

# Housing Providers Implementing the Right to Housing

A Best Practice Guide



## About us

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The Canadian Centre for Housing Rights (CCHR) is Canada's leading organization working to advance the right to housing. Founded in 1987, CCHR has worked tirelessly for 35 years at the intersection of human rights and housing. We advance the right to housing by serving renters to help them stay housed, providing education and training about housing rights, and advancing rights-based housing policy through research, policy development, advocacy and law reform.

## Acknowledgements

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# 1. Right to housing principles guiding our recommendations

- #1 Housing providers should meaningfully engage tenants in decision-making about their housing.
- #2 Housing providers should ensure equal and non-discriminatory access to safe and secure housing.
- #3 Housing providers should ensure that all tenants live in a safe, adequate and well-maintained home.
- #4 Housing providers must set goals, targets, timelines and mechanisms for transparent evidence-based monitoring.
- #5 Housing providers must ensure that eviction never results in homelessness.

## 2. A framework for understanding a rights-based approach to the provision of housing

The Government of Canada has committed to advancing the right to housing for people living in Canada. This commitment has been made through Canada's signing of international treaties such as the International Covenant on Economic, social and Cultural Rights (ICESCR). The federal government also passed the National Housing Strategy Act (NHSA) in 2019, which is domestic legislation that commits Canada to advance the right to housing over time for its residents. SA recognizes housing as a human right and acknowledges the role of governments in ensuring people have access to secure, adequate and affordable homes. Further, it commits the federal government and other levels of government to advance the right to housing over time through policies and programs that prioritize vulnerable groups and those most in need of adequate housing. The NHSA also establishes three mechanisms to hold the government accountable to realizing its commitment: the Federal Housing Advocate, the National Housing Council and the Review Panel.<sup>1</sup>

Adequate housing must be more than a place to seek shelter from the elements, or a roof over one's head. For housing to be adequate, it must meet certain criteria<sup>2</sup>:

- **Legal security of tenure:** This means that occupants have legal protections against forced evictions, harassment, and other threats to their tenancies. For example, a landlord should not be able to change a tenant's locks and there should be very clear laws about when and how evictions are allowed to take place.
- **Availability of services, materials, facilities, and infrastructure:** This means that occupants should have access to proper infrastructure, such as heating and cooling systems, and proper roads and transit to be able to access the services they need and travel to other parts of their locality.
- **Affordability:** This means that housing costs should not threaten or compromise occupants' other basic needs or the enjoyment of other human rights. For example, people should not be forced to choose between paying

their rent and putting food on the table.

- **Habitability:** This means that people should have access to safe and well-maintained homes that do not jeopardize their health and safety. Many tenants in Canada struggle with maintenance issues that can affect their health, such as mould.
- **Accessibility:** This means that historically disadvantaged groups should be prioritized when it comes to accessing adequate housing resources. Both housing law and policy should consider the special housing needs of groups such as the seniors, children, persons with disabilities, persons with persistent health problems among others.
- **Location:** This means that housing should not be cut off from employment opportunities, health-care services, schools, childcare centres, and other social facilities, and it should not be in polluted or dangerous areas.
- **Cultural adequacy:** This means that the way housing is constructed, the building materials used and the policies supporting these things must appropriately enable the expression of the cultural identity of its occupants and the diversity of housing forms. In Canada, this could mean supporting Indigenous-led housing.

The right to housing also demands a commitment to the principles of non-discrimination. Marginalized and disadvantaged groups are disproportionately impacted when the right to housing is not fully implemented.

The goal of the ICESCR and the NHSA is a fully realized right to housing. This would take many shapes. It would mean that all residents have access to a secure and well-maintained home, located in a resident's community and near important services. Residents would be engaged in decision-making, they would be able to fully participate in their community, and they would feel comfortable in the knowledge that their housing is secure, affordable and provides enough space for their family to live healthy lives. It would also mean that services would be provided to residents in a way that is flexible, evidence-based and well-monitored.

Ensuring that people have access to adequate homes does not end with the government. Housing providers play an important role in increasing access to secure, adequate and affordable homes. This guide provides recommendations on how housing providers can adopt rights-based approaches in the provision of housing, especially to marginalized communities.

The following chapter provides an overview of key mechanisms and human rights principles that housing providers should apply in order to implement the right to housing in their work.

## 3. Key mechanisms for implementing rights-based resident policies

The mechanisms needed to implement the right to housing described below go beyond what is legally required in the provision of housing under provincial tenancy or property standard laws. These mechanisms empower housing providers to advance the right to housing within the scope of their day-to-day work.

In the final chapter of this guide, we provide practical recommendations and sample language on how housing providers can integrate these mechanisms into their resident policies.

### 3.1 – Resident engagement

***Principle #1:*** *Housing providers should meaningfully engage residents to participate in decision-making about their housing.*

This principle speaks to the importance of meaningfully engaging residents in decision-making processes related to their housing outcomes. Policies informed by this principle will prioritize resident participation within the organization that provides their housing.

Good engagement is beneficial to both the resident and the housing provider. Engagement ensures that the policies and services that are developed will meet the needs and goals of residents. Further, engagement can help to make residents feel more valued and invested in their community.

A “one-size-fits-all” approach should not be taken when designing resident participation opportunities. Residents should be given a range of opportunities to

participate in, but their participation should always be voluntary, and never required.

Residents can be integrated into the work of the organization through a variety of formats. Some examples are:

- Surveying residents regularly to gather feedback about services and features in their building or unit.
- Reserving positions for residents on the organization's Board of Directors and on important committees.
- Encouraging and enabling a tenant advisory committee.
- Allowing residents to be engaged in the formulation of housing related services and policies. For example, residents may be consulted on the use of common space, the design of landscaping, guest policies and strategies for energy conservation.

It is critically important that any feedback received from residents is given full consideration, and that mechanisms for integration of residents' feedback are transparent. The feedback given should genuinely influence how decisions are made. Housing providers should avoid engaging residents in superficial engagement practices that are not intended to meaningfully influence their plans.

## **3.2 – Accessibility**

***Principle #2: Housing providers should ensure equal and non-discriminatory access to safe and secure housing.***

Policies informed by this principle will prioritize equal and non-discriminatory access to housing. This principle speaks to the importance of ensuring that housing is provided in a way that is equitable and accessible to all, without discrimination. Further it must affirmatively and preemptively seek to eradicate discriminatory access to processes and facilities.

Housing providers should consider principles of universal design in all facilities to ease access for tenants, staff and visitors alike. Employing universal design can help to avoid stigmatizing and segregating people with disabilities from accessing the building. Universal design can include everything from wide doorframes, lever



door handles, and front-loading washing machines. There are many resources that provide guidelines on universal design.<sup>3</sup>

Further, providers should consider universal design principles in their communications with residents. For example, providing materials in large print and in multiple formats enables a wider range of people to read and understand housing rules and other necessary communication. When providing electronic material, consideration should be given on how to make it easy for the reader to adjust the size and font of text.

Housing providers should have a transparent, reasonable and easily accessible accommodation process. Providers should give information about the process proactively when first meeting tenants and provide regular reminders to tenants that reasonable accommodation is available. Providers should also share their commitment to ensuring equitable access. Further, providers should take steps to ensure confidentiality of those requesting reasonable accommodation and share those protective measure with tenants who make inquiries about accommodation.

When performing routine maintenance or when it is necessary to meet with tenants, housing providers should be flexible about scheduling. Many disabilities result in altered sleep schedules, challenges with paperwork or remembering appointments. Remember it is the duty of the provider to accommodate the tenant. If you are using cleaning products or pest control measures in your building, share that information with the community of tenants, as that may also have an effect on certain tenants with disabilities.

Finally, housing providers should take steps to protect residents who are survivors of gender-based violence. This can include articulating policies and procedures for identifying and responding to incidents of violence in the lives of residents. It can also include having flexible policies in place, for instance when there is property damage or rent is not paid due to gender-based violence. It is also important to train your staff in how to identify and respond to gender-based violence in housing.

### **3.3 - Habitability**

***Principle #3: Housing providers should ensure that all tenants have a safe, adequate and well-maintained home.***

Policies informed by this principle will prioritize the right to a safe, adequate and well-maintained home that respects tenants' dignity and does not pose risks to their mental or physical health. This principle asks housing providers to think not only about meeting minimum property standards, but to also consider how space impacts residents' well-being.

Consider access issues when developing policies around maintenance requests. For some residents, a virtual maintenance portal works well, but many others will struggle to use the service. Consider having an option for residents to call or come into the office to submit a maintenance request.

High heat impacts a tenant's reasonable enjoyment of their unit. Given the growing threat of climate change, it may be necessary for landlords to provide air conditioning to residents. Air conditioning provided by the landlord must be maintained by the landlord and should also be available in indoor common areas.

In 2019, the federal government of Canada prioritized access to the internet, declaring it as no longer a luxury but a necessity.<sup>4</sup> Housing providers should consider providing internet service to their tenants, included as part of rent. The internet is an important tool used today for school, work, paying bills and accessing services.

Providers should take steps to make their housing an attractive and appealing home. Freshly painted walls, landscaping, and other aesthetic considerations may seem like frivolities, but they are an important part of ensuring that tenants live with dignity.

### **3.4 - Monitoring**

***Principle #4: Housing providers must set goals, targets, timelines and mechanisms for transparent evidence-based monitoring.***

Data and measurement are critical to the realization of the right to housing. A well monitored housing program is more able to effectively determine the causes of problems and make informed decisions, find solutions and improve the quality of life for residents. Housing providers should work towards creating an institutional framework to measure successes and failures, develop action plans, and create new and sustainable housing strategies.

Housing providers are well situated to gather data and many housing providers are already in possession of useful data. Housing providers should be sure to consider confidentiality and privacy when using or gathering data about tenants. Data should not be gathered purely for its own sake, but should be used to improve policies, to train staff and to understand gaps in services.

For example, data collected by housing providers can be used to assess the vulnerability of tenants and identify those at highest risk of homelessness. With this information, services can be tailored to residents most in need. This could mean surveying residents or participating with other housing providers in a larger survey of low-income renters. Externally sourced data can be used in the design and location of housing or to inform new services.

Providing training and education to your staff to ensure they are up-to-date on their legal responsibilities is also a critical element of this principle. Providers should set targets and goals for staff training, which should occur regularly. Housing providers can also develop committees tasked with evaluating programs and services, which can include tenants and staff alike.

### **3.5 - Security of tenure**

***Principle #5: Housing providers must ensure that eviction never results in homelessness.***

A housing program committed to the right to housing must ensure that eviction never results in homelessness. Policies informed by this principle will prioritize security of tenure for all tenants, including those who present behavioral or other challenges.

First, housing providers should avoid creating rules that are unenforceable, inconsistent or so vague that neither tenants nor staff can understand what they mean. For example, “Tenants must observe reasonable quiet hours” could be interpreted in many ways. Further, housing providers should avoid creating rules that are excessively detailed, such as specifying the exact types of cleaning products tenants may use.

When a tenant presents a bona fide issue that could result in eviction, housing providers should take every possible intervention to avoid eviction. This should

include the provision of services, exploring alternatives, mediation and committees or chains of command which oversee any possible eviction to ensure transparency of process.

When eviction becomes unavoidable, housing providers should work with the tenant to secure alternate housing. This may include providing ongoing support, assisting with the cost of moving or deposits, providing a favourable reference or establishing partnerships with other providers. Tenants facing eviction should be connected with legal support as well.

## 4. Sample policies for housing providers

We invite housing providers to use or adapt the following sample policies.

### 4.1 - Engagement

- ✓ Survey tenants regularly to get feedback about services and features available at the building:

“ We welcome feedback about your tenancy and will be in touch on occasion to solicit your feedback. In the meantime, a suggestion box is available at \_\_\_\_\_.

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“ We value our tenant advisory committee, and it can be a good way to connect with other tenants about our community. Our management team meets with the tenant advisory committee every \_\_\_\_ weeks. We strongly encourage tenants to get involved with the tenant advisory committee.

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- ✓ Reserve tenant positions on the Board of Directors and on important committees at your organization:

“ To ensure the interests of our tenants are represented on our Board of Directors, we have reserved \_\_\_ Board positions to be held by current tenants. When vacancies arise, the Board positions will be posted \_\_\_ and emailed to all current tenants.

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“ We encourage tenants to get involved in our community. Please consider joining one or more of the following committees:

- The gardening club
- The conflict resolution and mediation committee
- The summer party committee

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## 4.2 - Accessibility

“ We take seriously our commitment to ensuring reasonable accommodation of our tenants. When you first move into \_\_\_\_\_ we will do an assessment of any accommodation needs you currently have. We also will check in with you from time to time to ensure that you are accommodated. You may request an accommodation at any time by contacting the management office or your housing support worker.

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“ We are committed to ensuring confidentiality throughout the reasonable accommodation process. Any documents you provide to us as part of the accommodation process will be encrypted and will be password protected to ensure they are kept confidential.

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“ A list of cleaning products and pest control measures we use will be provided to tenants on the tenant bulletin board and we will update this list if there are any changes to the products we use. Please contact the management office if you have any concerns or questions about these products.

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“ We are committed to creating a safe and supportive environment for our residents. If you are experiencing physical, sexual or psychological harm or threats of harm please know that we are available to support you. We are able to work with you on strategies to make your home safer or connect you with other resources you may require.

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### 4.3 - Habitability

“ There are three methods by which you can request maintenance.

- You can use our maintenance request portal at \_\_\_\_\_.
- You also may request maintenance by coming to our management office located \_\_\_\_\_ during the following times: \_\_\_\_\_.
- You also can request maintenance by calling our management office at \_\_\_\_\_ during the following times: \_\_\_\_\_.

If you have a housing emergency, please call our after-hours emergency number at \_\_\_\_\_. We will provide you with a written receipt when you request maintenance by phone or in person and an emailed receipt when you use our web portal.

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## 4.4 - Monitoring

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We collect various information about our tenants to ensure that we continue to provide the best services possible to tenants. This information is stored securely and only accessed by trained staff. If you are interested in reviewing the information we keep on you, please contact\_\_\_\_\_.

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## 4.5 - Lease violations

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If we believe a tenant, through their behaviour or the behaviour of their guest, has violated a term of their lease, we will first request a meeting with you. Every attempt to accommodate the tenants' schedule will be made, within reason. At this meeting the tenant and the property manager, as well as any supportive housing staff, will discuss the allegations and circumstances. The purpose of this meeting is to resolve the issue with the goal of maintaining the tenancy. Tenants are welcome to bring to this meeting a support person. Solutions such as mediation, transfers and additional supports will be considered.

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<sup>1</sup> <https://laws-lois.justice.gc.ca/eng/acts/N-11.2/FullText.html>

<sup>2</sup> [https://www.ohchr.org/sites/default/files/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf)

<sup>3</sup> <https://www.cmhc-schl.gc.ca/en/professionals/industry-innovation-and-leadership/industry-expertise/accessible-adaptable-housing/universal-design-in-new-housing>

<sup>4</sup> Morneau, William Francis, “Investing in the Middle Class, Budget 2019”, House of Commons, March 19, 2019, <https://www.budget.gc.ca/2019/docs/plan/budget-2019-en.pdf>.



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