenous people regardless of where they live. Steven Eastman, the Co-Chair of the Urban Aboriginal Peoples Advisory Committee with the City of Vancouver:

“We have been displaced. A lot of us do not have connections with our home communities. My family is back from East but I have been born and raised in Vancouver. I had to grow up in this community and this is where I call home. I do not have access to services that would otherwise be provided to me on my home reserve.”<sup>21</sup>

**Snapshot of Existing Conditions In BC**

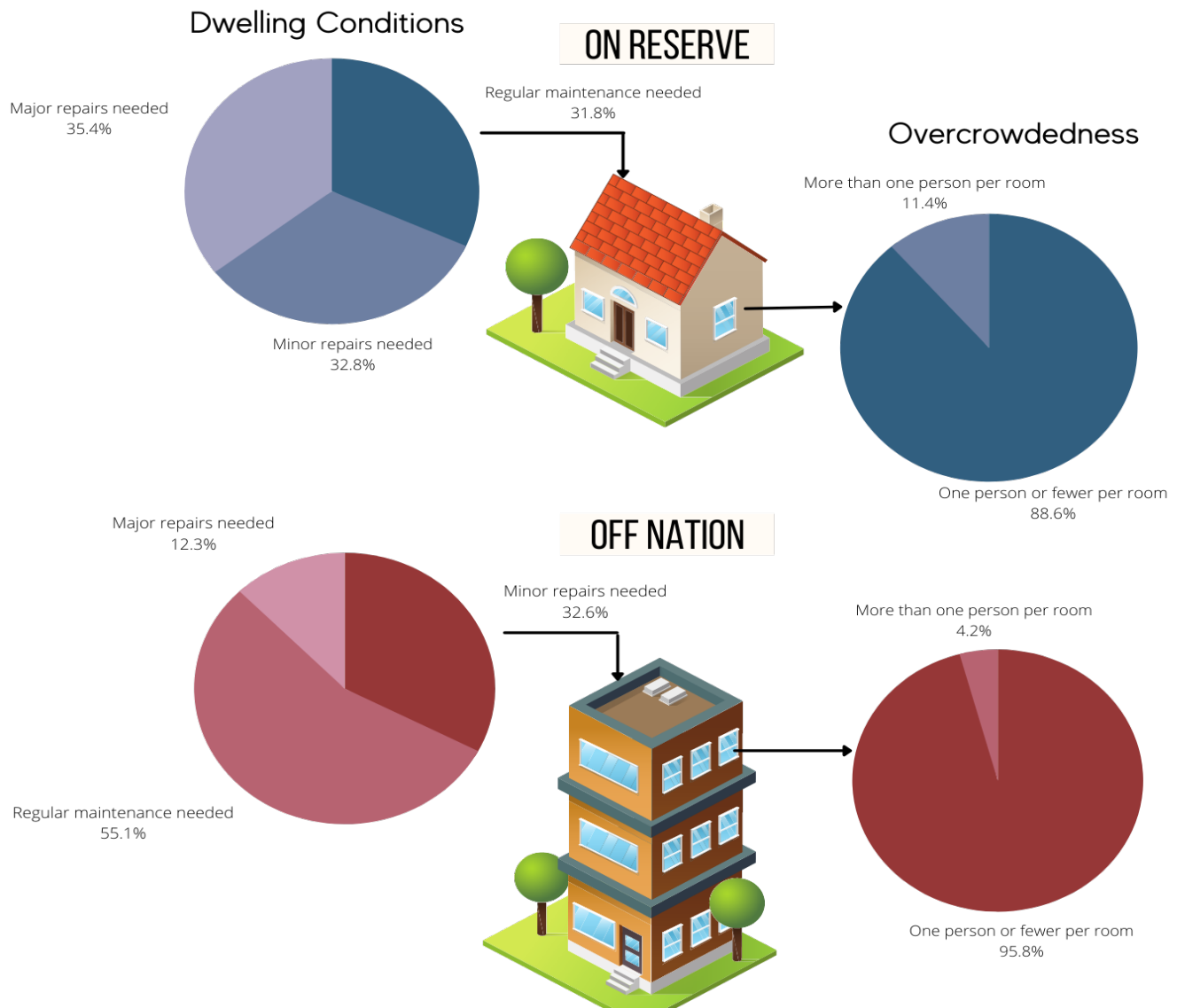


Figure 1. A comparison of conditions of Indigenous peoples living on reserve versus off nation. Data taken from Statistics Canada (2016)

20 Standing Senate Committee on Human Rights, Recognising Rights, 26.  
 21 Ibid., 65.

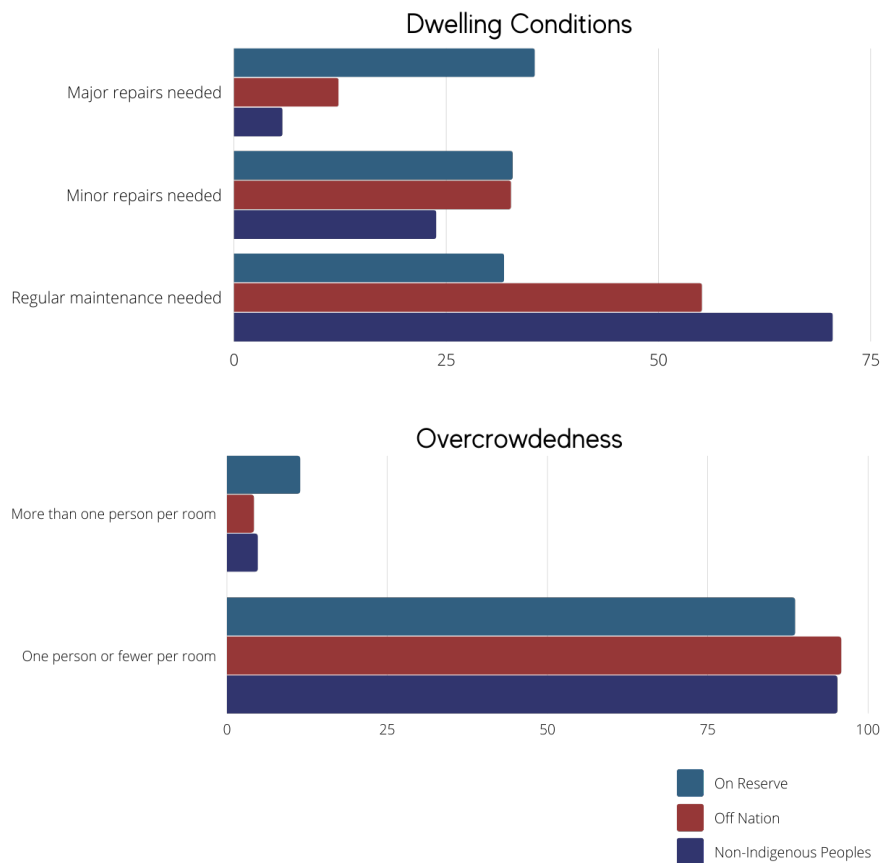
In BC, there are approximately 200,000 Indigenous peoples and 203 distinct First Nations.<sup>22</sup> In 2016, Indigenous people in British Columbia made up nearly 6% of the population. Indigenous peoples are over-represented in homeless populations, and the urban Indigenous population continues to grow faster than any other demographic.<sup>23</sup> Gender and racial discrimination by property owners have limited the ability for urban Indigenous peoples, especially Indigenous women, to find adequate housing.<sup>24</sup> Figure 1 displays the current housing conditions on reserve and off nation.

## THE GAP

The current housing, employment and health contexts of Indigenous peoples are the legacy and consequences of residential schools. Due to the forcible removal of Indigenous children from their families, violence and abuse, Indigenous children grew up “without experiencing a nurturing family life, without the knowledge and skills to raise their own families”, and deterred many of them from furthering their education.<sup>25</sup>

As a result, many Indigenous people find themselves succumbing to suicide or reliant on social welfare.<sup>26</sup> Due to time limitations, this study primarily focuses on housing and infrastructure. However, links are made to employment opportunities and health and wellbeing. According to data from the National Household Survey in 2011, non-Indigenous peoples experience significantly less major repairs on their home and are mainly concerned with regular maintenance.

Additionally, people living on reserves experience greater overcrowding within their homes. The potential contributing factors for these outcomes will be explored in the sections below. Although urban settings may have significantly greater opportunities than reserves, more urban Indigenous peoples still find themselves in more unfavourable housing conditions than non-Indigenous peoples (Graph 1). In this report, the “gap” is defined as the disparity of safe, affordable, and acceptable housing,



Graph 1. The graph above compares the dwelling conditions and overcrowdedness of Indigenous peoples’ homes with those of non-Indigenous peoples. Unlike Indigenous peoples, most non-Indigenous peoples do not require major home repairs nor experience overcrowding. Some communities did not participate in the 2011 National Household Survey as enumeration was either not permitted, it was interrupted before completion, or because of natural events (e.g. forest fires). Data sourced from the 2011 National Household Survey.

<sup>22</sup> BC Ministry of Health. Rural, Remote, First Nations and Indigenous COVID-19 Response Framework. Report. May 26, 2020. Accessed August 4, 2021. <https://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/emergency-preparedness-response-recovery/gdx/rural-and-remote-covid-19-response-framework.pdf>.

<sup>23</sup> Indigenous Housing Caucus Working Group. A For Indigenous National Housing Strategy: Addressing the Housing Needs of Indigenous Families and Individuals in the Urban, Rural and Northern Parts of Canada. Report. May 2018. Accessed April 28, 2021., 12.

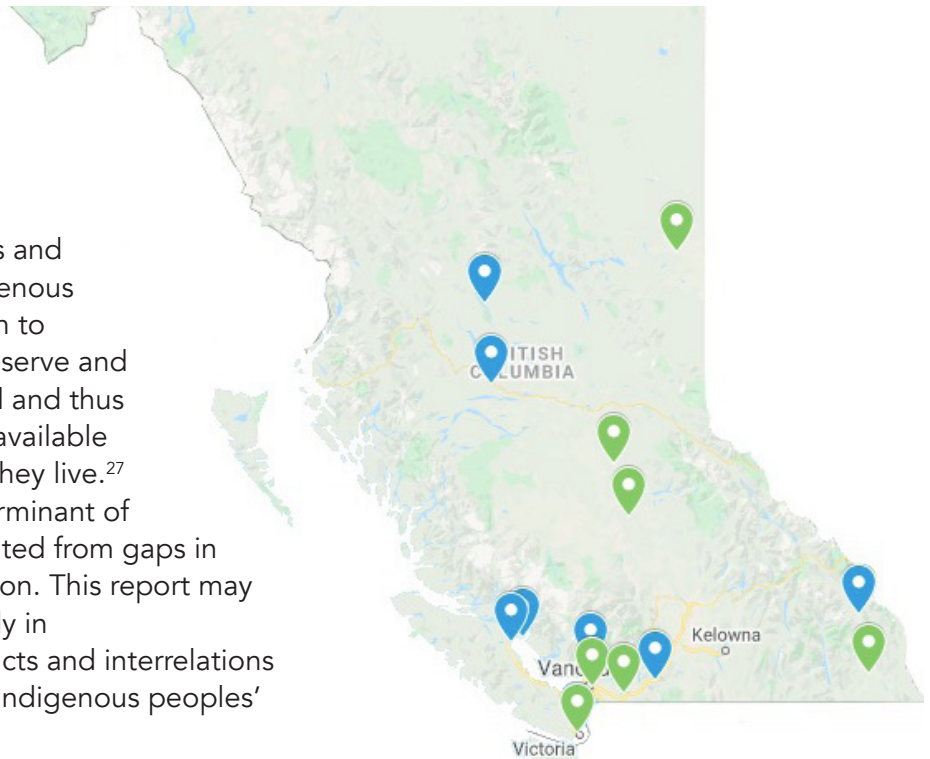
<sup>24</sup> Native Women’s Association of Canada. First Nation’s Housing Strategy Indigenous Women, Girls, and LGBTQ2S: Engaging a National Framework for Housing Policy.

<sup>25</sup> Erin Hanson. “The Residential School System”. Indigenousfoundations.arts.ubc.ca. 2020. Accessed November 20, 2021. [https://indigenousfoundations.arts.ubc.ca/the\\_residential\\_school\\_system/#recommendedresources](https://indigenousfoundations.arts.ubc.ca/the_residential_school_system/#recommendedresources).

<sup>26</sup> Cliff Grant, Aboriginal Housing Management Association Director of Strategic Relations. Interviewed by Joanne Nellis, October 28, 2021.



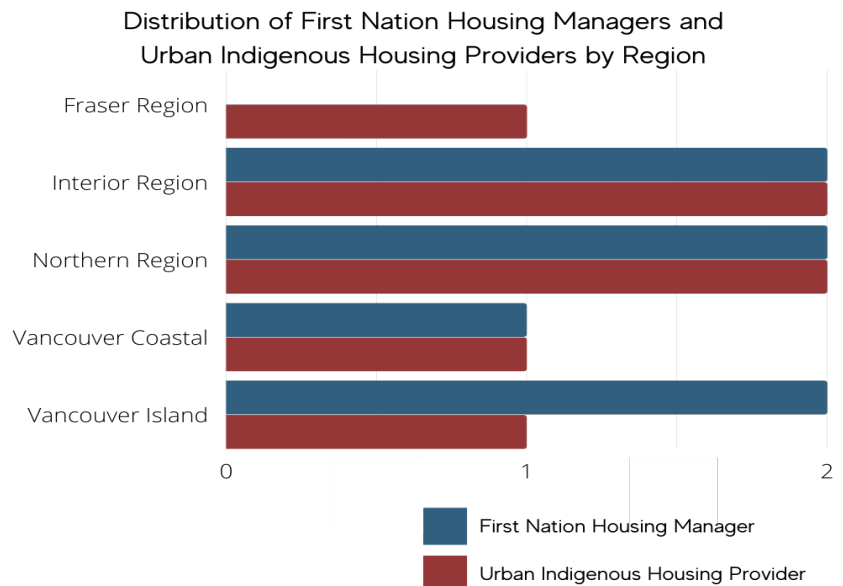
including housing conditions and diverse supply, between Indigenous peoples and non-Indigenous peoples, and this inequity is greater for those living on reserves. Bridging the housing gap between on reserve and off nation requires improving the quality of homes and communities everywhere to allow Indigenous peoples the ability, choice, and freedom to comfortably live where they wish. On reserve and off nation housing are intricately related and thus acceptable housing options should be available for Indigenous peoples despite where they live.<sup>27</sup> Additionally, as housing is a social determinant of health, the housing gap cannot be isolated from gaps in health care, social services, and education. This report may serve as a starting point to a larger study in order to understand the complete impacts and interrelations between housing and other aspects of Indigenous peoples' livelihoods.



## METHODOLOGY

This report summarizes the review of 40+ academic and grey literature on Indigenous housing, federally developed housing programs, and 18 structured interviews with First Nations housing managers, urban Indigenous housing providers, and representatives of CMHC and BC Housing. 8 interviews were conducted with First Nations housing managers to gain insight into the Section 95 program and housing challenges within their First Nation's reserve, and 7 interviews were conducted with urban Indigenous housing providers to gain insight into the UNHP and housing challenges within their municipality. First Nation housing managers were selected to participate based on the First Nation's location (urban, rural, or special access) and the size of the population and reserve land. Urban Indigenous housing providers were selected to participate based on the location and the size of the housing organization. Interviews with 3 representatives from CMHC and BC Housing were conducted to gain insight into the Indigenous housing sector at a provincial level.

Figure 2. The map above displays the location of the interviewed First Nations housing managers (blue indicator) and urban Indigenous housing providers (green indicator). The map is approximate and does not include the location of First Nations' satellite communities, nor the location of all off nation housing units.



Graph 2. The graph above displays the distribution of the location of the participating First Nations and urban Indigenous housing providers across BC's regions.

## KEY FINDINGS

Overall, the Section 95 program and UNHP provided homes to many Indigenous individuals and families. Both programs were seen as core funding streams for their respective clients and helped support the growing need for housing for Indigenous populations. However, critical key themes emerged from the interviews:

### On Reserve

1. The Pre-97 version of Section 95 proved that housing programs designed for the conditions of the mainstream community would not result in the same standard of housing as the mainstream without the government taking into account the social, governance, and economic contexts of reserves.
2. Geographical limitations to developing infrastructure and housing can be costly.
3. There needs to be an arms-length relationship between housing managers and the tenants when First Nations housing staff are related to their tenants.
4. Section 95 is an important, and one of the only, source of funding for housing on reserve.
5. A lack of buildable lots, poor infrastructure, and inaccessibility to building supplies and qualified contractors are obstacles to building housing on reserve.
6. A strong governance system is correlated with the successful provision of housing.
7. Many First Nations are facing the negative consequences of poor workmanship and unsuitable building materials and building plans of early Section 95 homes.
8. The allocation of Section 95 funding lacks the consideration for First Nations' member size.
9. The modesty criteria of Section 95 restricts First Nations to build with the cheapest and least durable building materials.
10. A strong governance system is integral to the provision of housing on reserve.
11. In areas where economic opportunities are slim, paying monthly rent can be a challenge for members and the First Nations Band.

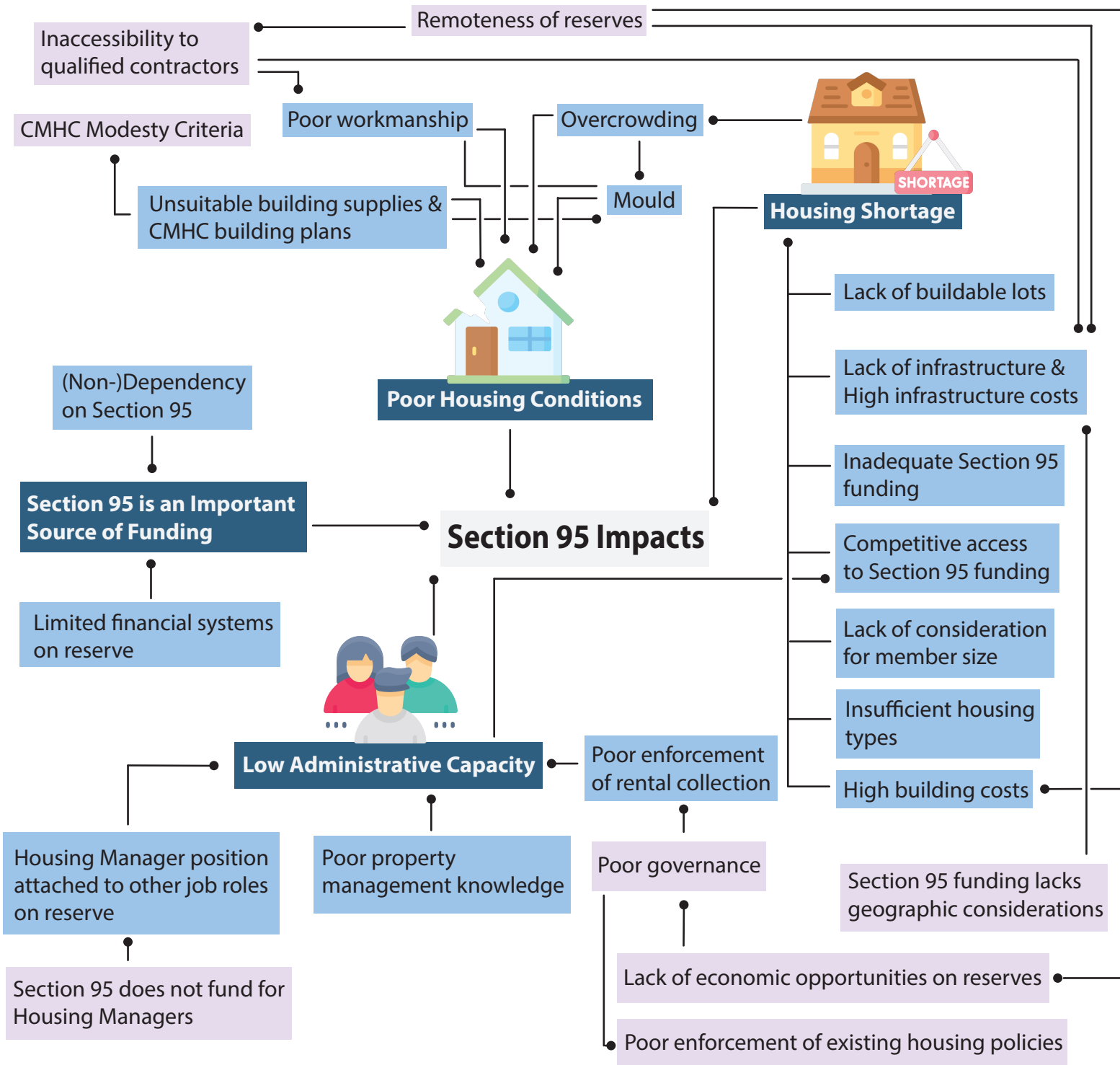
### Off Nation

12. Following the expiry of the UNHP Operating Agreement, housing providers may not be able to keep their rental fees on a rent-geared-to-income basis. There is a clear need for another urban and rural Indigenous housing fund to sustain Indigenous housing units.
13. Tenant Relations Officer or Tenant Counsellor serves an important and valuable role in supporting their Indigenous tenants.
14. The inadequate urban Indigenous housing stock and type can be attributed to several reasons: lack of commitment from the federal government, frozen expenditures by the federal government in 1993, NIMBY attitudes, growing urban Indigenous population, insufficient funding, and poor relationship with municipalities.
15. Poor relationships with municipalities may slow the development of urban Indigenous housing units.
16. The current urban Indigenous housing type no longer represents the diverse demographic of urban Indigenous peoples.

### Overlapping Themes

17. Indigenous housing programs need to be co-developed with First Nations, culturally appropriate, and represent the diverse needs of communities.
18. There is a clear lack of funding and administrative capacity both on reserve and off nations.
19. While there may be an abundance of training resources available, housing staff are consistently spread very thin over multiple roles and duties.
20. There is a clear urgent housing shortage, of units and diverse housing types, both on and off nations.
21. Housing types, both on and off nations, need to reflect the diverse demographic and family size of Indigenous individuals and families.
22. Key stakeholders are often working in silos.

# Section 95



Key:  
 —●— Contributes to

## SECTION 95

In 1977, CMHC developed the On Reserve Non-Profit Housing Program (also called “Section 95”) for First Nations.<sup>28 29</sup> Section 95 assists First Nations in the construction, purchase, rehabilitation, and administration of suitable, adequate, and affordable rental housing on reserve for the duration of the 25-year Operating Agreement.<sup>30</sup> Once the Operating Agreement expires, the First Nation either retains ownership of the home to continue rental housing or sells the home to the tenants for a dollar.<sup>31</sup> CMHC offered two versions under Section 95, the Pre-1997 version and the Post-1996 version. In 1997, CMHC re-formulated their level of financial assistance to address the serious financial damage impacting many First Nations.

### The Pre-97 Crisis

Many First Nations in BC participated in the Section 95 program for the first time in the 1980s.<sup>32 33</sup> There were several reasons that had led First Nations partaking in the program at that time to experience severe financial burdens. The initial design of this program had been fashioned for mainstream conditions and was brought to reserves without tailoring or modifying the program to accommodate for the different political, social, and economic conditions of First Nation communities.<sup>34</sup> In a study conducted by Aboriginal Housing Committee for British Columbia in 2008, only 53% of First Nations participating in the study could provide a number for the extent of their arrears.<sup>35</sup> Many of the participating First Nations had a “practice of writing off rental arrears ranging from several thousand to \$1M a year”.<sup>36</sup> As CMHC provides Section 95 subsidy over a period of 15 to 25 years, homes built under the Pre-97 version of Section 95 have either already had their mortgage expire

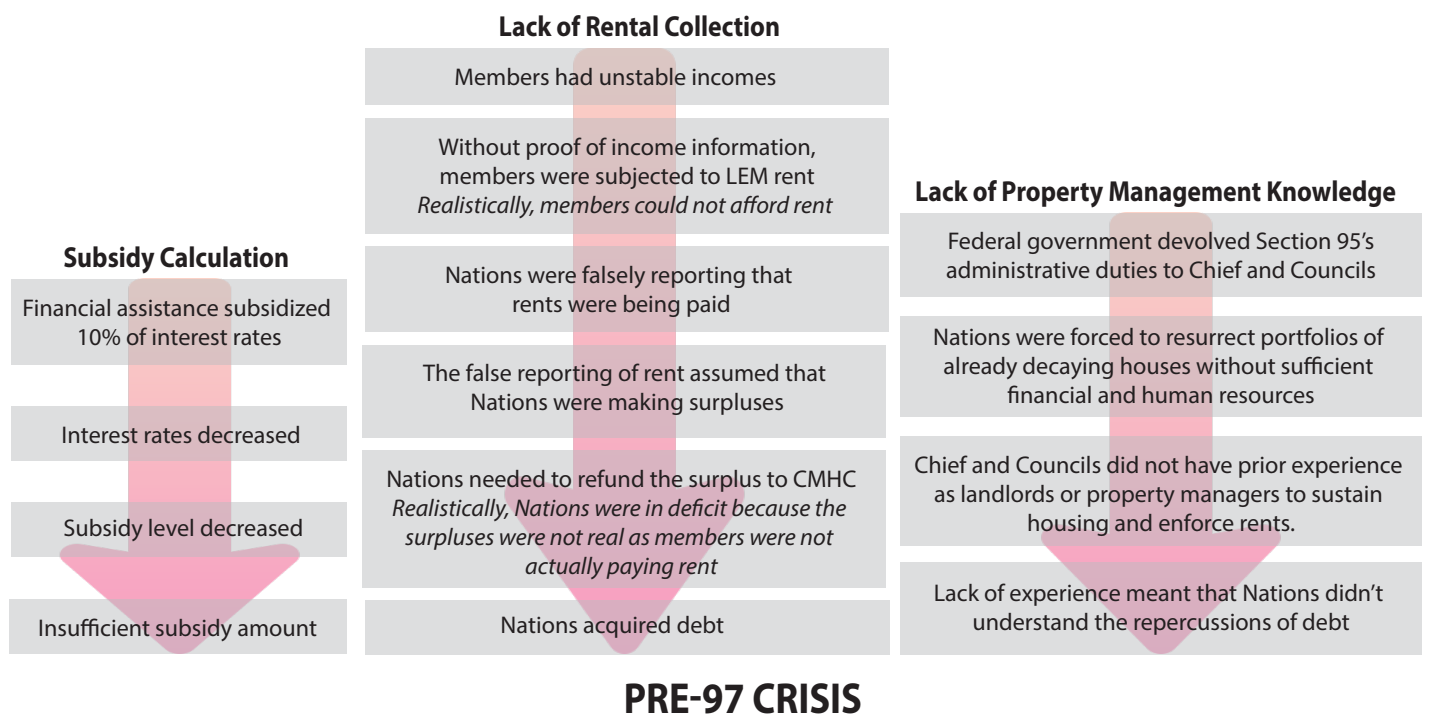


Figure 3. The figure above displays the three main factors that contributed to the Pre-97 crisis.

28 Olsen, “Making Poverty: A History of On-reserve Housing Programs, 1930-1996”, 290.

29 In the same year, CMHC introduced the Homeowner Residential Rehabilitation Assistance Program (RRAP). RRAP was created to provide financial assistance to First Nations and their members to repair their non-subsidized existing substandard housing to minimum levels of health and safety.

30 Standing Senate Committee on Aboriginal Peoples, On-Reserve Housing and Infrastructure: Recommendations for Change, Report, June 2015, Accessed April 28, 2021, [www.sen.parl.gc.ca](http://www.sen.parl.gc.ca).

31 Catherine Palmer & Associates Inc. Aboriginal Housing in British Columbia: Needs and Capacity Assessment. Report. March 31, 2007. Accessed April 27, 2021. <https://www.bchousing.org/publications/Aboriginal-Housing-Report-BC.pdf>.

32 Jim Munroe, First Nations Housing Inspector. Interviewed by Joanne Nellis, July 20, 2021.

33 Rod Hill, BC Housing Representative. Interviewed by Joanne Nellis, July 15, 2021.

34 Olsen. “Making Poverty: A History of On-reserve Housing Programs, 1930-1996”, 291.

35 Ibid., 321.

36 Ibid.



or are set to expire within the next 3 years. In 1997, CMHC implemented significant changes to the Section 95 program to better accommodate the operating realities of reserve housing. Today, the overall default rate across the country is very low.<sup>37</sup> As well, most of the loans borrowed from the Pre-97 Section 95 program are almost paid in full.<sup>38</sup>

## Contributing Factors

### 1. Lack of Prior Property Management Knowledge

During the 1960s, the federal government transferred the administrative duties of housing programs to bands while retaining their legal authority on Indians and reserves. Although the aim of this devolution was to promote self-sufficiency in Indian bands, the devolution of administrative responsibility increased the burden of First Nations.<sup>39</sup> Bands were forced to inherit and resurrect portfolios of already decaying houses without sufficient financial and human resources. Prior to the Section 95 program, First Nations Chief and Council were not experienced landlords, nor had any administrative training on how to enforce a rental regime. Additionally, the delays of the application process and funding approvals have made it difficult for communities to organize construction, particularly during winter when weather conditions are not suitable for construction, and to allocate funds within the fiscal year.<sup>40</sup> Munroe states,

“Before the program Section 95 started, there were no repayable loans and you didn’t have to build to any standard. When the government introduced Section 95, Nations had to start building to a certain standard (i.e., indoor plumbing, bathrooms, etc.). Due to this, the cost of the home was going to increase. [Bands] didn’t understand what the repercussions are for borrowing this money because they’d never borrowed money for housing before. So now the band is on the hook to repay these debts. [...] It wasn’t only maybe two or three years later, they started defaulting on their loans. And that’s when all the bands started going to third-party management because of housing debt and because they didn’t know how to manage those mortgages. They never borrowed money before.”<sup>41</sup>

“Managing an on-reserve-housing portfolio is vastly different from conventional property management. [...] Councils are re-elected every 2 years and are subject to political pressure. Good trades - plumbing, electrical, heating - are hard to find in isolated communities. Budgets run out and housing staff is laid off until a new fiscal year begins. The thankless nature of the job and the stress of these many factors combined with the fact that there is no direct funding for housing staff lead to exceptionally high turnover rates among housing staff. It is widely known that the position of housing manager is one of the toughest jobs on reserve.”<sup>42</sup>

In addition, Roxanne Harper, a First Nations housing consultant from Eel Ground First Nation in New Brunswick testified to the Standing Senate Committee in 2014:

“First Nations staff became landlords without proper training behind them. To start there was little support for the administration or even ensuring that our Chiefs and Councils understood the agreements that they were signing with the federal government... staff are often not qualified to manage millions of dollars worth of real estate. They often had no accreditation, no experience. There is a general shortage of staff resources.”<sup>43</sup>

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37 Interviewee 102708, CMHC Representative. Interviewed by Joanne Nellas, August 27, 2021.

38 Ibid.

39 Olsen, “Making Poverty: A History of On-reserve Housing Programs, 1930-1996”, 236, 239.

40 Ibid., 18.

41 Jim Munroe, First Nations Housing Inspector. Interviewed by Joanne Nellas, July 20, 2021.

42 Olsen, “Making Poverty: A History of On-reserve Housing Programs, 1930-1996”, 324.

43 Standing Senate Committee on Aboriginal Peoples, On-Reserve Housing and Infrastructure: Recommendations for Change, 303-304.

## 2. Lack of Rent Collection

The program required tenants to provide their income information in order to determine their monthly rent amount as calculated by the rent-geared-to-income formula.<sup>44</sup> However, because there was a lack of economic opportunities on many reserves, many members were either not able to earn money for rent or had unstable incomes. Another factor was the regional economic fluctuations in areas where the program was most prevalent. George Richardson, Housing Manager of Takla Nation, recalled two scenarios of this:

“In some communities, the program got off to a good start with tenants paying the Lower End of Market (LEM) rents which were the maximum applicable rents to be paid. A typical scenario was when everyone worked at a lumber mill. If the mill got shut down and the majority moved to Employment Insurance and then to Social Assistance, that could have a major impact on the viability of the program especially if there were capacity issues around getting the funding transferred to the [First Nation]’s Housing Department. Also, I’ve spoken with fishermen with generous 6 figure annual cash flow reduced to relying upon Social Assistance for extended periods due to the collapse of local fisheries; that too had a huge impact on housing program viability.”<sup>45</sup>

Since members were not able to provide their income information, members were automatically subjected to lower-end market (LEM) rent, which was also the maximum amount of rent the Section 95 program could charge. The reporting of the LEM rents in the Pre-97 program resulted in surpluses that exceeded the allowable amount and resulted in subsidy refunds back to CMHC. In reality, the revenues were inflated because of the inability to conduct income tests.<sup>46</sup>

## 3. Calculation of Subsidy Amount and Interest Rates

The Pre-97 version of Section 95 subsidy was calculated in a way that had disadvantaged First Nations when interest rates began to drop. The level of financial assistance that CMHC provided subsidized a majority of the interest rate at the time of the First Nation’s mortgage renewal --- the intention was to subsidise the program as though the loans were financed at 2%.<sup>47 48</sup> For example, if there was a 12% interest rate on the loan to build a house, the financial assistance would subsidize 10% to bring the expense to a level as though the rate was 2%.<sup>49</sup> Eventually, the interest rates decreased over time. Normally low-interest rates seem ideal, however, with subsidies decreasing at a disproportionate rate it became difficult for First Nations to meet their operating needs. Uncollected rents exacerbated this challenge.<sup>50</sup> Over a period of time, with the debt accrued from poor economic outcomes and financial assistance dropping, a crisis suddenly started.

Section 95 proved that housing programs designed for the conditions of the mainstream community would not result in the same standard of housing as the mainstream without the government taking into account the social, governance, and economical contexts of reserves.<sup>51</sup> Indigenous peoples living on reserves need a housing system that is co-developed with First Nations in order to create a program that is sustainable and suitable for their specific cultural, social, political, economic, and geographical conditions.<sup>52</sup> In 1997, changes were made to the program related to rental calculations, replacement reserve contributions, replacement reserve expenditures, and operating surpluses.<sup>53</sup>

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44 Interviewee 102708, CMHC Representative. Interviewed by Joanne Nellas, August 27, 2021.

45 George Richardson, Takla First Nation Housing Manager. Interviewed by Joanne Nellas, July 26, 2021.

46 Interviewee 102708, CMHC Representative. Interviewed by Joanne Nellas, August 27, 2021.

47 Canada Mortgage and Housing Corporation. Differences Between the On-Reserve NonProfit Housing Program Pre-1997 and Post-1996. Report. October 16, 2019. Accessed August 13, 2021.

48 Interviewee 102708, CMHC Representative. Interviewed by Joanne Nellas, August 27, 2021.

49 Ibid.

50 Ibid.

51 Olsen, “Making Poverty: A History of On-reserve Housing Programs, 1930-1996”, 18.

52 Ibid., 336.

53 Canada Mortgage and Housing Corporation. Differences Between the On-Reserve NonProfit Housing Program Pre-1997 and Post-1996.

## Changes made in the Post-96 version from Pre-97 version of Section 95

Rent-gear-to-income -> Minimum revenue contribution

The surplus in rent to be paid back to CMHC -> Surplus retained by First Nation

Subsidy amount calculated from interest rates -> Subsidy amount calculated from loan payments

Figure 4. Changes made in the Post-96 version from Pre-97 version of Section 95

### **Lack of Geographic Considerations**

While the Post-1996 version of Section 95 has resulted in better housing outcomes, the subsidy calculations still do not fairly consider the geographical restrictions that many rural, remote and special access First Nations face. Site visits by the Standing Senate Committee on Aboriginal Peoples found “striking regional differences” of those First Nations that are only accessible by air, water, or winter roads.<sup>54</sup> As a result of the lack of geographic considerations in Section 95 funding, the cost to transport materials increases the price of the house. For many remote First Nations, building materials including wood can often get damaged during transportation. The time-consuming travel of building supplies makes it challenging for communities to build, renovate, or maintain housing. Lastly, many First Nations also have difficulty accessing qualified building inspectors and other specialized professionals.<sup>55</sup> According to an interview with Councillor Johnny Hanuse of Klahoose First Nation,

“Housing construction can build up the expenses due to the transportation of machinery and materials. It takes two ferries to get here and ferries charge by the length of the vehicle. So if you have a long track with lots of materials, it’s really heavy and it can be quite costly depending on the year or cancellations depending on the weather. There’s a lot of barriers between travel, materials, machinery, and capacity”.<sup>56</sup>

“[In] smaller communities, when you bring out a crew, they don’t have much time to do work out there. And if you have to ship in current supplies, it’s also very expensive. If a crew goes out there, they might stay two days or three days, if possible, to keep the costs a little bit lower.”<sup>57</sup>

### **Low Administrative Capacity**

Five housing managers have mentioned the importance of having the administrative capacity to manage and plan long-term housing projects. Many First Nations experience low administrative capacity, such as lack of staffing and overburden of excessive work, which may inhibit the Band from planning for long-term goals and apply to funding programs. The ‘Housing Manager’ position is not funded by the Section 95 program or through other programs from ISC and CMHC. If the First Nation chooses to create a housing manager position, the position must be funded by the First Nation’s own-source revenue. As many Bands do not receive sufficient revenue to hire an individual solely for the Housing Manager role, the position sometimes includes conducting roles in other departments of the Band. Other times, the Housing Manager role just does not exist, positioning the housing responsibilities within the First Nation’s Chief and Council.

“The [housing manager] position is not funded, so I do other things. I’m also the social development manager, I am the maintenance manager. I look after our buildings, our health center, our administration office. I look after, you know, getting funding in, so I do applications and I’ve been reporting [and] managing staff. Housing, although it’s very important and it’s needed, we have so many other things. We wear other hats. It’s not always an easy position, [...] a lot of other people have probably only worked in their position for a couple of years because it’s not an easy job.”<sup>58</sup>

54 Standing Senate Committee on Aboriginal Peoples. *Housing on First Nation Reserves: Challenges and Successes*, 13.

55 Ibid.

56 Johnny Hanuse, Klahoose First Nation Councillor. Interviewed by Joanne Nellas, July 27, 2021.

57 Stefan Willner, Lake Babine Housing Director. Interviewed by Joanne Nellas, August 10, 2021.

58 Dolores Nicholas, Shuswap Indian Band. Interviewed by Joanne Nellas, August 19, 2021.

Additionally, Bands with low administrative capacity lack the available time to apply for subsidized housing programs, including Section 95, which are competitively awarded.<sup>59</sup> Without sufficient fundings for new builds or renovations, the Band resorts to managing their housing on a day-to-day basis and are unable to plan for long-term goals or create a housing strategy.<sup>60</sup> Oftentimes, these Bands are the same communities that are in the highest need of housing. Without the inflow of funding, it becomes difficult for many First Nations to grow their local economy and provide the necessary services that their members need. According to Munroe,

“60% of bands in BC didn’t even have a housing coordinator – that’s a lot of bands that have never even applied for a long time. There’s a number of bands that haven’t even built a new house in 15 or 20 years and they’re still struggling to just maintain existing stock.”<sup>61</sup>

### **Important Source of Funding**

The Section 95 program has been an important source of funding, however, it is also one of the few options for new housing for many First Nations. In BC, on reserve housing is either subsidised by ISC and CMHC or financed by the Band’s own revenue.<sup>62</sup> If communities do not have their own sources of revenue, federal government funding is critical to meet their housing needs. This is opposed to the mainstream off nation housing where land and property can be mortgaged, lending institutions specializing in property financing are involved, and a complex financial system exists to mitigate risks.<sup>63</sup> As Section 95 serves as one of the only housing funding options for First Nations, many First Nations are incentivised to become dependent on the program regardless of whether they agree with the program or not. Additionally, some communities are completely dependent on the program and would not be able to sustain their population without the program. Hill states that,

“The spectrum of housing is just not covered in most communities. You can either go through the Section 95 program and build something that way, or you can try to finance against your own line of credit yourself if you can get premium, you can go to qualify for a loan if your nation is qualified for that. And that’s it. There are no other options there.”<sup>64</sup>

### **Housing Shortage**

There is a clear housing shortage on reserve. An average of 1,122 units per year was funded from 2004 through 2016 across Canada.<sup>65</sup> As of 2017, in a program review of Section 95 conducted by KPMG for CMHC, there were 1,402 Section 95 units on First Nation reserves within BC.<sup>66</sup> According to the Standing Senate Committee on Aboriginal Peoples, the housing shortage on reserves is estimated to be 35,000 to 85,000 units and the current funding from Section 95 lacks to address the urgent housing needs on reserves.<sup>67</sup> Many First Nations have housing waiting lists that rarely progress. In an interview with a housing manager, the housing manager had stated,

“We have about 115 names on our list for housing for people that want to buy or rent. That list goes back to 1982.”

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59 Recently, BC Housing has begun to play an important contributor to housing on reserve.

60 Jim Munroe, First Nations Housing Inspector. Interviewed by Joanne Nellis, July 20, 2021.

61 Ibid.

62 The federal government provides support to on reserve housing through funding offered by Indigenous Services Canada (ISC) and the Canada Mortgage Housing Corporation (CMHC). ISC funds housing-related infrastructure and capacity development at a community level. CMHC funds the construction, renovation, and management of social housing through housing programs. CMHC also recently provides First Nations with the capacity development and training tools to assist with design, building, inspection, management and maintenance of housing on reserves.

63 Ananya Bhattacharya. Housing Report. Report. February 2019. Accessed July 23, 2021.

64 Rod Hill, BC Housing Representative. Interviewed by Joanne Nellis, July 15, 2021.

65 KPMG. Review of CMHC’s On-Reserve Non Profit Housing Program (Section 95). Report. April 20, 2017. Accessed July 21, 2021. <https://assets.cmhc-schl.gc.ca/sf/project/cmhc/pdfs/content/en/final-report-review-cmhc-on-reserve-non-profit-housing-program-section-95.pdf?rev=855f5c01-91e4-436f-ba1e-a345ec25f24f>.

66 Ibid., 22.

67 Ibid., 28.



## Contributing Factors

### 1. Inadequate Funding

Six housing managers have mentioned that the number one obstacle to building a house is funding. As mentioned previously, the Section 95 program is one of the only sources of funding for First Nations. Many First Nations rely on subsidized funding to support the development of new housing units on reserves. Additionally, the lack of funding can be circled back to the issue of low administrative capacity, where First Nations lack the capacity to apply for subsidized funding. The combination of the lack of funding for new builds and low administrative capacity often presents a challenge for First Nations to continue to develop their housing stock. In an interview with Richardson,

“Our next homes, because prices have spiked since COVID, [cost] \$375 per square foot. Which, when you crunch the numbers for a typical 1,200 square foot home, it should be \$40,450. And in a place where most people have never paid rent unless you’ve got a whole lot of own-source revenue, you got to start getting user fees. [It’s] \$450,000 per side of a dupe. That’s \$900,000 for a duplex.”<sup>68</sup>

“Funding has been relatively easy to secure in the past because they had some very innovative streams available through Indigenous Services Canada and Canada Mortgage and Housing. Now they’ve really pulled back from the 100% funding, so the newest stream of funding was up to 70% of the cost of new construction which presents a challenge for small nations because, you know, smaller nations don’t have their own source revenue. So they need to use whatever money is given to them and either to that budget, which leads to subpar housing or they need to somehow form some sort of strategic partnerships to get the additional funding that they need to build with, you know, what they really envision building.”<sup>69</sup>

“Communities which do not have their own sources of revenue are much more reliant on federal government funding to meet the housing needs of their members.”<sup>70</sup>

### 2. Lack of Buildable lots

Four housing managers have mentioned that the lack of buildable and serviceable lots has been a huge obstacle to building a home on reserve. While First Nations populations are increasingly growing, many communities do not have enough land on their reserves to build enough housing to meet the demands. This is especially a problem for First Nations with a large population and with small plots of reserve land or with large areas of unbuildable lots. In response to this issue, some First Nations are looking to build additional housing off nation or are in a process with Indigenous Service Canada (ISC) to extend their reserve. For example, Takla First Nation is currently in the process of negotiating with the federal government to expand their housing onto Crown land, which is requiring a feasibility and needs assessment.<sup>71</sup> However, the process has not been easy. The process is extensive and may only be manageable for First Nations with a high administrative capacity.

### 3. Lack of Infrastructure and High Infrastructure Costs

Three housing managers have mentioned that infrastructure is another huge obstacle for building a home on reserve, two of which lead housing departments for Bands that are located in remote areas. For First Nations located in remote areas, the Band is the sole provider and payer of these infrastructure services to their members.<sup>72</sup> This requires more funding and administrative capacity that many Bands do not have. Additionally, transporting build supplies to First Nations located in remote areas is time-consuming, often unreliable, and very expensive.<sup>73</sup> Due to this, building, renovating, or maintaining infrastructure and housing can be challenging. First Nations that are in close proximity to municipalities are often at a greater advantage

68 George Richardson, Takla First Nation Housing Manager. Interviewed by Joanne Nellis, July 26, 2021.

69 Crystal Sedore, Yale First Nation Housing Manager. Interviewed by Joanne Nellis, August 20, 2021.

70 Standing Senate Committee on Aboriginal Peoples. Housing on First Nation Reserves: Challenges and Successes., 13.

71 Christos Vardacostas, Takla First Nation Housing Project Management. Interviewed by Joanne Nellis, September 01, 2021.

72 Standing Senate Committee on Aboriginal Peoples. Housing on First Nation Reserves: Challenges and Successes., 14.

73 Ibid., 13.

than those that are more isolated. Through municipal-type service agreements, First Nations can access municipal infrastructure and share the costs of services, such as water and wastewater services, solid waste removal, and fire protection. The lack of infrastructure is also an issue for those that have utilized all of their buildable lots. Before homes can be developed on a plot of land, infrastructure, such as potable water, sewage, roads, and electricity, must be put in place. Funding for this necessity is subsidized through a separate government body, Indigenous Services Canada (ISC). Nicholas mentions,

“I think I have 12 lots that would be considered by CMHC as “shovel ready” and they’re band land. They have water to them but we have to put in a septic and we get hydro. Hydro can cost anywhere from \$5,000 to \$25,000 to put into a lot. So infrastructure is very expensive. Putting in a septic system for one house can be \$14,000 to \$15,000. And then the other part of it is you’ve got your building and then you have to pay these high rates of hydro.”<sup>74</sup>

#### 4. Poor access to locally qualified contractors

Finding locally qualified contractors has been another major barrier for many First Nations, particularly for those located in remote areas. While transporting building supplies to remote communities is time-consuming and expensive, so is accessing qualified building inspectors, specialized tradespersons, and other contractors. Projects located in remote areas are often undesirable to contractors for similar reasons as the cost and time of transportation are not cost-effective. Additionally, projects that span over several days or weeks may require lodging from the First Nation to provide. This can present a challenge especially for Bands that are already experiencing a housing shortage and thus, may not have available units.

#### 5. Lack of consideration for First Nations’ member size

In a study conducted by KPMG for CMHC, the study found that, “in general, smaller [First Nations] have obtained more units per on-reserve member”.<sup>75</sup> Despite BC having the largest reserve population, the province has the lowest number of units per capita on reserve members in Canada.<sup>76</sup> Specifically, there are 0.28 Section 95 units per capita.<sup>77</sup> This low unit-to-member ratio is due to the limit on the number of units that a First Nation can apply for, which is the same limit that larger Bands can apply to as smaller bands.<sup>78</sup> Furthermore, CMHC allocates a total of 75 Section 95 units every year for First Nations in the province.<sup>79</sup> This lack of consideration for First Nation member size puts larger Bands in restraints of expanding their housing supply.

### **Poor Housing Conditions**

In BC, the majority of First Nations had completed the construction of their Section 95 homes in the 1980s.<sup>80</sup> Four interviewees with housing managers have said they were first approved for Section 95 in the 1980s and 1990s. The homes built during that time have now completed their mortgage. According to Jim Munroe, a First Nation housing inspector, 60% of First Nations homes in BC require minor repairs and 40% require major repairs.<sup>81</sup> Two of the First Nations housing managers have mentioned that the homes are “well kept”, one has mentioned they were in “excellent condition”, another mentioned they’re “good”, one has mentioned that they are in “fair conditions”, and another said their houses are “not in modern shape”. All interviewees have mentioned needing renovations or repairs due to a mixture of tear and wear over the years or improper construction of the building. George Richardson, the Housing Manager of Takla First Nation, says,

74 Dolores Nicholas, Shuswap Indian Band Housing Manager. Interviewed by Joanne Nellis, August 19, 2021.

75 KPMG. Review of CMHC’s On-Reserve Non Profit Housing Program (Section 95)., 25

76 Ibid., 22.

77 Ibid., 23.

78 Ibid., 25.

79 Cliff Grant, Aboriginal Housing Management Association Director of Strategic Affairs. Interviewed by Joanne Nellis, October 28, 2021.

80 Rod Hill, BC Housing Representative. Interviewed by Joanne Nellis, July 15, 2021.

81 Jim Munroe, First Nations Housing Inspector. Interviewed by Joanne Nellis, July 20, 2021.

“Our focus is getting \$5 million on repairs on those homes so we’re trying to ensure that the new Section 95 [homes], and a few that we got from ISC funding, staying in pretty good condition. Because of a mixture of housing and social issues, we do find that our repairs are sometimes higher than we might think, but we’re hoping to develop a holistic approach to family housing issues.”<sup>82</sup>

“Our houses are not in modern shape. They need renovations. When they were built in the past, and I think it was under Section 95, you know, it wasn’t the best.”<sup>83</sup>

## Contributing Factors

### 1. Modesty criteria

CMHC has a modesty criterion for the Section 95 program which “places parameters on the size of units, amenities available, finishes and construction materials, systems or techniques used in housing construction or repair”.<sup>84</sup> Section 95 provided three generic options of building plans that First Nations can use to build their homes. These building plans were not tailored to accommodate the different climatic factors across the country. In the mainstream community, commercial real estate often prioritizes profitable building materials, which are often cheap and lack durability. On the other hand, the environmental factors on reserves required more durable supplies to maintain sustainability over decades. However, restrained by the modesty criteria, First Nations were required to build with the cheapest materials, which is often also the least durable. As the Section 95 program did not accommodate the differences in environmental factors, the cheapest building materials and building plans were not suitable for the moist and humid climatic conditions in many regions of Canada, especially BC. One of the most persistent consequences of this is mould. Mould can destroy wood surfaces and drywall, and, more alarmingly, cause serious health effects to members within the home. While mould can grow on any building material, the cheapest and lowest quality of building materials are the most susceptible to the fungus. The main factors contributing to mould include the lack of proper care or maintenance, improper heating, inadequate air circulation and ventilation, poor site selection and drainage, poor construction, and overcrowding.<sup>85</sup> Two of these factors are related to the unsuitability of Section 95’s building plans for the reality of the location of many First Nations. The problems of mould have been increasingly urgent and serious for many Bands that homes had to be destroyed despite the lack of new units to replace them.<sup>86</sup> Due to this, the average useful life of a Section 95 home is 21.5 years, whereas the average useful life of a municipally-owned social and affordable single-detached home is 65 years.<sup>87</sup>

### 2. Poor access to local qualified contractors

Early Section 95 homes either were built without a proper foundation or were not adequately constructed. This is often due to the inability to find qualified contractors in the region, particularly for rural and remote First Nations. As mentioned previously, First Nations were not trained on property management and development prior to the devolution of housing administration from CMHC. The lack of property development knowledge often led many First Nations to hire friends or family, despite their lack of qualifications. Thus, many homes on reserves did not have properly built foundations and were poorly constructed, resulting in expensive renovations and repairs later down the road. The poor construction of homes and lack of maintenance have also resulted in persistent issues with mould in many First Nations. Some common causes are leaky foundations, walls, roofs or windows, poor insulation, and poor ventilation. Jim Munroe of CMHC mentions,

82 George Richardson, Takla First Nation Housing Manager. Interviewed by Joanne Nellis, July 26, 2021.

83 Stefan Willner, Lake Babine Housing Director. Interviewed by Joanne Nellis, August 10, 2021.

84 Public Policy Forum. Bringing New Voice to the Table: Rethinking On-reserve Housing in Canada. Report. November 2016. Accessed August 22, 2021. <https://ppforum.ca/wp-content/uploads/2017/02/Bringing-New-Voices-to-the-Table-Re-thinking-On-reserve-Housing-in-Canada-PPF-Report.pdf>.

85 Catherine Palmer & Associates Inc. Aboriginal Housing in British Columbia: Needs and Capacity Assessment.

86 Ibid.

87 Statistics Canada. Table 46-10-0008-01 Average expected useful life of new municipally owned social and affordable housing assets, by urban and rural, and population size, Infrastructure Canada

“Probably the biggest [obstacle to building a house is the] lack of available qualified contractors. Everywhere else in BC, [you] have to hire a licensed builder to build a new home. [But] on reserves falls outside of provincial jurisdiction so bands aren’t required to have licensed contractors. And then because they’re in rural communities, the licensed builders [would] rather work in town than commute back and forth. There’s just more risk involved for the contractors. And then on the other side of it, the band wants to hire or employ their own members to keep the dollars in the community. So there are no licensed builders in the communities. Very very few, maybe 1%.”<sup>88</sup>

### 3. Overcrowding:

Poor housing conditions can also be attributed to overcrowding. While the First Nations housing managers that were interviewed did not mention overcrowding to be a significant challenge, overcrowding is a consistent theme amongst the literature on reserve housing. 36.8% of First Nations live in crowded homes on reserves, which is seven times greater than that of non-Indigenous peoples.<sup>89</sup> Overcrowding often results in increased wear and tear as the utilities and rooms of the house are being utilized more frequently. Chief Perry Bellegarde of the Federation of Saskatchewan Indian Nations lists a number of other critical impacts of overcrowding,

“Overcrowded and inadequate housing means the spread of communicable diseases and other negative impacts on health. It means the lack of space for children to play and study. It means the increased family tension that overcrowding creates and the lack of safe alternatives for family members if they fear violence. Inadequate housing affects a range of human rights.”<sup>90</sup>

### **Homes for Families**

Throughout all interviews, the Section 95 program supported First Nations in building new homes for families in need. Dolores Nicholas, the Housing Manager of Shuswap First Nation, mentions,

“It provided housing for members that were living in not so desirable conditions, paying huge amounts of rents. I think the biggest thing is it allowed for our members to come home to live in their community. It’s provided a safe home, provided a place where people can start families. So, I see it as a success. Definitely.”<sup>91</sup>

There have been success stories amongst communities in Northern BC using the Section 95 program to develop tiny homes.<sup>92</sup> For the Nak’azdli Whut’en First Nation in north-central BC, four tiny homes were built as part of a pilot program to help solve homelessness amongst First Nations.<sup>93</sup> George Ho Lem, lands manager of the Nak’azdli First Nation, states, “We have a lot of single people, who really, it’s not worth their while to own or aspire to own a full-size home.”<sup>94</sup>

### **Poor Enforcement of Rent Collection**

Three housing managers have mentioned that rent collection from tenants has been difficult. The difficulty can be attributed to the lack of economic opportunities, staff-tenant familial relationships, and nepotism. For some First Nations, a rental regime can provide a source of revenue to hire housing staff and aid the cost of repairs, renovations, and construction of new housing.<sup>95</sup> However, some First Nations do not enforce a rental regime within their communities due to several different reasons, such as a lack of political support,

88 Jim Munroe, First Nations Housing Inspector. Interviewed by Joanne Nellas, July 20, 2021.

89 Canadian Institute of Child Health. “First Nations Housing On Reserve – The Health of Canada’s Children and Youth.” The Health of Canada’s Children and Youth. Accessed September 25, 2021. <https://cichprofile.ca/module/7/section/4/page/first-nations-housing-on-reserve/>.

90 Standing Senate Committee on Aboriginal Peoples. Housing on First Nation Reserves: Challenges and Successes., 17-18.

91 Dolores Nicholas, Shuswap Indian Band Housing Manager. Interviewed by Joanne Nellas, August 19, 2021.

92 Rod Hill, BC Housing Representative. Interviewed by Joanne Nellas, July 15, 2021.

93 Andrew Kurjata. “It Means a Lot to Me’: 1 Year Later, Tiny Homes in This B.C. Community Are Making a Big Difference | CBC News.” CBCnews. October 29, 2017. Accessed August 10, 2021. <https://www.cbc.ca/news/canada/british-columbia/it-means-a-lot-to-me-1-year-later-tiny-homes-in-this-b-c-community-are-making-a-big-difference-1.4375523>.

94 Ibid.

95 Standing Senate Committee on Aboriginal Peoples. Housing on First Nation Reserves: Challenges and Successes.



insufficient staff resources, or a lack of a local economy in their area for members to pay rent.<sup>96</sup>In BC, where the size of reserves is smaller, members might be closely related to one another, making it difficult for a housing manager to excuse a missed payment or to evict a family member from their home. In response to this problem, a housing manager had mentioned that their Band prioritizes people on their waitlist who can afford to pay rent. A key finding by KPMG was that

“Many First Nations struggle to meet the monthly costs associated with Section 95 units, particularly the costs of repairs and maintenance and contributions to the reserve funds. The various revenue sources available to First Nations to cover these costs – the Section 95 subsidy, rents that are charged to Section 95 tenants, and Band funds – do not cover these costs for most First Nations. This creates challenges regarding the sustainability of Section 95 housing in the medium to long-term.”<sup>97</sup>

“If you’re a First Nation of a few 100 people, you’re related to everybody. Everybody is a direct relative of auntie and uncle, someone that you would know very closely. With smaller communities, these are the challenges that people face, you’ve known them all your life so you have to be prepared for some very negative social consequences and emotional consequences for communities to enforce that rental collection.”<sup>98</sup>

## Contributing Factors

### 1. Poor Governance

A strong governance system is integral to the provision of housing on reserve. According to a study on “Successful Housing in First Nation Communities”, the singular similarity amongst all successful First Nations’ housing is a strong governing system and housing programs with enforced comprehensive rules and regulations.<sup>99</sup> A strong governance system is characterized by the ability of the Chief and Council to make and enforce rules that will serve their communities’ interests. The ability of leadership to enforce housing regulations is a critical factor of housing success. Thus, Chief and Council should be removed from managing the day-to-day activities.<sup>100</sup>

Although many First Nations employ housing administrators and staff, the Chief and Council are often the approving body of major decisions, such as the distribution of housing units and financial allocations. Due to this, according to many interviewees, nepotism is common amongst many First Nations. Family members become prioritized amongst other community members requiring renovations, repairs, and other construction. Thus, as financial resources are limited, non-family members are often neglected. Nepotism is also significant in other aspects of life on reserve, particularly in the local labour force which is tightly linked to an individual’s ability to pay rent. As will be mentioned in the next section, employment opportunities are commonly lacking on many reserves. Thus, when opportunities do arise, they are likely to be offered to family members of the Chief. According to the Frontier Centre For Public Policy, nepotism distorts the job market on many reserves, where being a family member of the Chief would further one’s job prospects (Graph 3).

The enforcement of rules and regulations is important for strong governance. The Frontier Centre For Public Policy had mentioned that “where community populations are small, there is a greater level of peer pressure to ensure that one is not seen as shirking their responsibility to make the necessary or obligated payments.” Policies are vain without implementation and enforcement. An interviewee had mentioned that there is a consistent theme of newly elected Chiefs spending tens of thousands of dollars on creating new policies. As this occurs routinely, much of First Nations’ funding and resources are spent on the creation of new policies

96 Ibid.

97 KPMG. Review of CMHC’s On-Reserve Non Profit Housing Program (Section 95),.1.

98 Rod Hill, BC Housing Representative. Interviewed by Joanne Nellis, July 15, 2021.

99 Daniel J. Brant., Successful Housing in First Nation Communities - A Report on Community Case Studies. Report. October 2000. Accessed July 23, 2021. <http://www.urbancentre.utoronto.ca/pdfs/elibrary/DIANDSuccessful.pdf>.

100 Cliff Grant, Aboriginal Housing Management Association Director of Strategic Relations. Interviewed by Joanne Nellis, October 28, 2021.

rather than enforcement.

2. Lack of economic opportunities on reserves:

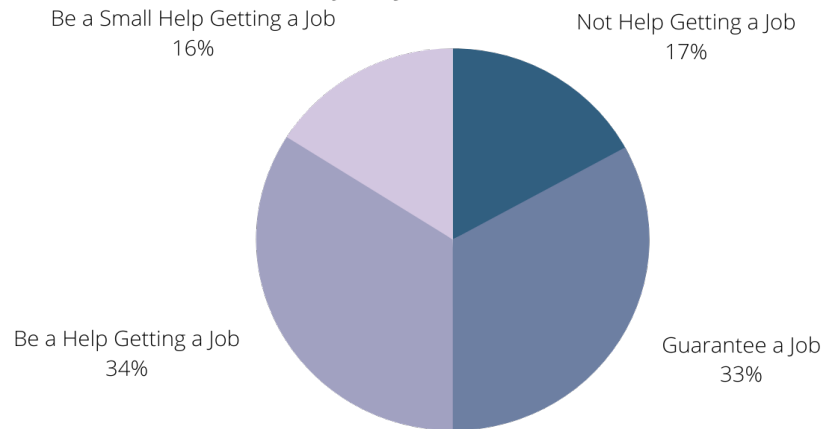
Paying monthly rent can be a challenge particularly for First Nations located in remote areas where economic opportunities are slim. As mentioned previously, the lack of economic opportunities on reserves is often one of the reasons why First Nations move to municipalities. Helen Hanson and Johnny Hanuse from Klahoose First Nation mentioned,

“Tenants paying their rent on time is a challenge due to the fact that we’re isolated. So jobs are very short here or hardly anything for them to work. It’s hard to keep a year-round employment.”<sup>101</sup>

With this understanding, some First Nation leaderships prefer not to collect rent from their members. Rather, some Bands compensated with their own-source revenue to afford the Section 95 loans from CMHC. However, this approach often comes at the expense of reducing funding to other priority areas on reserve.

**Fairness in Hiring On Reserve**

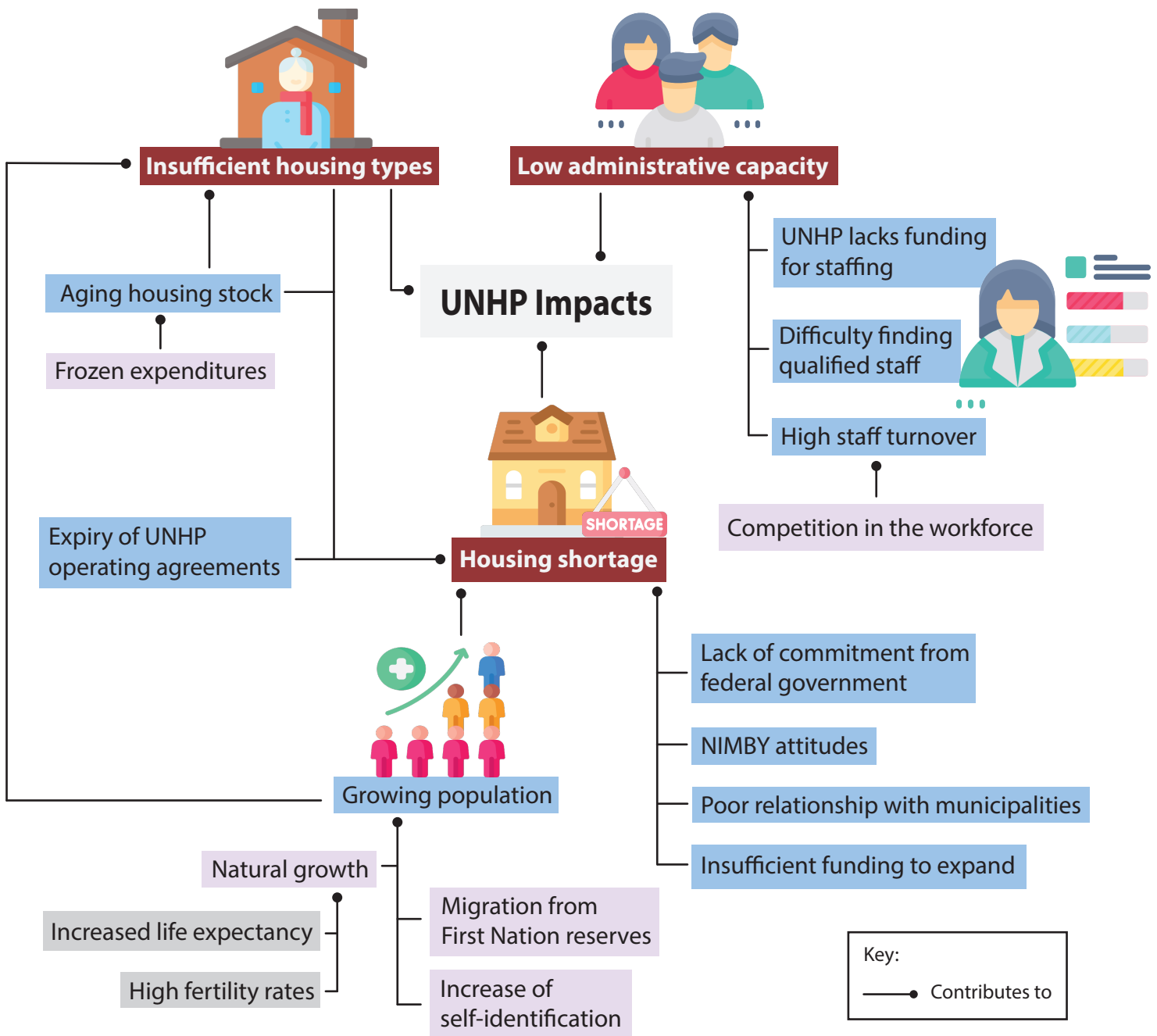
*“If you were a member of the Chief’s family, would this...”*



Graph 3. The graph above shows how helpful being a member of the Chief’s family would be in attaining a job on reserve. Graph sourced from the Frontier Centre For Public Policy (2000).

101 Helen Hanson, Klahoose First Nation Housing Coordinator. Interviewed by Joanne Nellis, July 27, 2021.

# Urban Native Housing Program



## URBAN NATIVE HOUSING PROGRAM

Created in 1978, the Urban Native Housing Program (UNHP) was a subsidized housing program where rental fees were calculated on a rent-geared-to-income (RGI) basis to help support families and individuals in core housing need. RGI closes the gap between the cost of supplying and operating housing (i.e. mortgage costs, maintenance fees, taxes, salaries, and replacement reserves) and rental revenues (rents calculate at 30% of a tenant's income).<sup>102 103 104</sup> Additionally, the UNHP Agreements provided for the positions of Tenant Counsellors or Tenant Relations Officers.<sup>105</sup>

### Expiry of Operating Agreements

The UNHP was considered “the richest social housing program in the country” at the time and had allowed capacity building opportunities for urban Indigenous organizations.<sup>106</sup> The UNHP addressed some of the unique needs of urban Indigenous peoples and Indigenous housing providers in urban areas and provided affordable rental housing for low and moderate-income Indigenous households.<sup>107</sup> However, the Operating Agreements for Indigenous housing providers funded under UNHP are set to expire in the following years. This has caused a fear that housing providers may not be able to maintain their units without the financial and operational support from the UNHP.<sup>108</sup> Despite the expiring date slowly approaching, many housing providers do not have the capacity to adequately plan for the end of their Operating Agreements. While other housing providers have been preparing, they are also realizing that their housing programs may not be able to continue their operations at the same low rental fees. Since 1995, the devolution of social housing to the Provinces, “has led to some concern that when the mortgages are paid off, the unit may be sold in the interest of budget-balancing”.<sup>109</sup> Now that the UNHP Operating Agreements have expired, or will soon be expiring, it's clear from the interviews with housing providers that this concern has not been remedied.<sup>110</sup> A CEO of a housing provider said in an interview,

“We’ve been preparing our tenants to let them know that [the expiry of the UNHP operating agreements] is going to be happening and that we are trying our very best to keep our rents as low as we can but we also realize that we can’t do it at the rate it is now. Some of the tenants pay \$266 a month but some other tenants pay higher rent. So we’re trying to see if we can have it work so that many of the units would be at the lower like an RGI unit and the other ones would be LEM, which is the lower end market unit to offset those units to make it still affordable for people because we have people that can’t afford higher rents right now. We’re also advising tenants about other programs that are available through BC Housing like SAFER, or a single working parent allowance that you can get through BC Housing.”<sup>111</sup>

“I actually have 20 units that have expired. [...] We wanted to consider if we can continue to be affordable or would we just dive straight into a high market in order to sustain ourselves. Because we believe in social programming, we were able to come in at roughly 5% below market and so we’re still doing social housing in its own form. But we also learned in the process that it’s kind of an economy of scale, you can’t do it with five units, you have to have more units in order to sustain itself.”<sup>112</sup>

102 RGI rental revenues increased to 30% of a tenant's income in 2016. Prior to that, rents were calculated at 25% of a tenant's income.

103 Daniel J. Brant, and Catherine Irwin-Gibson. “Urban, Rural and Northern Indigenous Housing: The Next Step.”, 9.

104 Catherine Palmer & Associates Inc. Aboriginal Housing in British Columbia: Needs and Capacity Assessment.

105 Canadian Aboriginal AIDS Network. Aboriginal Housing In Canada: An Informal Background Discussion Paper. Report. April 2010. Accessed May 17, 2021., 4.

106 Interviewee 12307. Interviewed by Joanne Nellas, July 23, 2021.

107 BC Housing. Housing Provider Kit: Program Guide. Report. May 2013. Accessed April 27, 2021.

108 Brant and Irwin-Gibson. “Urban, Rural and Northern Indigenous Housing: The Next Step.”, 23.

109 Jeanne M. Wolfe. “Canadian Housing Policy In The Nineties.” Housing Studies 13, no. 1 (1998): 121-34. doi:10.1080/02673039883524., pg 129.

110 Wolfe, “Canadian Housing Policy In The Nineties.”, pg 129.

111 Interviewee 932607. Interviewed by Joanne Nellas, July 26, 2021.

112 Interviewee 112307. Interviewed by Joanne Nellas, July 23, 2021.



According to Ryan Walker (2008), “urban native housing portfolios are often more costly to operate than other social housing because of their larger size (more bedrooms) and the fact that they tend more often to be pepper potted/scattered around the city to promote assimilation or prevent community opposition”.<sup>113</sup> Aqanttanam Housing Society was the first Indigenous housing provider in BC to experience the UNHP operating agreement expiry.<sup>114</sup> Although the organization does not own the land, they received ownership of their units when their Operating Agreements expired and the mortgages had been paid off. However, as rents were set at 25% of a household’s income under UNHP, the society could no longer maintain this level of subsidy after the expiry. Without subsidies from the government, the society could no longer afford to cover the ongoing costs of insurance, property taxes, and administrative duties for all three of their units. In order to keep at least one unit subsidised, the society raised the rents on the remaining two units to reflect the market at the time.<sup>115</sup> As a result, tenants were faced with the decision to either stay and pay the higher rent or find and move into another subsidized unit when one became available.<sup>116</sup> Many UNHP housing providers may have faced similar outcomes without adequate funding.

### **Low Administrative Capacity**

All seven urban Indigenous housing providers have mentioned challenges with low internal capacity. Many staff find themselves performing multiple positions within their organisation and spreading themselves thin. The needs and demands of urban Indigenous housing providers are strenuous, especially for providers that lack capacity. While housing providers are supplied with administrative resources and training, such as mental health and counselling workshops, staff are often overburdened with the day-to-day responsibilities to attend these training sessions and workshops.

### **Contributing Factors**

#### **1. Insufficient Funding**

Five housing providers have mentioned there is insufficient funding allocated to appropriate staff compensation levels. Without sufficient funding for additional positions or to increase hours and wages, housing providers find themselves consistently overworked and lack the capacity to provide dedicated time for tenant relations and/or administrative work. Insufficient funding can also be linked to high staff turnover (which will be discussed in the next section), where, according to an interviewee, their organization can only afford a Tenant Relations Officer for five hours a week due to insufficient funding. The rigor and expectations of a position requiring dedicated relationship-building cannot be practiced within five hours a week, on top of administrative tasks. Consequently, the individual in the Tenant Relations Officer position tends to search for other jobs in the meantime that would provide a greater number of hours and compensation.

As housing providers continue to build new units, the need for additional funding for staff becomes greater. Cecilia Teneese, Executive Director of Aqanttanam Housing Society, states, “The more tenants that we have, we definitely need to increase our [tenant relations officer] positions to being full time rather than part-time, or have somebody do their paperwork while they’re out and about dealing with tenants”.<sup>117</sup> Additionally, Kevin Albers, CEO of M’akola Housing Society, mentioned,

“[UNHP Funding] was always pretty harsh on the staffing component but really good on the maintenance of the units component. So the money that needed to be there to support the ongoing maintenance and rehabilitation and renovation of the buildings, that was very solidly funded. But anything that had to do with administration or wages or anything like that, there’s a lot of downward pressure on that side of the envelope.”<sup>118</sup>

113 Ryan Walker. “Aboriginal Self-determination and Social Housing in Urban Canada: A Story of Convergence and Divergence.” *Urban Studies* 45, no. 1 (January 2008): 185-205. Accessed April 27, 2021. doi:10.1177/0042098007085107.

114 *Ibid.*, 33-34.

115 *Ibid.*

116 *Ibid.*

117 Cecilia Teneese, Aqanttanam Housing Society Executive Director. Interviewed by Joanne Nellis, August 18, 2021.

118 Kevin Albers, M’akola Housing Society Chief Executive Officer. Interviewed by Joanne Nellis, August 10, 2021.

## 2. High Staff Turnover

Six housing providers have mentioned that employee retention has been a huge challenge for their organization. Housing providers have attributed this to a number of reasons. First, housing providers have found that “the non-profit sector is not enticing for many people”.<sup>119</sup> Soon after new hires have completed training, they move on quickly because they can earn more income elsewhere. Second, finding qualified staff who can connect with the tenants has proven to be a challenge. As relationship building is an important characteristic of the Tenant Relations Officer position, it takes time for tenants to adjust to trusting a new hire. Thus, during this trust-building period between the Tenant Relations Officer and the tenant, other long-time staff members need to step in and help address the tenant’s needs.

### Tenant Relations

A unique component of UNHP is tenant counsellors who assist families that have migrated from rural areas or reserves adjust to living in urban areas.<sup>120</sup> Compared to non-Indigenous housing providers, Indigenous housing providers had more positively impacted their Indigenous tenants. The UNHP assured that tenants would be dealt with on a culturally-sensitive basis.<sup>121</sup> Indigenous residents in UNHP units “increased their use of social services, made more friends, felt more secure, more settled and more independent since moving in”.<sup>122</sup> Interviewees from housing providers have said:

“It allowed us to serve the community better. For example, positions such as tenant relations officer or tenant counsellor allow direct interaction with the tenants and enable us to do some problem solving with them, and enables them to have a voice, an ear to speak to someone, to hear their music, and understand their situations. I think CMHC was really prescient in creating that program. And you see programs now that have supportive housing, you know, probably took their lead from that program or that there’s a recognition now that those positions are needs, especially for marginalized communities.”<sup>123</sup>

“It was a real good stepping stone for quite a few of our tenants to get back on their own with their families.” Tenants are able to get a good record and “that they are able to move on to the next step, whether that be, if they want to move on to the program or we’ve had tenants buy their own homes, which is amazing”.<sup>124</sup>

### Insufficient Housing Types

The majority of the housing units are townhouses or apartment buildings geared towards families (2+ bedrooms) and people with children.<sup>125</sup> Additionally, units targeted for single people (bachelor or 1 bedroom) are more likely to be found in larger urban centres.<sup>126</sup> The current available housing types often leaves out Elders, and single people within rural areas. Albers mentions,

“A lot of people would have criticized Urban Native funding before there was other types of funding. But then when they see the other types of funding, i.e, provincial funding, they look back and said, “well that Urban Native funding was really great.” Not just the funding but also the way that it recognized the uniqueness of Indigenous families especially, you there, there was support and understanding of a higher number of bedrooms per unit [and] higher amount of amenity space.”<sup>127</sup>

However, the nature of the apartments may not be as suitable for families as single-family homes. One

119 Interviewee 112307. Interviewed by Joanne Nellas, July 23, 2021.  
120 Walker. “Aboriginal Self-determination and Social Housing in Urban Canada: A Story of Convergence and Divergence”, 186-7.  
121 Canadian Aboriginal AIDS Network. Aboriginal Housing In Canada: An Informal Background Discussion Paper., 4.  
122 Walker. “Aboriginal Self-determination and Social Housing in Urban Canada: A Story of Convergence and Divergence.”, 187.  
123 Interviewee 12307. Interviewed by Joanne Nellas, July 23, 2021.  
124 Interviewee 112307. Interviewed by Joanne Nellas, July 23, 2021.  
125 Catherine Palmer & Associates Inc. Aboriginal Housing in British Columbia: Needs and Capacity Assessment.  
126 Ibid.  
127 Kevin Albers, M’akola Housing Society Chief Executive Officer. Interviewed by Joanne Nellas, August 10, 2021.

housing provider says,

“An apartment is a home but with children, it’s really hard. It’s just not the same as having a yard for your children and being able to sit outside and be under the trees. So, that has been our hugest obstacle that we haven’t been able to expand that program.”<sup>128</sup>

## Contributing Factors

### 1. Aging Housing Stock

In 1993, the federal government discontinued new spending for off-reserve social housing, including any new off-reserve Indigenous housing.<sup>129</sup> As no new UNHP units were built since the 1990s, the current UNHP housing stock is aging and increasingly requiring renovations and repairs. 23.9% of the current UNHP housing stock was built 31 years ago, 30.6% was built 41 years ago, and 45.5% was built over 50 years ago (Table 1). At the time that many of these units were built, the need for urban Indigenous family-sized units was dire. Due to this, the type of housing developed at that time reflected that need. As the urban Indigenous demographic has changed over the years, the current UNHP housing stock no longer represents the needs of urban Indigenous peoples. This leaves many Elders and single individuals without sufficient homes.

*Table 1.* The table on the right shows which decade the UNHP units were built. While most of the units were built during the start of the UNHP program, it appears that it was not uncommon for older units to be acquired. Data sourced from AHMA’s Asset Planner.

**The Quantity of UNHP Units Built Per Year**

Year Built	Quantity of Assets Built
1900s	1
1910s	4
1920s	3
1930s	2
1940s	8
1950s	16
1960s	52
1970s	144
1980s	155
1990s	121
2000s	0

### Housing Shortage

There are simply not enough Indigenous affordable housing units to house the number of Indigenous peoples needing housing. Approximately 3,350 low-income housing units were built through the UNHP.<sup>130</sup> However, Indigenous households are in core housing need in BC and only 5,035 are living in subsidized housing.<sup>131</sup> Additionally, 2,908 Indigenous people are experiencing homelessness in BC.<sup>132</sup> Thus, there is a housing shortage that fails to meet the housing needs of almost 20,000 urban Indigenous households. At the same time, all of AHMA’s member organizations have seen an increase in the number of applicants on their waitlist and some have observed their waitlist double in size within recent years.<sup>133</sup> While Indigenous families are, nationally, 1.5 times more likely than non-Indigenous families to have five or more people in their family, single bedroom units are the highest in demand on waitlists and two-bedroom units are the second-highest in demand for housing under AHMA’s member organizations.<sup>134</sup> According to the 2016 Census, Indigenous people living alone and those living with people who are not related to them have higher rates of core housing need than family households.<sup>135</sup> While urban Indigenous peoples are eligible for non-Indigenous social housing program, “many Indigenous people are

128 Interviewee 112307. Interviewed by Joanne Nellis, July 23, 2021.

129 Catherine Palmer & Associates Inc. *Aboriginal Housing in British Columbia: Needs and Capacity Assessment*.

130 Ibid.

131 Indigenuity. “Technical Review and Housing Need”. Draft Report. June 7, 2021. Accessed June 10, 2021.

132 2018 Report on Homeless Counts in BC. 7,655 individuals identified as homeless. Indigenous people represented 38% of the Homeless Count.

133 Aboriginal Housing Management Association. “Understanding the Impact of British Columbia’s Indigenous Housing Providers”. Report. December 2020. Accessed May 1, 2021. <https://static1.squarespace.com/static/573e02ab62cd943531b23633/t/60133d8ce324de66b5034672/1611873679080/AHMA+Report.pdf>.

134 Ibid.

135 Indigenuity. “Technical Review and Housing Need”.

reluctant to seek subsidized housing in non-Indigenous run housing projects because housing is strongly linked with their culture".<sup>136</sup>

"Our biggest challenge is not having enough, like our waiting list is between 8 – 10 years. It could be longer for somebody to be able to get a house."<sup>137</sup>

"Usually our housing inventory is full at all times, like our houses, our apartment or condos are all full. And there's a long waiting list."<sup>138</sup>

## Contributing Factors

### 1. Lack of Commitment from the Federal Government

The federal government's retreat from social housing and for urban Indigenous peoples remains to have serious consequences on the affordability of housing and supply. Canada favours market solutions to housing issues.<sup>139</sup> In 1993, the election of the Liberal Government stopped funding new social housing, including UNHP. As social housing provides rental housing for low-income families and individuals, those in greatest need for the next two decades were left deprioritized. While the BC Government continued to provide and assumed more responsibility for social housing following the federal government's withdrawal, no new social programs targeted towards Indigenous peoples were created.<sup>140</sup> Until recent years, the federal government had retreated from the provision of social housing, nor was it on the federal political agenda.<sup>141</sup> Rather, market mechanisms were vehicles for housing policies related to tackling housing issues, including the supply of affordable housing. However, the private rental housing market does not address the problems of affordability. The provision of social housing reflects a commitment by the federal government to support affordable housing.<sup>142</sup> The withdrawal of this commitment proves to have serious consequences on many families and individuals. This includes the rapidly increasing market rent prices leading to many households falling into core housing need, without any new social housing available.

Secondly, while the federal government assumes responsibility for Indigenous peoples, the commitment to Indigenous peoples living off nation also remains absent. In 2017, the federal government launched a National Housing Strategy, with mentions of the creation of housing strategies for First Nations, Métis, and Inuit peoples. However, this largely ignores a fourth distinction: Indigenous peoples living off nation. Urban Indigenous peoples are more likely to be in core housing need than non-Indigenous people and are overrepresented amongst the homelessness population. In May 2021, the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities released a report on urban, rural and northern Indigenous housing and the need for Indigenous-led housing initiatives, which includes the development of a national housing strategy for Indigenous peoples living off nation. Additionally, the report recommends steps to ensure that federal government programs align more closely with the needs of Indigenous peoples living off nation.

### 2. Aging Housing Stock

In 1993, the federal government discontinued new spending for off-reserve social housing, including any new off-reserve Indigenous housing.<sup>143</sup> While new social housing units for urban Indigenous peoples would no longer be built, CMHC continued to commit to providing operating subsidies for the duration of UNHP's existing social housing agreements.<sup>144</sup> Later this lack of new housing would increase the waiting lists for

136 Merle and Reimer. "Rights to Off-Reserve Housing."

137 Interviewee 112307. Interviewed by Joanne Nellas, July 23, 2021.

138 Cecilia Teneese, Aqanttanam Housing Society Executive Director. Interviewed by Joanne Nellas, August 18, 2021.

139 Wolfe, "Canadian Housing Policy In The Nineties.", 122.

140 Ibid., 126.

141 Ibid.

142 Toba Bryant. THE CURRENT STATE OF HOUSING IN CANADA AS A SOCIAL DETERMINANT OF HEALTH. Report. March 2003. Accessed September 26, 2021. <http://irpp.org/wp-content/uploads/assets/po/bank-mergers/bryant.pdf>. 53

143 Catherine Palmer & Associates Inc. Aboriginal Housing in British Columbia: Needs and Capacity Assessment.

144 Walker. "Aboriginal Self-determination and Social Housing in Urban Canada: A Story of Convergence and Divergence.", 198.



Indigenous social housing units which could be a contributor to the increasing numbers of Indigenous homeless people.<sup>145</sup>

The frozen expenditures have created an aging housing stock for urban Indigenous peoples. While the UNHP housing stock ceased to increase, the population in which the housing serves continued to rapidly grow. Due to this, the current housing stock also does not reflect the location of where there is the greatest urban Indigenous housing need (Graph 4). As shown in Graph 4, 45.2% of the UNHP housing stock is located in the Northern Region of BC. However, the City of Vancouver, located in the Vancouver Coastal region, has one of the largest Indigenous populations in Canada with a count of 61,460 Indigenous people in 2016.<sup>146</sup> Yet, only 7.1% of the current housing stock is located within the Vancouver Coastal region.

### 3. Growing Population

The population of Indigenous peoples living in off nation areas is growing faster than housing can supply. Between 2006 and 2016, the Indigenous population in Canada grew by 42.5%, which is four times the growth rate of the non-Indigenous population over the same period.<sup>147</sup> Additionally, the Indigenous population is projected to exceed 2.5 million persons within the next two decades.<sup>148</sup> There are three main reasons contributing to the growth of the Indigenous population:

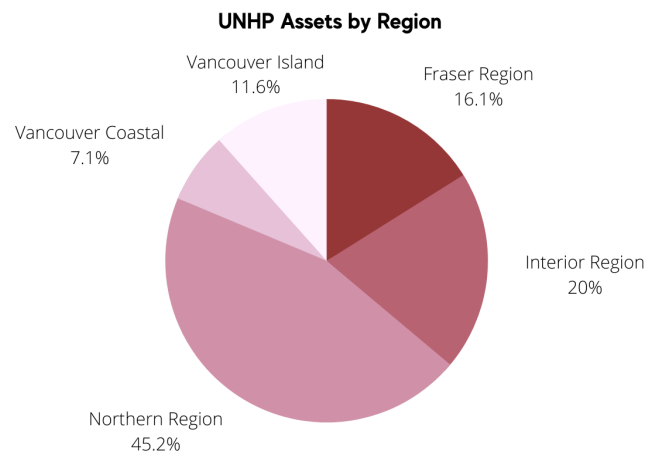
1. Natural growth, which includes high fertility rates and increased life expectancy.
2. Increase of more people newly identifying as Indigenous on the Census.
3. Migration from reserves to urban areas.

### 4. NIMBYism

Housing providers, particularly those located in urban areas, face NIMBY attitudes. NIMBYism is derived from the acronym “Not in My Backyard”, and is defined as “the protectionist attitudes of and oppositional tactics adopted by community groups facing an unwelcome development in their neighbourhood”.<sup>149</sup> NIMBY attitudes can arise for many reasons including social attitudes and stigma, and racial discrimination and segregation.<sup>150</sup> There is a strong sentiment that building low-income and affordable housing will encourage the establishment of homelessness and crime within their communities.<sup>151</sup> Additionally, when affordable housing is proposed in a community, the community may believe that their neighbourhood will lose the sense of place and character that the community has cultivated.<sup>152</sup>

### 5. Insufficient Funding to Expand

One of the biggest challenges for housing providers is the lack of adequate funding to increase internal capacity, maintain low rent, renovate units, and build new units. Devolved housing programs have small and unstable funding sources, and the Indigenous housing providers are often small and organizationally



Graph 4. The graph above displays the distribution of UNHP assets by region in BC. Most of the units are located in the Northern region, while the least number of units are located in the Vancouver Coastal region. Data sourced from AHMA’s Asset Planner.

145 Ibid., 33.

146 Mikayla Roberts. “An Analysis of Off-reserve Core Housing Need of Indigenous Renters in British Columbia.” Master’s thesis, Simon Fraser University, 2019. April 09, 2019. Accessed August 18, 2021.

147 Statistics Canada. “Aboriginal Peoples in Canada: Key Results from the 2016 Census.” The Daily - . July 02, 2019. Accessed September 6, 2021. <https://www150.statcan.gc.ca/n1/daily-quotidien/171025/dq171025a-eng.htm>.

148 Ibid.

149 Michael Dear. (1992). Understanding and overcoming the NIMBY syndrome. Journal of the American Planning Association, 58(3), 288–300. <https://doi.org/10.1080/01944369208975808>

150 Christine Nesbitt. Affordable Housing and NIMBYism: Urban, Suburban and Rural Strategies. Report. July 15, 2018. Accessed August 23, 2021. <http://buildhomesnotbarriers.ca/wp-content/uploads/2019/10/2018-BCNPHA-SCARP-NIMBY-Strategies-July-2018.pdf>.

151 Ibid.

152 Ibid.

shallow. While housing providers regularly encounter high demands, they often experience low internal capacity to tend to the demands while focusing on expanding their organization. An increase in buildings, units and tenants simultaneously requires greater administrative and organizational capacity to maintain the facilities and tenant relationships. However, many housing providers experience a lack of adequate funding to support internal capacity, staff typically hold several demanding roles within their organization and new staff do not have the time to take important additional training, such as mental health and counseling. Thus, without funding for effective staff management, it is difficult for housing providers to sustain their growing organization.

Secondly, housing providers with more housing projects are able to better sustain themselves due to economies of scale. For many other housing providers that have not had the capacity to take on additional housing projects and develop new units, attracting and retaining qualified staff has been a huge challenge without adequate funding to increase capacity. Kevin Albers of M'akola Housing Society mentions,

"M'akola is somewhat different than a lot of societies in that we were always looking at economies of scale to build enough kind of funding into the system to be able to hire and attract and retain qualified people. That's hard to do if you only have one housing project, it's effectively impossible. So we've always been on the mind of increasing the magnitude [and] the size of M'akola so that we can contribute to those fixed kinds of cost, but then spread over a larger number of units. It's been very successful for us and it's allowed us to attract and retain very qualified people in our system."<sup>153</sup>

#### 6. Poor Relationship with Municipalities

While the urban Indigenous population is growing and are requiring urgent needs, many housing providers find that their municipalities do not consider Indigenous housing a priority. While some housing providers have mentioned their great relationship with their City, others have considered their City's lack of priority for Indigenous housing a barrier for urban Indigenous peoples to access adequate housing. A housing provider CEO suggested that "it would be helpful if CMHC, AHMA or BC Housing had arrangements with municipalities where development could be much easier and a less fraught process than it currently is".<sup>154</sup> In a BC study conducted by Cleo Breton (2020), Breton found that,

"Although some municipalities do believe it is necessary to identify urban Indigenous housing needs in addition to the housing needs of the general municipal population, there remains significant uncertainty and lack of acknowledgment for Indigenous-specific housing needs in [Official Community Plans] and Housing Strategies."<sup>155</sup>

Specifically, 2 out of 13 municipalities in BC explicitly acknowledged or addressed urban Indigenous housing needs within their Official Community Plans or Housing Strategy, and 7 out of 13 municipalities believe urban Indigenous housing needs are distinct from the housing needs of the general population.<sup>156</sup> As locally elected officials and municipal planning staff have a major influence on the future of their municipality, there is a greater need for close partnerships with urban Indigenous housing providers and action to support their local urban Indigenous population.

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153 Kevin Albers, M'akola Housing Society Chief Executive Officer. Interviewed by Joanne Nellas, August 10, 2021.

154 Interviewee 12307. Interviewed by Joanne Nellas, July 23, 2021.

155 Cleo Breton. Urban Indigenous Housing in BC: Municipal Response through Housing Policies and Plans. Report. 2020. Accessed September 8, 2021. <https://static1.squarespace.com/static/573e02ab62cd943531b23633/t/600f5460f6c6424d411ff8b7/1611617378284/Final Report.pdf>.

156 Ibid.

## BRIDGING THE GAP

Both on reserve and off nation housing face unique obstacles and barriers which has led to vastly different housing outcomes. Bridging the housing gap between on reserve and off nations requires supporting First Nations in having better housing outcomes for their members and increasing the capacity of urban Indigenous housing providers to house the growing urban Indigenous population. ‘Bridging the gap’ means to improve the quality of homes and communities everywhere to allow Indigenous peoples the ability, choice, and freedom to live where they wish comfortably. However, this ability entails that the obstacles and barriers to building and maintaining a home on and off nation are addressed, particularly on reserves. Additionally, the social and economic reasons for First Nations to leave reserves need to be addressed. Systemic crises call for urgent holistic and interdepartmental solutions between First Nations, AHMA, BC Housing, CMHC, ISC, and the First Nations Health Authority.

Despite the need for stakeholder collaboration and communication, governmental organisations often deny responsibility to Indigenous peoples. Bridging the gap is complicated by the lack of jurisdictional clarity between the federal government and the Provinces. Under section 91(24) of the 1867 Constitution Act, the federal government has exclusive legislative authority for “Indians, and Lands reserves for the Indians”.<sup>157</sup> However, the federal government only applies the Indian Act to Indigenous peoples living on federally-recognized reserves, thus absolving their responsibility to Indigenous peoples who live off nation.<sup>158</sup> Thus, any federal programs and funding dedicated to Indigenous housing are targeted for housing on reserves. Additionally, under section 92 of the Constitution, Provinces have jurisdiction over many areas that could overlap with the federal government, such as housing. At the same time, Provinces deny their responsibility for providing services to Indigenous peoples living off nation under the belief that it is the duty of the federal government. “The overlap between federal jurisdiction over First Nations under section 91(24) and provincial jurisdiction over many areas of service provision means that responsibility for the provision of services to First Nations people living off-reserve is not clearly defined”.<sup>159</sup> As well, this overlap may further introduce difficulties to urban Indigenous peoples who want to access federal services and provincial programs.<sup>160</sup> While the federal government has claimed jurisdiction over Indigenous people, the government has refused to also claim financial costs of Indigenous people living off nation.<sup>161</sup> Additionally, the jurisdictional overlap has resulted in two separate databases: one for housing on reserve and the other for off nation. As there is a lack of communication between the two, it is not uncommon to find Indigenous people being denied housing from both on and off nation housing systems while others are benefiting from social housing in both systems. The lack of jurisdictional clarity, responsibility, and fiscal offloading has therefore resulted in poor allocation of resources and created gaps in services to effectively address the urgent issues that Indigenous people are facing both on and off nation.

### **What Is Currently Being Done In BC?**

In spite of the barriers to bridge the gap, regional and local organizations have taken the initiative to build capacity on reserves.

#### Indigenous Housing Fund:

BC is the first province in Canada to invest in social housing on reserves. The Indigenous Housing Fund was developed in 2018 by BC Housing to support the building and operation of 1,750 new social housing units located both on and off nation. The program targets Indigenous families, seniors, individuals, and persons with a disability. Additionally, the program was co-developed with non-profit housing providers, AHMA, Indigenous housing societies, and First Nations. While many interviewees noted the limited number of accepted proposals and short operating agreements, the program is recognized as a great initiative for the

157 Standing Senate Committee on Human Rights. *Recognising Rights: Strengthening Off-Reserve First Nations Communities*. Report. December 2013.

158 Merle and Reimer. “Rights to Off-Reserve Housing.” 6.

159 Ibid., 13.

160 Ibid., 5.

161 Ibid., 13.

province to begin supporting First Nations.

#### BC First Nation Mentorship Program:

The BC First Nation Housing Mentorship Program is a network of housing mentors that assists other First Nations leadership and housing staff with guidance on all aspects of housing management. These include:

1. Understanding and accessing funding
2. Data management
3. Evaluation
4. Planning
5. Policy Development
6. Property Management
7. Relationship building
8. Construction project management
9. Governance
10. Public/Community Education

Crystal Sedore, the Housing Manager of Yale First Nation, created the mentorship program out of the urgent need for shared reserve housing knowledge. Conducted through Sedore's survey, Sedore found that the "top three challenges when dealing with on reserve housing" are not enough funding, accessing support/training, and poor landlord/tenant relations.<sup>162</sup> Funded by ISC, the mentorship program aims to reduce the costs of expensive consultants and tap into the existing knowledge of First Nations leadership and band staff.<sup>163</sup>

#### M'akola Development Services:

M'akola Development Services is an Indigenous-based development consulting firm that works alongside Indigenous communities, both urban Indigenous and First Nations, to build affordable and sustainable housing.<sup>164</sup> Their services included on-reserve development, urban Indigenous development, housing policy development, capacity building, and more.<sup>165</sup> M'akola Development Services had recently worked with Cowichan Tribes to develop an assisted living building on Cowichan traditional territory through provincial funding from BC Housing and Island Health. As M'akola is also the largest Indigenous affordable housing provider in BC, they aim to share their expertise with First Nations in developing and operating affordable housing projects on reserves to overcome unique obstacles that First Nations face, such as the lack of administrative training, low administrative capacity, and difficult property management relations with tenants. Kevin Albers, CEO of M'akola Development Services and M'akola Housing Society, recognizes that bridging the housing gap between on and off nation housing requires "leveraging each of the different parties' strengths and filling in each of the party's weaknesses".<sup>166</sup> The journey for M'akola, an off nation organization, to develop housing projects on reserve, despite the partnership with a First Nation, was not easy. In particular, Albers found that building on reserves requires dealing with another layer of bureaucracy, INAC, to be able to do development and operate housing projects on reserves.

#### ***The Need For A Holistic Approach To Housing***

Housing insecurity is seen at the centre of many issues that Indigenous peoples are faced with.<sup>167</sup> Housing insecurity can be linked to poor social development and health, employment opportunities, child and family

<sup>162</sup> Discourse Media. "Could a Lottery Winner Fund First Nations Housing in Canada? Theoretically, Yes." All-In-One Marketing Platform for Small Business. February 2018. Accessed September 6, 2021. <https://mailchi.mp/discoursemedia/could-a-lottery-winner-fund-first-nations-housing-in-canada-theoretically-yes>.

<sup>163</sup> Ibid.

<sup>164</sup> M'akola Development Services. "INDIGENOUS PLANNING & DEVELOPMENT." M'akola Development Services. June 28, 2021. Accessed September 01, 2021. <https://makoladevelopment.com/indigenous-planning-and-development/>.

<sup>165</sup> Ibid.

<sup>166</sup> Kevin Albers, M'akola Housing Society Chief Executive Officer. Interviewed by Joanne Nellis, August 10, 2021.

<sup>167</sup> Cliff Grant, Aboriginal Housing Management Association Director of Strategic Relations. Interviewed by Joanne Nellis, October 7, 2021.

services, Missing and Murdered Indigenous Women and Girls (MMIWG), and more. Toba Bryant states that “the availability and affordability of housing plays an important role in relationship to other social determinants of health. People can go without many things, but going without housing is potentially catastrophic”.<sup>168</sup> According to Statistics Canada, living in a dwelling in need of major repairs is associated with poorer health outcomes for off nation First Nations peoples aged 15 and older (Table 2).<sup>169</sup>

As 35.2% of urban Indigenous peoples are in core housing need, over 30% of their monthly income is spent on rent.<sup>170</sup>

This is in addition to housing bills, transportation costs, education costs, health services and medications, childcare services, and more. The impacts and costs are then exacerbated when faced with overcrowding or substandard housing. Bryant mentions, “one would expect living in crowded or substandard housing to have profound health effects, as one would the worse case of being housed in a shelter or living in the streets”.<sup>171</sup> One of the root causes for the “disappearances and deaths of Indigenous women, girls, and 2SLGBTQQIA people is the social and economic conditions in which they live”.<sup>172</sup> People who experience poverty, lack of housing, food insecurity, unemployment, and other limiting conditions are at a much higher risk of being targeted for violence.<sup>173</sup> In particular, Indigenous women are most likely to experience these conditions. Despite the continuous calls to improve safety and commit to action, government institutions continue to deny Indigenous women, girls, and 2SLGBTQQIA people of basic needs. The denial of the right to safe, affordable, and acceptable housing places people in increasingly vulnerable and precarious situations. Solutions for ending violence against Indigenous women, girls, and 2SLBTQQIA people need to focus on addressing the underlying systemic causes of violence: “intergenerational trauma through colonization, [social and economic] marginalization, lack of institutional will, and the failure to recognize the expertise and capacity of Indigenous women themselves”.<sup>174</sup>

The Human Rights Council of the United Nations mentions,

“The denial of economic, social and cultural rights can lead to violations of other human rights. For example, it is often harder for individuals who cannot read and write to find work, to take part in political activity or to exercise their freedom of expression. Failing to protect a woman’s right to adequate housing (such as lack of secure tenure) can make her more vulnerable to domestic violence, as she might have to choose between remaining in an abusive relationship or becoming homeless.”<sup>175</sup>

**Predicted probabilities of having selected poor health outcomes, by social determinants of health experienced, off-reserve First Nations population aged 15 and older, 2012**

Proximal determinants - physical environments and resource	At least one chronic condition	Fair or poor self-rated general health	Fair or poor self-rated mental health
House in need of major repairs	0.70	0.27	0.18
House is need of minor/ no repairs	0.62	0.21	0.13
Moved once or more in the last 12 months	0.62	0.20	0.12
Did not move in the last 12 months	0.63	0.23	0.14

Table 2. The table above displays the correlation of an off nation First Nation individual to have poor health by their housing condition. The data has shown that individuals perceive their general and mental health to be more poor when living in a house in need of major repairs. Data sourced from the Aboriginal Peoples Survey of 2012.

168 Bryant. THE CURRENT STATE OF HOUSING IN CANADA AS A SOCIAL DETERMINANT OF HEALTH., 53  
 169 Statistics Canada. “Social Determinants of Health for the Off-reserve First Nations Population, 15 Years of Age and Older, 2012” August 12, 2016. Accessed October 4, 2021. <https://www150.statcan.gc.ca/n1/pub/89-653-x/89-653-x2016010-eng.htm>.  
 170 Mikayla Roberts. “An Analysis of Off-reserve Core Housing Need of Indigenous Renters in British Columbia.”  
 171 Bryant. THE CURRENT STATE OF HOUSING IN CANADA AS A SOCIAL DETERMINANT OF HEALTH., 54  
 172 Reclaiming Power and Place: the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. Canada, 2019. Web Archive. <https://www.loc.gov/item/lcwaN0028038/..>, 114  
 173 Ibid.  
 174 Ibid., 118  
 175 Ibid., 330.



Canada's current response to homelessness, which takes on a reactive approach, is significantly more expensive than housing individuals or creating preventative measures to ensure homelessness doesn't occur in the first place.<sup>176</sup> The cost of homelessness includes shelters and housing, emergency services, health and social services, policing and the criminal justice system. In 2007, a conservative estimate of the annual cost to just provide emergency services towards homelessness in Canada was \$4.5 to 6 billion.<sup>177</sup> A 2005 study found that the annual basic costs of individuals living in Toronto, Vancouver, Montreal and Halifax found that institutional responses (prison/ detention and psychiatric hospitals) cost \$66,000 to \$120,000, supportive and transitional housing cost \$13,000 to \$18,000, emergency shelters cost \$13,000 to \$42,000, and affordable housing without supports cost \$5,000 to \$8,000.<sup>178</sup> Several studies have shown that there are clear cost savings when homeless individuals are provided the necessary housing and support rather than to continue with the status quo.<sup>179 180 181</sup>

A systemic crisis calls for systemic solutions. Addressing housing insecurity and the right to housing will provide significant improvements towards social and economic developments. However, institutional will and commitment to the provision of housing need to occur, and more importantly, the institution's realization of Indigenous Peoples' rights. The denial of safe, affordable, and accessible housing manifests in a vicious cycle of vulnerability to violence, susceptibility to physical and mental health issues (including respiratory issues and addictions) and unsafe living conditions, lack of residual income after paying necessities, and the precariousness of living situations. Bridging the housing gap between non-Indigenous and Indigenous peoples requires a holistic approach of not only the provision of safe, affordable, and accessible housing, but also safe, affordable, and accessible health and social services, reducing barriers to education and employment, and institutional will and commitment. Policies, programs, and actions need to be culturally appropriate and approached through a gender-based lens.

## CONCLUSION

Indigenous housing programs serve a crucial role in developing housing on reserves and off nations. Through the lens of the Section 95 program and the UNHP, the two core funding programs of their respective clients, this report uncovered the main obstacles and barriers to building housing for Indigenous peoples. As 'bridging the gap' means to improve the quality of homes and communities everywhere to allow Indigenous peoples the ability, choice, and freedom to live where they wish comfortably, the challenges to housing must be significantly reduced on reserves and off nations.

## LIMITATIONS

While there are 203 First Nations in BC, all of which are culturally, economically, and politically diverse, interviews with more First Nations housing managers need to be conducted to grasp a more comprehensive understanding of Section 95's impact on First Nations. The findings with the seven First Nations in this study serves as a starting point for a larger study. As housing is a social determinant of health, further research needs to be conducted to explore the full impact of housing on Indigenous people's health and wellbeing.

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176 Stephen Gaetz. *The Real Cost of Homelessness*. Report. 2012. Accessed October 8, 2021. [https://www.homelesshub.ca/sites/default/files/attachments/costofhomelessness\\_paper21092012.pdf](https://www.homelesshub.ca/sites/default/files/attachments/costofhomelessness_paper21092012.pdf).

177 Ibid.

178 Ibid.

179 Michelle Patterson, Julian Somers, Karen McIntosh, and Alan Shiell. *Housing and Support for Adults with Severe Addictions and/or Mental Illness in British Columbia*. Report. October 31, 2007. Accessed September 12, 2021.

180 Steve Pomeroy. *The Cost of Homelessness: Analysis of Alternate Responses in Four Canadian Cities*. Ottawa, ON: National Secretariat on Homelessness. Accessed September 12, 2021.

181 Michael Shapcott. *The blueprint to end homelessness in Toronto*. Report. December 13, 2011. Accessed September 12, 2021.

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### Key Informant Interviews

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Christos Vardacostas, Takla First Nation Housing Project Management. Interviewed by Joanne Nellas, September 01, 2021.

Cliff Grant, Aboriginal Housing Management Association Director of Strategic Relations. Interviewed by Joanne Nellas, October 28, 2021.

Crystal Sedore, Yale First Nation Housing Manager. Interviewed by Joanne Nellas, August 20, 2021.

Dolores Nicholas, Shuswap Indian Band. Interviewed by Joanne Nellas, August 19, 2021.

George Richardson, Takla First Nation Housing Manager. Interviewed by Joanne Nellas, July 26, 2021.

Helen Hanson, Klahoose First Nation Housing Coordinator. Interviewed by Joanne Nellas, July 27, 2021.

Interviewee 12307. Interviewed by Joanne Nellas, July 23, 2021.

Interviewee 102708, CMHC Representative. Interviewed by Joanne Nellas, August 27, 2021.

Interviewee 112307. Interviewed by Joanne Nellas, July 23, 2021.

Interviewee 932607. Interviewed by Joanne Nellas, July 26, 2021.

Jim Munroe, First Nations Housing Inspector. Interviewed by Joanne Nellas, July 20, 2021.

Johnny Hanuse, Klahoose First Nation Councillor. Interviewed by Joanne Nellas, July 27, 2021.

Kevin Albers, M'akola Housing Society Chief Executive Officer. Interviewed by Joanne Nellas, August 10, 2021.

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