



What We Heard Report: Non-market housing as a solution to the housing crisis

National Right to Housing Day Virtual Panel,
hosted by the Office of the Federal Housing
Advocate

November 22, 2023

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Event details

Date and Time: November 22nd, 2023, 1PM – 2:30PM ET

Location: Zoom

Organizers:

- The [Office of the Federal Housing Advocate](#)
- The [National Right to Housing Network](#)

Attendees: 248

Disclaimer: The opinions and recommendations expressed in this document are those of the experts and do not necessarily reflect the views of the Canadian Human Rights Commission or the Federal Housing Advocate.

About the event

On National (Right to) Housing Day, Marie-Josée Houle, the Federal Housing Advocate, and the National Right to Housing Network co-hosted a virtual panel discussion on human rights-based solutions to Canada’s housing supply issues.

For decades, housing policy in Canada has fostered a system that treats housing as a commodity and a means for some to grow wealth – while others fall further behind and are unable to keep a roof over their head. There is an urgent need to adjust course to address these inequities, protect tenants, and ensure that public funds are used for public good. Our housing system should ensure that everyone can enjoy their human right to adequate housing.

Public investment in non-market housing is essential to restore the health of our housing system and ensure that everyone in Canada has access to affordable, accessible, adequate housing.

But today, social housing represents just 3.5% of Canada’s total housing stock, or 655,000 homes—[far less than other OECD countries](#) like the Netherlands (at nearly 35%).

Fewer than 5% of the units built by the federal government’s +\$82-billion-dollar National Housing Strategy so far would be affordable to those with the lowest incomes, according to [research commissioned by the National Housing Council](#).

The purpose of this discussion was to:

- Hold governments to account for the commitments made to growing the non-market housing sector under the National Housing Strategy and to set up the sector for success;
- Examine human rights- and evidence-based policy solutions; and,
- Contribute to the Federal Housing Advocate’s on-going advocacy efforts and recommendations to Parliament and relevant government officials, including at [Housing on the Hill Day](#).

This National Right to Housing Day event began with an introduction from moderator Alex Nelson, a Community Engagement & Research Specialist at the National Right to Housing Network. Next, Elder Syexwáliya, a Knowledge Carrier and Elder Advisor from Squamish Nation, offered opening words to set the tone and start the event in a good way.

The guest speaker was Dr. Carolyn Whitzman, a housing rights advocate, researcher, and adjunct professor at the University of Ottawa. Dr. Whitzman set the stage with a quick snapshot of her [latest research on housing need under a rights-based approach](#), commissioned by the Office of the Federal Housing Advocate.

Then, a panel of housing experts from across the sector discussed specific ways that governments can effectively scale up non-market housing that is permanently affordable, to advance the right to adequate housing and meet Canada's affordable housing needs.

Purpose of the report

This What We Heard Report is intended to provide advice in line with human rights standards to contribute to policy conversations on scaling up non-market housing.

It is hoped that this report can be used as a tool to engage directly with more non-market experts on how governments can support Canada's non-market sector for long-term success. That includes efforts to:

- scale up non-market housing to match the level of other OECD countries and begin to meet the needs of people in Canada;
- maintain the physical assets as well as general capacity; and,
- open pathways through changes in legislation and policy to allow the sector to further scale up without always relying on government financial support to do so.

These efforts to scale-up non-market housing must be prioritized at all levels of government, with strong leadership provided by the federal Minister of Housing, Infrastructure, and Communities. This should include substantial federal funding for provinces and territories to urgently prioritize and develop non-market housing suitable for their jurisdictions.

Executive summary

- Government investments through the National Housing Strategy need to prioritize non-market housing so it represents at least 20% of the rental housing stock in Canada.
- The non-market housing sector also needs to be supported through government investments to ensure the proper management of their properties and governance of their organizations, and grow the capacity for housing development and business acumen of the sector.
- Legislative change needs to create mechanisms to allow the non-market providers to leverage their assets worth billions of dollars to get the capital to build and acquire more properties.

- Community land trusts need to be recognized as important vehicles to secure public land for development on behalf of the non-market providers.
- There is a need for all levels of government to uphold their human rights obligations, including the human right to adequate housing as defined in international and domestic law. Our discussion highlighted the urgent need for inclusive, rights-based solutions that address the diverse and pressing housing needs across Canada.
- While deeply rooted shifts are needed to create community-held, public, and non-market housing, as others highlighted in the chat, all seven elements of adequate housing must be respected to realize the human right to housing. There is still so much work to be done.
- But it is up to us to hold decision-makers accountable. Business as usual will not support the progressive realization of the human right to housing.

Opening introduction

Marie-Josée Houle, Federal Housing Advocate

- To scale up non-market housing in Canada, we need long-term vision and leadership. The federal government needs to prioritize the development of housing supply that is permanently affordable and provides community value, particularly through the [National Housing Strategy \(NHS\)](#). This includes non-profit housing, government-owned housing, co-op housing, community land trusts, and Indigenous-led non-market housing.
- We must counter the narrative that only the private market has the ability and capital to build the housing we need, and that they must be incentivized. We have tried this approach for 30 years and the supply and affordability crises are worse than ever.
- Investments through the NHS, then, must prioritize the construction of non-market housing as a community good.
- Last year, on National Right to Housing Day, I called on the Federal government to take steps to align the National Housing Strategy with the human rights obligations outlined in the National Housing Strategy Act.
- Today, I want to do a deeper dive on one of these steps. As I call on the federal government to prioritize the development and acquisition of non-market housing supply that is permanently affordable and provides community value, it is very important to get it right.

Guest speaker

Carolyn Whitzman, housing rights advocate, researcher, adjunct professor at the University of Ottawa and Expert Advisor to the Housing Assessment and Resource Tools (HART)

- A [2022 Canada Mortgage and Housing Corporation \(CMHC\) report on housing shortages in Canada](#) estimated a need for 5.8 million homes to be built across Canada by 2030, but the calculation used focuses only on middle income homeownership affordability, instead of using income-based categories which focus on affordability for low- and moderate-income households.
- A rights-based approach asks: “Who needs what housing, where, and at what cost?”
- The [Housing Assessment Resource Tools \(HART\)](#) project found that:
 - 1.1 million households (almost 80% of all households in core housing need) are low income and can afford a maximum of \$1,050/month.
 - 300,000 of those households are very low income, relying on welfare or other fixed income, and can afford a maximum of \$420/month.
- Core housing need excludes the following groups:
 - 2.2 million adult students;
 - Up to 235,000 homeless people without permanent shelter;
 - 70,000 temporary farm workers;
 - 700,000 people living in congregate housing with no private entrance, kitchen or bathroom;
 - Up to 1 million people in ‘suppressed household formation’—adults still living with their parents or with roommates for affordability reasons but who would prefer to live independently; and,
 - Up to 1 million households in ‘suppressed local demand’ - households ‘driving until they qualify’ for affordable housing, even if that means they are far from jobs and services.
- **Housing policy must make the uncounted ‘count.’** Needs assessments must focus on the entire population, including homeless people, students, migrant farm workers, and those who live in congregate housing.
- The Office of the Federal Housing Advocate asked me to develop [a rights-based calculation of housing need across Canada](#)—and by counting the uncounted, **I find a current deficit of 3 million homes affordable to very low- and low-income households and 1.3 million homes affordable to moderate- and median-income households.**
- **All federal reports and programs must use consistent definitions of affordable housing** that consider income categories and maximum monthly costs, as well as household size and priority populations such as single mothers, Indigenous and racialized people, and those with disabilities.
- Accurate need assessments must ‘work backwards’ from what those who are most marginalized can afford, to develop policy that can meet those needs.

Panelist presentations

Stéphan Corriveau, Executive Director of the [Community Housing Transformation Centre](#)

- **Rename ‘non-market housing’ to ‘non-speculative housing’:** It needs to be made clear that the aim of non-market housing is, in fact, non-speculative.
- **Refocus on the purpose of the National Housing Strategy to address the needs of those who are affected most by the housing crisis:** The federal government must commit to understanding and investing in the entire housing market, then focus on those who are most deeply affected by the housing crisis.
 - The National Housing Strategy as well as other investments from the federal and provincial governments and other entities have been geared towards private ownership or the creation of high-end rental units, which are not named in the National Housing Strategy. (The Mortgage Insurance Program, Capital Gains Exception on Primary Home, \$900M investment in the Equity Program are some examples).
 - The most recent federal action to waive GST on construction of purpose-built rentals is problematic and provides the deepest incentive for the development of high-end rentals. The higher the rent, the higher the tax break is. This incentive is therefore not targeted to the lower rent buildings and will not lead to the creation of more affordable housing.
- **Remove barriers that prevent non-market housing sector from leveraging their existing assets:** The non-market housing sector as a collective owns and manages over 650,000 units across the country with a value of over \$65 billion. However, the non-market housing sector faces barriers that prevent them from leveraging their assets to obtain more capital for further development, that the private market does not face. The sector needs to collectively advocate for this change.
- **Transfer Public Land:** 91% of the land in Canada is public land. Even in urban centers, 65% of the land is public. All land that is viable for construction must be transferred to public or community land trusts¹ and be dedicated to the creation of affordable housing and infrastructure.
 - All construction of housing and infrastructure will then cost less because it will not include the cost of land, which is, at present, based on its speculated value.
- **Stop or slow speculation:** 20% of Canada’s GDP is spent on speculative activity. Individuals and investment firms are buying housing and rental housing that already exists with the sole aim of reselling it or renting it later at a higher price to make a profit. “Speculation is concentrating wealth

¹ Community land trusts (CLTs) are nonprofit organizations that manage land to provide permanently affordable housing. Governed by a board representing CLT residents, community members, and public officials, CLTs ensure that homes on their land remain affordable for long periods, often up to 100 years. This model offers sustainable homeownership opportunities for lower-income families by protecting against market fluctuations and maintaining long-term housing affordability, primarily through shared equity arrangements. CLTs may receive funding from government sources or social investors and play a crucial role in fostering stable, inclusive communities.

in the hands of fewer and fewer people because only few people can afford [to buy homes] ... and that will keep going.” Despite Canada being one of the richest countries in the world, these acts of speculation impoverish the country as a whole by failing to leverage this wealth into proper investment in infrastructure and housing that lead to better conditions for people, both of which, across the country, are sorely lacking.

- Enshrine a commitment to regular investments in housing in perpetuity, which would allow for:
 - Long-term planning for the non-market housing sector as well for those administering the funds.
 - Simplification of the project approvals (which would make the projects less costly).
 - Tying conditions to federal funding for provinces and territories to ensure these funds are spent on affordable housing and that they meet human rights requirements, so that public funds result in public good.
- **Create mechanisms to access funds from interested individual investors:** Government needs to create mechanisms for community land trusts to access capital from interested individual investors (such as RRSP contributions for example) that can be used to purchase land and properties to create housing that is affordable in perpetuity.

Margaret Pfoh, CEO of the [Aboriginal Housing Management Association \(AMHA\)](#)

- **Support acquisition fund:** We came together as a sector in 2019 to advocate for the province of British Columbia (BC) to invest in purpose-built affordable rentals. People that were living in what used to be purpose-built affordable rentals were being renovicted just for investors to turn a profit, which is not a human rights-based approach. All the people displaced elevate the rental demand and they have to deal with rent increases in the market that far outpace wage increases. Or, they are added to the homelessness crisis. The way things stand currently, almost 50% of the population can afford 0% of the available rentals. Aboriginal Housing Management Association (AHMA) and our partners put forward a plan and the Province of BC made a historic investment of \$500 million to create the [Rental Protection Fund](#) in support of the community housing sector. Now, non-profit housing providers can acquire existing, occupied rental buildings, addressing a critical gap in housing policy—the erosion of affordability in the private rental market.
- **Support national For-Indigenous-by-Indigenous leadership on housing:**
 - “Having [NICH](#) [[the National Indigenous Collaborative Housing Inc.](#)] recognized as the national for-Indigenous by-Indigenous leadership on housing was an achievement this year. That said, it is clear that \$281.5 million isn’t nearly enough to go out across the country. NICH knows that many applicants with real needs will be disappointed.”
 - The Government of Canada must make a clear commitment with the \$4 billion designated for Urban, Rural, and Northern (URN) Indigenous housing to support NICH and its goals to advance housing for URN Indigenous populations. There must be clear initiatives to support housing and wraparound supports for low-income and vulnerable populations, including URN Indigenous Peoples.

- **Set a minimum deeply affordable target:** It is critical to set a minimum 20% deeply affordable target for all housing developments, in all regions, with vulnerable and marginalized populations prioritized.
- **Respect the duty to consult:** The duty to consult means engagement that goes beyond performative or checking a box. It needs to be about meaningful empowerment through supporting for-Indigenous by-Indigenous approaches, Indigenous autonomy, and self-determination. We must treat those in need as rights holders and experts on what is required for a culturally safe and dignified life. By doing so, governments can help uphold the human rights of urban Indigenous families, which includes the right to housing.
- **Address the Truth and Reconciliation Commission's Calls to Action:** Only 12 of the 94 Truth and Reconciliation Commission's Calls to Action have been completed, and they were the low hanging fruit — the least impactful. The Actions requiring true systemic change have not yet been addressed. At this pace, it will take 42 years to implement them all. They need to move from performative to true reconciliation and that starts from a basic human rights perspective: Indigenous rights are human rights, housing rights are human rights.
- Every level of government must work together and apply maximum available resources to resolve existing inequities.
- **Recognize that housing is a remedy for many problems in our society:**
 - Indigenous people are 13 times more likely to experience homelessness than non-Indigenous people and the core housing need for Indigenous people is double that which non-Indigenous people are experiencing.
 - This crisis of inequity must end for Canada to be compliant with basic human rights and aligned with housing commitments in the [UN Declaration on the Rights of Indigenous Peoples](#), the [Truth and Reconciliation Commission's Calls to Action](#), and the [Calls for Justice from the Missing and Murdered Indigenous Women and Girls Inquiry](#).
 - In AHMA's [Urban, Rural and Northern Indigenous Housing Strategy for BC](#), the return on investment in housing is up to 740% if tax revenues, employment, savings in other government spending, social returns, improvement in overall health, safety for women fleeing violence, for example, are factored in.
- **Housing must be viewed as health care:** Housing is a central social determinant of health for Indigenous people. [Complex care](#) collaborations bring health services together with housing providers to offer enhanced healthcare support for those with concurrent vulnerabilities. It is this kind of innovative and collaborative funding model that directly answers the needs of both those who are unhoused and the non-profit housing societies who require appropriate funding for integrated health services.

Olga Tasci, CEO of the [Agency for Co-operative Housing](#)

- **Recognize that non-market housing is the answer:** We cannot expect the private market to solve the affordability problem. They are in a business to make money. Canada needs much, much more community housing of all sorts to fill gaps that Carolyn’s research is alluding to.
 - Non-market housing by community housing providers operates on a non-profit basis and set rents to breakeven—that is, housing options at cost with access to rent-geared-to-income² subsidies. Co-op and non-profit sector organizations have an important role to play and should be supported.
- **All levels of government need to provide support:** To build to scale, non-market housing programs with support from all levels of government are needed. Governments should coordinate among themselves and collaborate with the non-market sector on programs that can be delivered on a much larger scale. A small example of which is the co-op development program from Budget 2022, which is co-designed with the sector but not yet launched.
- **Provide land leases and recognize the important role of community land trusts:** Governments must offer preferential long-term land leases or asset transfers of government land with first right of refusal to community housing providers.
 - These leases preserve government land for the public good, while land trusts also serve as community stewards of the land.
 - Community land trusts are part of a longer-term solution. Existing land trusts are using a portfolio approach and removing land from the speculative market.
 - They oversee capital needs and ensure sufficiency of replacement reserves.
 - As they grow, they have increased capacity to leverage assets to grow.
- **Create policies and programs that include direct lending:** Grants and loans like government [Co-Investment Funds](#) for development of new housing are inaccessible to non-market housing providers. Direct lending is one way to reduce borrowing costs, hence allowing the sector to develop more housing with fewer taxpayer dollars. Direct loans were offered by CMHC in the past to the non-market housing providers for capital development, with great success.
- **Require building condition assessments and replacement reserve contributions:** Just like condominiums, community housing providers should be mandated to obtain a building condition assessment every five years and make the associated replacement reserve contributions tied to the actual needs of the property rather than some arbitrary amount. Amounts need to be updated at set intervals.
- **Require data collection:** Data collection is required to facilitate comparative benchmarking and sharing of best practices. This will help community housing providers run operations well.

² Rent-geared-to-income (RGI) housing is a type of subsidized housing where the amount of rent tenants pay depends on their household income. RGI housing is only available for households with lower incomes. A household can be a group or an individual living alone.

- **Fund rental assistance for housing providers in perpetuity:** Today, housing co-ops created through legacy federal programs have paid off their mortgages, thus terminating operating agreements. The end of the operating agreements also means the end of government contributions to rent-geared-to-income subsidies for residents with deep financial needs. Recently, federal co-ops have been able to access the National Housing Strategy's [Federal Community Housing Initiative – Phase 2](#). Because the funding will end in 2028, housing co-ops are starting to be careful about offering housing to the people who need it the most because they can't afford to commit to subsidizing them indefinitely. The assistance is there for now, but groups are cautious about depending on it too much. They are the ones who will be stuck telling their most vulnerable members their rental assistance would be ending and evicting them for arrears if the household is not able to pay the non-subsidized housing charges. Without an assurance of funding beyond 2028, the funds are not being spent because the risks are too high. To ensure the success of this program, the funding must be immediately extended beyond 2028.
- **Make investments to ensure the preservation of the existing non-market housing stock:** Attention must be paid to the existing non-market housing stock to ensure it is preserved so community housing providers can continue to fulfill their mission.

Q&A

What are some past approaches that worked well and what lessons did we learn that shouldn't be repeated going forward?

Stéphan Corriveau:

- **Focus on housing that will not increase speculation:** Housing must be a significant part of the federal government agenda, but in a way that does not boost the speculative market. Government must consult with the non-market housing sector, because they have the expertise. They know what to do and how to do it well.

Olga Tasci:

- **Mixed-income housing works:** When needs are so great, it's tempting to target programs uniquely to those most in need, but let's not re-create low-income ghettos.
- **Rental assistance or rent-geared-to-income (RGI) works well:** More rental assistance or RGI is required to give households more mobility as circumstances change, and it needs to be easy to administer. **Online tools** can help do that.
- **Think long-term:** Housing is a long-term investment and lasts a long time; the needs of today are not necessarily the needs of tomorrow. Well-intentioned policies can become administrative burdens for years to come when they no longer serve the intended purpose.

Margaret Pfoh:

- **The sector needs to use a united voice:** It is incumbent upon us as a sector to add to the united voice and pressure the government to really put some bold and meaningful investments into the National Housing Strategy for the entire housing ecosystem.
- **Frame housing issues in an ecosystem:** “I say housing ecosystem because often we fail to remember that the wraparound supports and the funding to prevent homelessness and build pathways out of homelessness aren’t getting funded to the same levels they used to be funded long ago, and this needs to change.”
- **Address disproportionate impact on Indigenous Peoples:** The economic pressures of the past 3-4 years with everything from a pandemic through to environmental disasters have compounded the inequities within the housing crisis. However, parallel to these crises, and unique to Indigenous Peoples, are the findings of more than 10,000 unmarked graves on residential school grounds that create additional and deep trauma. This deep devastation and trauma is added to the fact that Indigenous Peoples have been disproportionately impacted and displaced by recent fires and floods. We need the security and support of home now more than ever.



An image from the Q&A section of the virtual panel featuring Olga Tasci, Margaret Pfoh, Stéphan Corriveau and Marie-Josée Houle.

Discussion from the audience

Disability and accessibility

- There is a need for safe, adequate, income-assisted housing with wrap-around services for those with medical conditions and disabilities who may not be able to work.
- Adequate housing for those with disabilities means large enough spaces for safe living and room for equipment that tenants may need.
- The CMHC and the federal government must mandate universal design³ and accessibility into all federal funds for housing. Canada has obligations it must meet as of when it signed the [United Nations Convention on the Rights of Persons with Disabilities](#) in 2010, and the [Optional Protocol](#).
- The disability community has to consistently use their voice to bring accessibility forward on housing, because accessible housing is virtually non-existent.
- We need to count people with disabilities who are struggling in non-accessible housing.

Supporting tenants

- Tenants should be able to take control over their lives through direct agency to control their housing situation, including with community land trusts that they control.
- Tenants should be allowed to freely associate and bargain collectively with landlords and create their own affordable conditions.
- "Mixed-income housing" facilitates division of tenants based on income. We need buildings that are 100% cheap rent for tenants.

Intersectional inequities and discrimination

- Indigenous community members and people of colour are disproportionately exposed to poverty. We need real hard data on these inequities and disparities to drive all of our housing related interventions and investments. Without Indigenous, ethno-racial, and other disaggregated data, how do we know who in fact are "the most vulnerable" or "most in need"?

Government funding and priorities

- Permanently affordable, adequate housing is neglected by provincial governments and is not up to modern building code standards.
- More money must be funneled to the North for the added expense of building in the North.
- The federal government created \$146 billion in spending measures when there was a pandemic emergency. Do we not consider this housing situation as an emergency?

General comments on non-market housing

- Government needs to support good management practices in non-market housing. The non-market federations (such as the Co-operative Housing Federation of Canada and BC Non-Profit Housing Association) need regular funding to ensure access to education on good management and good governance for non-market housing providers.

³ The overall goal of universal design is to ensure that spaces do not discriminate and that they benefit people regardless of their abilities, needs and cultural preferences. It provides a foundation for ensuring that housing can better respond to the needs of people with disabilities. [Learn more here](#).

Final considerations

Non-market housing is an important solution to restore the health of Canada's housing system. However, there remain myths, misconceptions, and other important considerations when it comes to non-market housing that must be included in policy discussions and policymaking. These include:

- **The non-market housing will “take care” of disadvantaged groups while the private market “takes care” of everyone else:** Canada needs a culture change towards a choice-based, equitable and sustainable housing environment so that non-market housing is a choice for anyone. As has been shown in the past, government programs supporting the construction and operation of non-market housing where 100% of the units are targeted towards households with needs for deep subsidies have only resulted in spatial concentration of poverty and disadvantage. These programs have also set up housing providers for economic failure once the operating agreements and the subsidy agreements expire. All non-market housing needs to be mixed income housing.
- **Non-market housing respects the human right to housing:** All housing providers must uphold the human right to adequate housing. While non-market housing has proven to provide housing that is affordable in perpetuity, all seven elements of adequate housing must be met to protect the human right to housing. For example, governments still need to put in place legislation to support tenants' security of tenure.
- **Non-market housing respects the UN Declaration on the Rights of the Indigenous Peoples Act:** Care must be taken to not make assumptions based on colonial forms of knowing that are not consistent with the inherent rights of Indigenous peoples to self-determined housing, rights to land, and other rights consistent with the UN Declaration on the Rights of Indigenous Peoples Act.
- **‘Affordable housing’:** Just because it is called ‘affordable housing’ doesn't make the housing accessible to people who need it the most. All governments must use a consistent definition of ‘affordable housing’ for all housing policy and programs and ensure it is accessible to people in Core Housing Need.
- **Non-market housing is the solution for all regions across the country:** There is currently a gap in the research, direct engagement and public discourse on housing precarity and homelessness in rural, remote and northern settings in Canada. Solutions to the housing crisis in general, as well as during this panel discussion, too often fail to account for the realities in rural, remote and northern settings where housing precarity and homelessness are manifested differently, it costs more to build, resources are scarcer, and there are no economies of scale. While non-market housing is supported as a solution to the housing crisis – especially in terms of affordability in perpetuity – it must be recognized that non-market housing may not be the best solution for rural, remote and northern regions.