

National Housing Strategy Act

Enactment of Act

## **Enactment**

### **313 The *National Housing Strategy Act* is enacted as follows:**

An Act respecting a national housing strategy

## **Preamble**

Whereas housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities as well as a strong national economy in which the people of Canada can prosper and thrive;

Whereas access to affordable housing contributes to achieving beneficial social, economic, health and environmental outcomes;

Whereas improved housing outcomes are best achieved through cooperation between governments and civil society as well as the meaningful involvement of local communities;

Whereas national goals, timelines and initiatives relating to housing and homelessness are essential to improving the quality of life of the people of Canada, particularly persons in greatest need;

Whereas a national housing strategy would support a common vision, key principles and a coordinated approach to achieving improved housing outcomes;

Whereas a national housing strategy would contribute to meeting the Sustainable Development Goals of the United Nations;

And whereas a national housing strategy would support the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights, to which Canada is a party;

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 *National Housing Strategy Act*.

Interpretation

## **Definition of *Minister***

**2** In this Act, ***Minister*** means the Minister designated under section 3.

Designation of Minister

## **Order**

3 The Governor in Council may, by order, designate a member of the Queen's Privy Council for Canada as the Minister for the purposes of this Act.

#### Housing Policy Declaration

##### Declaration

4 It is declared to be the housing policy of the Government of Canada to

(a) recognize ~~the importance of that~~ housing is a fundamental human right essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities;

(b) develop and maintain a national housing strategy to support improved housing outcomes for the people of Canada; and

(c) further the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights.

(d) support the implementation of the UN Declaration on the Rights of Indigenous Peoples through distinction-based Indigenous housing strategies as well as an urban and rural Indigenous housing strategy.

#### National Housing Strategy

##### Development and maintenance

5 (1) In support of the housing policy, the Minister must develop and maintain a national housing strategy.

##### Content

(2) The National Housing Strategy is to, among other things,

~~(a) set out a long-term vision for housing in Canada that recognizes the importance of housing in achieving social, economic, health and environmental goals;~~

(a) implement the housing policy, taking into account key principles of a human rights-based approach to housing;

(b) establish national goals relating to housing and homelessness and identify related priorities, initiatives, timelines and desired outcomes, ~~taking into account key principles of a human rights-based approach to housing consistent with the housing policy;~~

(c) focus on improving housing outcomes for persons in greatest need; ~~and~~

(d) provide for participatory processes and community initiatives to advance the right to housing and to ensure the ongoing inclusion and engagement of civil society, stakeholders, vulnerable groups and persons with lived experience of housing need, as well as those with lived experience of homelessness;

National Housing Council]]

### **Duties and functions**

**6 (1)** A council, to be known as the National Housing Council, is established for the purpose of furthering the National Housing Strategy by

~~(a)~~ **(a)** monitoring progress towards the goals of the housing policy and providing advice to the Minister, on its own initiative or at the request of the Minister; and

**(b)** undertaking any other activity that the Minister specifies.

### **Membership**

**(2)** The Council is composed of two co-chairpersons and not fewer than 9, but not more than 15, other members.

### ***Ex officio* members**

**7** The *ex officio* members of the National Housing Council are

**(a)** the Federal Housing Advocate, appointed under section 14;

**(b)** the Deputy Minister of the department for which the Minister is responsible;

**(c)** the Deputy Minister of Indigenous Services; and

**(d)** the President of the Canada Mortgage and Housing Corporation, appointed under subsection 7(1) of the *Canada Mortgage and Housing Corporation Act*.

### **Appointment of other members**

**8 (1)** The other members of the National Housing Council are to be appointed by the Minister to hold office during pleasure for a term, not exceeding three years, that will ensure, as far as possible, the expiry in any one year of the terms of office of not more than one half of the members who are appointed by the Minister.

### **Further term**

**(2)** The members of the Council who are appointed by the Minister are eligible to be reappointed for one further term.

### **Factors to consider**

**(3)** In appointing members, the Minister is to take into consideration the importance of representation on the Council of

**(a)** persons who are members of vulnerable groups;

**(b)** persons with lived experience of housing need, as well as those with lived experience of homelessness; and

**(c)** persons who reflect the diversity of Canadian society.

### **Part-time**

(4) The members of the Council who are appointed by the Minister perform their duties and functions on the Council on a part-time basis.

### **Remuneration and other expenses**

(5) The members of the Council who are appointed by the Minister are to be paid the remuneration that may be fixed by the Minister and are entitled to be reimbursed, in accordance with Treasury Board directives, for the travel, living and other expenses incurred in connection with their work while absent from their ordinary place of residence.

### **Federal public administration**

(6) The members of the Council who are appointed by the Minister are deemed to be employed in the federal public administration for the purposes of the *Government Employees Compensation Act* and for the purposes of any regulations made under section 9 of the *Aeronautics Act*.

### ***Ex officio* co-chairperson**

9 (1) The President of the Canada Mortgage and Housing Corporation is the *ex officio* co-chairperson of the National Housing Council.

### **Designation of other co-chairperson**

(2) The Minister must designate the other co-chairperson from among the members of the Council who are appointed by the Minister.

### **Co-chairperson absent or unable to act**

(3) If the co-chairperson designated under subsection (2) is absent or unable to act, the Minister may designate another person from among the members of the Council who are appointed by the Minister to act as that co-chairperson.

### **Duties of co-chairpersons**

(4) The co-chairpersons have supervision over and direction of the work of the Council.

### **Alternate *ex officio* co-chairperson**

10 (1) The President of the Canada Mortgage and Housing Corporation may designate in writing an alternate to perform his or her duties and functions in respect of the National Housing Council and that alternate is considered to be a co-chairperson of the Council.

### **Alternate *ex officio* member**

(2) Each *ex officio* member, other than the Federal Housing Advocate, may designate an alternate to perform his or her duties and functions in respect of the Council. That alternate is considered to be a member of the Council.

### **Meetings**

11 (1) The National Housing Council must meet four times each year or as the Minister may specify.

## Means of telecommunication

(2) A meeting may be held by any means of telecommunication that allows the members to communicate with each other during the meeting.

## Administrative support

12 The Canada Mortgage and Housing Corporation is to provide the National Housing Council with any administrative services and facilities that are necessary to assist the Council in performing its duties and functions.

Federal Housing Advocate

## Duties and functions

13– (1) There is to be a Federal Housing Advocate whose mandate is

~~(a) to advance the housing policy of the Government of Canada;~~

(a.1) with respect to systemic housing issues faced by persons who are members of vulnerable groups and persons with lived experience of housing need, as well as those with lived experience of homelessness

(i) to receive ~~submissions~~ petitions from those persons and civil society organizations identifying systemic housing issues and measures necessary to address these issues for compliance with the housing policy,

(ii) to consult with those persons and civil society organizations, and

(iii) to analyze and conduct research on those issues, including barriers faced by those persons, as the Advocate sees fit; ~~and~~

~~(b)–) to develop and conduct programs of public information and education to advance the housing policy;~~

(c) to examine and review any statute or regulation, and any program or policy, and make recommendations on its consistency with the housing policy;

(d) to initiate reviews and inquiries into incidents or conditions in a community, institution, industry or sector of the economy, and to make recommendations, and encourage and co-ordinate plans, programs and activities to advance the housing policy;

(e) to monitor progress in meeting goals and timelines and desired outcomes in the housing strategy;

(f) to report on findings and make recommendations to the Minister or any other party; and

(g) to participate in the work of the National Housing Council as an *ex officio* member.

## **Consideration of Petitions**

### **Review and investigation**

(2) The Federal Housing Advocate must review each petition received under paragraph (1)(a.1) to determine whether an investigation is warranted and, if so, conduct an investigation. The Advocate must also communicate the determination to the person or group who submitted the petition.

### **Request for information**

(3) The Federal Housing Advocate may send a request to any person for information relating to the petition. The person must respond to the request within a reasonable period of time specified in the request.

### **Opinion**

(4) After conducting an investigation and reviewing the responses and any other relevant information, the Federal Housing Advocate may issue an opinion as to whether the concerns raised in the petition are substantiated and may direct the opinion to the relevant minister or ministers and any other persons.

### **Remedial recommendations**

(5) The Federal Housing Advocate may also issue remedial recommendations prescribing actions necessary for the progressive realization of the right to housing or the implementation of the National Housing Strategy in accordance with the housing policy.

### **Referral to a panel**

13.1 (1) If the Federal Housing Advocate identifies a systemic housing issue and considers it warrants a hearing, the Housing Advocate must

(a) appoint a review panel to consider the issue and hold hearings into whether remedial action is required; and

(b) provide the Review Panel with a summary of the information that formed the basis for identifying the issue and its possible implications for the progressive realization of the right to housing.

### **Federal Housing Advocate to work with affected communities**

(2) The Federal Housing Advocate must work with affected communities and relevant experts to present evidence and proposals for remedial action to the panel.

### **Membership**

(3) The panel is to consist of 3 members of the National Housing Council with expertise or experience in human rights and housing matters and at least one member must be representative of communities directly affected by homelessness and inadequate housing.

### **Review panel's duties**

13.2 (1) A review panel must, in accordance with its terms of reference,

- (a) consider the systemic housing issues identified in the terms of reference and whether remedial action is required;
- (b) hold hearings in a manner that offers the public, particularly members of affected communities and groups with expertise and experience in human rights and housing, an opportunity to participate, including the payment of travel and other expenses;
- (c) prepare a report that sets out the panel's findings of fact and states the panel's conclusions about the systemic housing issues and its remedial recommendations; and
- (d) submit its report to the Minister and make it public.

### **Informal and accessible hearings**

(2) A review panel must, consistent with natural justice, emphasize flexibility and informality in the conduct of hearings and, if appropriate, receive evidence that would not normally be admissible under the rules of evidence in a court.

### **Immunity**

(3) No action or other proceeding lies against a member of a review panel for or in respect of anything done or omitted to be done during the course of and for the purposes of the review.

### **Ministers to respond to review panel reports**

13.3 The Minister, or any other minister to whom a panel report is directed, must provide a written response within 60 days after receiving the panel's report outlining what will be done to address the systemic housing matters it addresses and to implement its recommendations.

### **Appointment**

**14 (1)** The Federal Housing Advocate is to be appointed by the Governor in Council to hold office during pleasure for a term of not more than three years.

### **Further term**

**(2)** The term may be renewed for one further term.

### **Advocate absent or unable to act**

**(3)** If the Federal Housing Advocate is absent or unable to act, the Minister may designate another person to act as the Federal Housing Advocate, but that person may act for a period of more than 90 days only with the approval of the Governor in Council.

### **Full-time**

**(4)** The Federal Housing Advocate performs his or her duties and functions on a full-time basis.

### **Remuneration and other expenses**

**(5)** The Federal Housing Advocate is to be paid the remuneration fixed by the Governor in Council and is entitled to be reimbursed in accordance with Treasury Board directives for the travel, living and other

expenses incurred in connection with his or her work while absent from his or her ordinary place of work.

### **Federal public administration**

**(6)** The Federal Housing Advocate is deemed to be employed in the public service for the purposes of the *Public Service Superannuation Act* and to be employed in the federal public administration for the purposes of the *Government Employees Compensation Act* and for the purposes of any regulations made under section 9 of the *Aeronautics Act*.

### **Administrative support**

**15 (1)** The Canadian Human Rights Commission is to provide the Federal Housing Advocate with any administrative services and facilities that are necessary to assist the Advocate in performing his or her duties and functions.

### **Contractual assistance**

**(2)** The Commission may, for the purposes of subsection (1), enter into contracts for the services of persons to assist the Advocate in performing his or her duties and functions.

### **Annual report**

**16 (1)** The Federal Housing Advocate must, within 30 days after the end of each fiscal year, submit a report to the Minister for that year on systemic housing issues faced by persons who are members of vulnerable groups and by persons with lived experience of housing need, as well as those with lived experience of homelessness, and in that report the Advocate is to

**(a)** provide a summary of his or her activities, any submissions received, the results of the consultations and of any analysis and research; and

**(b)** recommend measures within the authority of the Government of Canada to address those issues, taking into account the housing policy.

### **Tabling in Parliament**

**(2)** The Minister must cause the report to be laid before each House of Parliament on any of the first 30 days after the Minister receives the report or, if either House is not sitting on the last day of that period, on any of the first 15 days on which that House of Parliament is sitting.

### **Publication**

**(3)** The Federal Housing Advocate may publish the report only after the report is laid before each House of Parliament.

Accountability

### **Minister's response to recommendations**

**17 (1)** Where the Federal Housing Advocate has made a recommendation to the Minister, the Minister must respond to the recommendation within 60 days.

### **Minister's response to annual report**

**(2)** The Minister must respond to the annual report of the Federal Housing Advocate.

### **Tabling of response to annual report**

**(2)** The Minister must cause the response to be tabled in each House of Parliament on any of the first 150 days after the Minister has tabled the annual report in both Houses of Parliament or, if either House is not sitting on the last day of that period, on any of the first 15 days on which that House of Parliament is sitting.

### **Triennial report**

**18 (1)** The Minister must, before March 31, 2021 and within every three years after that date, cause a report to be made on the effectiveness of the National Housing Strategy, with respect to the achievement of the desired outcomes, and the initiatives related to its implementation.

### **Tabling in Parliament**

**(2)** The Minister must cause the report to be laid before each House of Parliament on any of the first 30 days on which that House is sitting after the report is made.

Coming into Force

### **Order in council**

**314 This Division comes into force on a day to be fixed by order of the Governor in Council.**

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