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HOUSE OF COMMONS OF CANADA

NOT OFFICIAL VERSION

DRAFT PREPARED BY BRUCE PORTER AND LEILANI FARHA

FROM ADOPTED AMENDMENTS

AS WE UNDERSTOOD THEM

DECEMBER 11, 2009

BILL C-304

An Act to ensure secure, adequate, accessible and affordable housing for Canadians

Whereas the provision of and access to adequate housing is a fundamental human right according to paragraph 25(1) of the *United Nations Universal Declaration of Human Rights*;

Whereas, in 1976, Canada signed the *International Covenant on Economic, Social and Cultural Rights*, a legally binding treaty committing Canada to make progress on fully realizing all economic, social and cultural rights, including the right to adequate housing;

Whereas the enjoyment of other human rights, such as those to privacy, to respect for the home, to freedom of movement, to freedom from discrimination, to environmental health, to security of the person, to freedom of association and to equality before the law, are indivisible from and indispensable to the realization of the right to adequate housing;

Whereas Canada's wealth and national budget are more than adequate to ensure that every woman, child and man residing in Canada has secure, adequate, accessible and affordable housing as part of a standard of living that will provide healthy physical, intellectual, emotional, spiritual and social development and a good quality of life;

Whereas improved housing conditions are best achieved through co-operative partnerships of government and civil society and the meaningful involvement of local communities;

And whereas the Parliament of Canada wishes to ensure the establishment of national goals and programs that seek to improve the quality of life for all Canadians as a basic right;

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title

1. This Act may be cited as the *Secure, Adequate, Accessible and Affordable Housing Act*.

INTERPRETATION

Definitions

2. The definitions in this section apply in this Act.

“accessible housing”

“accessible housing” means housing that is physically adapted to the individuals who are intended to occupy it, including those who are disadvantaged by age, physical or mental disability or medical condition, and those who are victims of a natural disaster.

“adequate housing”

“adequate housing” means housing that is habitable and structurally sound, and that provides sufficient space and protection against cold, damp, heat, rain, wind, noise, pollution and other threats to health.

“affordable housing”

“affordable housing” means housing that is available at a cost that does not compromise an individual’s ability to meet other basic needs, including food, clothing and access to education.

“Minister”

“Minister” means the Minister responsible for the Canada Mortgage and Housing Corporation.

“Aboriginal Community”

“Aboriginal Community” means a community made up of Métis, Inuit or First Nations peoples, whether or not that community is situated on a reserve.

NATIONAL HOUSING STRATEGY

National Housing Strategy to be established

3. (1) The Minister shall, in consultation with the provincial and territorial ministers of the Crown responsible for municipal affairs and housing and with representatives of municipalities

and Aboriginal communities, non-profit and private sector housing providers and civil society organizations, including those that represent groups in need of adequate housing establish a national housing strategy designed to respect, protect, promote and fulfil the right to adequate housing as guaranteed under international human rights treaties ratified by Canada.

Financial assistance

(2) The national housing strategy shall include incentives for affordable rental housing and ensure that the cost of housing in Canada does not compromise an individual's ability to meet other basic needs, including food, clothing, and access to health care services, education and recreational activities, and shall provide financial assistance, including financing and credit without discrimination, for those who are otherwise unable to afford rental housing.

Requirements

(3) The national housing strategy shall also ensure the availability of housing that:

(a) is secure, adequate, affordable, accessible, and not-for-profit in the case of those who cannot otherwise afford it;

(b) reflects the needs of local communities, including Aboriginal communities;

(c) provides access for those with different needs, including, in an appropriate proportion, access for the elderly and the disabled, and reasonable design options;

(d) uses design and equipment standardization where appropriate to accelerate construction and minimize cost;

(e) uses designs with LEED (Leadership in and Environmental Design) certification;

(f) includes not-for-profit rental housing projects, mixed income not-for-profit housing cooperatives, special-needs housing and housing that allows senior citizens to remain in their homes as long as possible;

(g) includes housing for the homeless;

(h) includes provision for temporary emergency housing and shelter in the event of disasters and crises; and

(i) complies with standards for the maintenance of existing housing stock or for the construction and maintenance of new housing and appropriate health, security and safety standards.

Priority

(4) The national housing strategy shall give priority to ensuring the availability of secure, adequate, accessible and affordable housing to those without housing and to members of groups particularly

vulnerable to homelessness, including:

- (a) those with special housing requirements because of family status or size or because of a mental or physical disability;
- (b) members of groups denied housing as a result of discrimination;
- (c) those who are experiencing violence or who are at risk of experiencing violence.

Quebec

(5) The Government of Quebec may choose to be exempted from the application of this Act and may, if it chooses to do so, receive an unconditional payment equal to the total of the amounts that would otherwise be paid within its territory under this Act.

Implementation of national housing strategy

4. (1) The Minister, in consultation with the provincial and territorial ministers of the Crown responsible for municipal affairs and housing and with representatives of municipalities and Aboriginal communities shall develop a coordinated approach to the implementation of the national housing strategy and may provide advice and assistance in the development and implementation of programs and practices in support of the strategy.

Measures may be taken

(2) The Minister, in cooperation with the provincial and territorial ministers of the Crown responsible for housing and with representatives of municipalities and Aboriginal communities, may take any measures that the Minister considers appropriate to implement the national housing strategy as quickly as possible.

Conference to be held

5. (1) The Minister shall, within 180 days after the coming into force of this enactment, convene a conference of the provincial and territorial ministers of the Crown responsible for municipal affairs and housing, of representatives of municipalities and Aboriginal communities, non-profit and private sector housing providers and civil society organizations, including those that represent groups in need of adequate housing, in order to

(a) develop standards, and set objectives and targets for the national housing strategy referred to in subsection 3(1) – including targets to end homelessness - with clear timelines and accountability mechanisms and develop programs to carry out the strategy;

(b) set targets for the commencement of the programs referred to in paragraph (a)

(c) develop the principles of an agreement between the federal, provincial and territorial governments and representatives of the municipalities, Aboriginal communities, housing providers and civil society organizations, including those representing groups in need of housing, for the development, delivery, monitoring and evaluation of the programs referred to in paragraph (a): and

(d) develop a process for the independent review, addressing and reporting of complaints about possible violations of the right to adequate housing; and

(e) develop a process for review and follow-up on any concerns or recommendations from United Nations human rights bodies with respect to the right to adequate housing.

6. The Minister shall cause a report on the conference, including the matters referred to in paragraphs 5(a) to (Lib) to be laid before each House of Parliament on anyone of the first five days that the House is sitting following the expiration of 180 days after the end of the conference.