

A Human Rights-Based Approach to HousingTO 2020-2030: Executive Summary

Toronto is developing its new HousingTO Plan for 2020-2030. This housing and homelessness plan, like the National Housing Strategy, should be based in human rights.

This submission explores the international right to adequate housing and examines its application in Toronto by reviewing the Housing Opportunities Toronto plan and developing a way forward.

1. Adequate Housing Is a Fundamental Human Right

Home is at the centre of human rights. Without a safe, affordable, secure, and accessible home, our other rights—such as privacy, freedom of expression, equality, liberty, security of the person, dignity, and even life—are threatened.

International covenants signed by Canada guarantee a right to adequate housing. To meet their obligations, states must demonstrate “progressive realization” of the right to housing - that is, steady progress towards realizing the right for all, over time, beginning with those most in need. States have a duty to dedicate the “maximum of their available resources” to meeting these obligations. All levels of government, including municipal governments, have the ability and obligation to respect, protect, and fulfill the human rights set out in international agreements, in their areas of jurisdiction.

The United Nations Committee on Economic, Social and Cultural Rights identifies seven necessary components of adequate housing:

1. Affordability
2. Security of tenure
3. Accessibility
4. Habitability
5. Location
6. Availability of services, materials, facilities & infrastructure
7. Cultural adequacy

Everyone must have equitable access to adequate housing, without discrimination on the basis of race, gender, faith, disability, sexual orientation, place of birth, or other grounds.

Through the National Housing Strategy Act passed June 21 2019, the Government of Canada has recognized adequate housing as a fundamental human right. The legislation affirms that housing is “essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities.” It requires future governments to maintain a National Housing Strategy, and establishes a National Housing Council and Federal Housing Advocate whose role is to monitor the strategy and investigate systemic barriers to the right to adequate housing. The National Housing Strategy Act provides a foundation for Toronto’s implementation of a rights-based approach to housing.

Since the 1980s, global cities have encountered similar patterns in relation to housing: rapidly escalating land prices and rents, neighbourhood polarization, displacement of low-income households, and the emergence of mass homelessness. These trends are driven by global economic forces—including the growing financialization of residential real estate—but the power to transform them is often within municipal jurisdiction. Cities around the world are taking steps to address the root causes of homelessness and housing precarity.

Like other global cities, Toronto is facing a housing crisis. Housing conditions for low- and moderate-income households are worsening, with more and more households lacking housing that meets basic conditions of affordability, security of tenure, accessibility, and habitability. In its HousingTO Plan, Toronto can join global cities in implementing rights-based measures to address the root causes of our housing crisis.

2. A Rights-Based Assessment of Housing Opportunities Toronto 2010-2020

Toronto has already taken steps to recognize the right to adequate housing. *Toronto's Housing Charter - Opportunity For All*, enacted in 2010 to guide Council decisions and the City's actions, affirms that:

"All residents should have a safe, secure, affordable and well-maintained home from which to realize their full potential."

The Charter was the foundation for *Housing Opportunities Toronto: An Affordable Housing Action Plan 2010-2020* (known as the HOT Plan), framing its goals and actions - making the HOT Plan a strong first step towards a rights-based housing strategy.

The HOT Plan provided a framework to improve Torontonians' access to adequate housing and address homelessness through key action areas. Overall, the HOT Plan did not meet its targets, with only 4093 affordable rental units completed, and 7993 projected to be approved, by the end of 2019. Compared to 2010, more people are facing homelessness, and they remain in shelters longer; rental vacancy rates are even lower; and affordable rental stock is disappearing.

3. Key Policies and Programs to Surpass the HOT Plan's Achievements

The HOT Plan offers important lessons as Toronto looks ahead to the next decade. In order to surpass its achievements, and advance progressive realization of adequate housing for all Torontonians, the new Plan must better address the drivers of homelessness and inadequate housing; prioritize the rights and needs of current and future residents over the interests of investors; and use City resources, land, and powers to achieve the most affordable housing possible.

The HousingTO Plan must incorporate more effective policies and programs to strengthen its key action areas:

i. Create housing opportunities in all neighbourhoods

Initiatives in this area must address exclusion of the majority of Toronto's households from most new residential development. The HousingTO Plan should:

- Implement a strong Inclusionary Zoning program that requires affordable, accessible units in all new development across the City;
- Enact measures to curb harmful speculative demand and under-use of our housing supply;
- Build affordable housing requirements, and measures to discourage speculation, into community plans and zoning changes such as those planned for Toronto's "yellow belt;"
- Eliminate discriminatory zoning, such as the prohibition of rooming houses in some parts of the city;
- Make the planning process responsive to the needs and priorities of current and aspiring residents of neighbourhoods undergoing redevelopment - particularly under-represented groups such as tenants and members of racialized and immigrant communities.

ii. Help homeless and vulnerable people find and keep homes

In this area, the City must maximize the impact of the resources invested through the Housing Allowance and Coordinated Access programs, and address exclusion of vulnerable tenants, by coordinating a roster of designated landlords. Housing Allowances should be targeted to non-profits, and private landlords who meet City criteria with regards to unit conditions and non-discrimination.

iii. Assist families and individuals to afford rents

The HousingTO Plan should build on the HOT Plan's successful Choice-Based Toronto Community Housing pilot and the Eviction Prevention in the Community pilot, by fully implementing the Choice-Based System for TCH, and enacting a coordinated strategy to protect private market tenants facing renovictions and other unfair evictions.

iv. Preserve and repair rental housing

In order to promote tenants' rights to safe, secure, and habitable homes, the HousingTO Plan must:

- Strengthen the enforcement provisions of RentSafe to better protect tenants;
- Expand and improve Toronto Community Housing's program of capital repairs: and
- Ensure that measures to improve conditions in private and non-market rental housing don't lead to gentrification-induced displacement of lower-income tenants.

v. Revitalize neighbourhoods

The HousingTO Plan should build on lessons learned through TCH revitalizations to date, in order to maximize the provision of new social housing, ensure tenant leadership and collective self-determination, and preserve community ties.

vi. Create new affordable rental homes

The HousingTO Plan must do a better job of shaping, directing, and balancing Toronto's housing system. It should:

- Set targets not only for affordable housing development, but for all new supply, in order to limit unaffordable supply, and ensure adequate new supply in a range of forms and tenures;
- Adopt a rights-based definition of "affordable housing" that measures affordability in relation to household income, not average market rent; and
- Leverage maximum value from City lands, resources, and zoning changes, to create perpetually affordable housing, owned and operated by public and non-profit entities.

4. A Way Forward: A Rights-Based Approach to HousingTO 2020-2030

A HousingTO Plan based in human rights would create a strong foundation for effective housing and homelessness policies and programs in the coming decade.

First, it is important to clarify what the right to housing would, and would not, mean for Toronto.

In a human rights-based HousingTO Plan, the City WOULD NOT:

- Be obligated to provide every resident with an adequate home;
- End homelessness tomorrow;
- Be taken to court by individuals to claim their housing rights;
- Unduly interfere with private property rights; or
- Have to take responsibility for housing problems outside its jurisdiction.

Instead, the City WOULD:

- Commit to dedicating the maximum of its available resources to ensuring everyone has equitable access to adequate housing;
- Make a plan to progressively realize the right to housing for all, and take immediate action to address urgent threats to human life and dignity, such as homelessness;
- Implement mechanisms outside the court system to monitor and enforce housing rights, and to engage rights-based participation and leadership of people directly affected;
- Use its existing powers—such as planning, zoning, licensing, by-law enforcement, fees, and taxation—to secure residents' housing rights; and
- Take responsibility for problems within its control, and call upon higher orders of government to fulfill their human rights obligations by providing the resources and powers Toronto needs to end homelessness and ensure access to adequate housing for all residents.

A HousingTO Plan based in human rights would include protocols and mechanisms for upholding the right to adequate housing. Key components include:

i. Recognition of housing as a human right

A rights-based housing plan is founded on the recognition of the human right to adequate housing, and the commitment to uphold that right.

ii. Rights-based decision-making

City staff and officials would review the impact of policies on the right to housing, and make human rights the primary consideration in decision making.

iii. Coordinated governance & action

A rights-based HousingTO Plan would set out structures to coordinate the City's work on housing and homelessness.

iv. Goals, targets, timelines, and mechanisms

The Plan would include goals, targets, and timelines for the reduction and elimination of homelessness and for ensuring adequate housing for all residents, and put in place specific policies, programs, and resources to meet those goals.

v. Transparent, evidence-based monitoring

In order to ensure it is advancing the right to housing, the HousingTO Plan would be subject to evidence-based monitoring, using high-quality, disaggregated data.

vi. Rights-based participation and leadership

A rights-based HousingTO Plan would be implemented and monitored with the participation of diverse individuals and communities directly affected by inadequate housing and homelessness, and civil society organizations.

vii. Accountability mechanisms

A rights-based HousingTO Plan would include independent mechanisms through which the right to adequate housing can be monitored, claimed, and enforced.

Submission from the Right to Housing in Toronto Campaign, to City of Toronto consultation process for HousingTO 2020-2030

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The Right2HousingTO Campaign is a group of individuals and organizational supporters that have come together to advocate for a rights-based approach to housing in Toronto. As part of this larger group, the Right2HousingTO Campaign includes ACORN Canada, Advocacy Centre for Tenants Ontario (ACTO), Centre for Equality Rights in Accommodation (CERA), Emily Paradis (Independent Researcher), Federation of Metro Tenants' Association (FMTA), Joy Connelly (Housing Consultant and Advocate), and Maytree.