



THE HOUSING JUSTICE PROJECT

The urgency of the crisis surrounding housing affordability and access across Canada, and in Vancouver in particular, is well-known. As of the 2006 Census, nearly one-quarter of Canadian households were spending 30 per cent or more of their gross income on housing. The city of Vancouver was ranked in 2011 as the second worst in the world for homeownership affordability and its rental vacancy rates are among the lowest in Canada. This crisis is complex and results from many factors, including: a rise in housing costs; a lack of appropriate government policy; too few new low-income rental units built; low rental vacancy rates; urban population growth; and, income growth that has not kept pace with the cost of living.

The problem we seek to address with this project is how to overcome the barriers to the development of affordable rental housing for those of very low income, and for working people of modest incomes.

WHAT IS HOUSING JUSTICE?

Housing justice refers to the fair and just distribution of housing benefits in a society. Access to affordable, safe and adequate housing is key to an individual's inclusion in the full rights and benefits of citizenship. In a society marked by housing justice there would be a clear set of government programs, strategies and tax incentives that ensure that affordable housing is delivered and that housing benefits are distributed fairly between different segments of the population.

THREE STRANDS

The Housing Justice Project approaches the issues surrounding housing justice with a focus particularly on Vancouver from three distinct but synergistic perspectives:

1. Civil society engagement and education
2. Policy development
3. Social change litigation

In the first and second strands of the project, we will be working with community partners to leverage policy change at municipal, provincial, and federal levels, and to foster heightened civil society engagement with advocacy of housing rights. Through focused community engagement activities we will seek to provide opportunities for Vancouver's citizens to be educated on housing issues, and to engage in forums to create a dialogue on critical affordable rental housing priorities and to identify solutions. This will be done through communications using digital tools, social

media, roundtables and public forums. Policy initiatives will be developed in conjunction with community partners, and will flow out of these information gathering and dissemination sessions. A range of policy options will be considered, including practice and policy at the municipal level, as well as legislative acts and amendments and policy at the provincial and federal levels.

The final strand of the project involves building support and providing academic expertise for a legal challenge to move Canadian law to recognize a right to adequate housing in keeping with Canada's international human rights obligations. The specific focus of legal action will be determined by the outcomes of the earlier stages of the project. The goal is to position any legal action as part of an overall progressive change strategy, as a base from which greater public and government engagement can be leveraged and public and private responses to the issue encouraged.

All three strands, although independently conceived and orchestrated, are planned to be carried out in conjunction with each other. Insights or actions from one arena will play off and augment aspects of the others. The project thus proposes a dynamic play across policy, public engagement, and legal rights. Research methods include naturalistic observation of engagement events organized by the project. Standard doctrinal legal research and literature reviews/syntheses encompass the bulk of our research tactics.

PROJECT OUTCOMES

We anticipate the outcome of the project will be a greater awareness of effective models for the provision of affordable housing. Informed community members can be effective advocates for furthering proposed changes. More specifically, the following three benchmarks are relevant:

1. Policy change
2. Education and outreach
3. Community advocacy

CO-PRINCIPAL INVESTIGATORS

Co-principal investigators Dr. Penny Gurstein, director of UBC's School of Community and Regional Planning, and Margot Young, associate professor of Law at UBC, bring significant experience working on housing and social justice initiatives in their respective fields.

Penny Gurstein has studied both national and international effective strategies for the delivery of affordable housing for a number of years. Her research has focused on issues of social sustainability and community resilience, with a particular emphasis on the centrality of affordable, safe and adequate housing in people's lives (Gurstein and Small, 2005; Gurstein and Vilches, 2010; Gurstein, 2011).

Margot Young has worked and written on legal aspects of mobilization around social change, in particular effecting policy and legal fixes to social and economic deprivation. (Young, 2005; Young, 2007; Young, 2010) She has expertise in social and economic rights at both the international and domestic constitutional and legislative levels.

Thus, the co-Principal Investigators bring a range of diverse but synergetic expertise and research to this project. Both PIs have extensive experience through involvement in a number of SSHRCC CURA grants of collaborative work with national and local community partners on issues of economic, social, and environmental justice.

Along with the expertise of the two principal investigators, the active participation of community partners is critical to the project's success. The Canadian Rental Housing Coalition, representing several housing-related organizations in the lower mainland, and Pivot Legal Society will be contributing their expertise throughout the stages of the project. The Housing Matters Media Project, a group of 10 young media-makers, will be collaboratively creating a series of media works responding to the lack of affordable, adequate and safe housing in the Lower mainland.

Funding for this project has been provided by the Peter Wall Solutions Initiative, which strives to enable UBC faculty members to address issues of societal importance through innovative, interdisciplinary and academically rigorous research projects.

PROJECT OBJECTIVES

Our project is focused on the issue of housing justice in Vancouver and how effective policy development and law can ensure a more equitable delivery of housing resources. This project is focused on Vancouver, a city where affordable housing and homelessness problems are significant. Our project involves an action plan that seeks to understand how access to housing resources is key to the substantive citizenship,

socially, politically, economically, and environmentally, of a city's occupants, and to the shaping of the urban environment.

The problem we seek to address is how government intervention, public/private partnerships, and citizen engagement can combine to overcome the barriers to the development of affordable rental housing for those of very low income, and for working people of modest incomes. Recognizing the difficulties of balancing the allocation of funding for social programs in a federal state, this project seeks to intervene at the points where the most effective change can occur in public engagement, policy development and legal rights.

In the first and second strands of this project, civic engagement and policy development, we will be working with community partners to leverage policy change at municipal, provincial, and federal levels, and to foster heightened civil society engagement with advocacy of housing rights. Both of our community partners, each with relevant expertise in policy development and dissemination, are important to these strands.

Through focused community engagement activities we will seek to provide opportunities for Vancouver's citizens to be educated on housing issues, and to engage in forums to create a dialogue on critical affordable rental housing priorities and to identify solutions. This will be done through communications using digital tools, social media, roundtables and public forums. Digital tools and social media will be used to build and to bring together a community of knowledgeable people who can then engage in the development of effective policies that will be put forward to the appropriate levels of government to improve the delivery of affordable housing.

Policy initiatives will be developed in conjunction with community partners, and will flow out of these information gathering and dissemination sessions. Initiatives will target, as appropriate, a range of levels of government, focusing on both "hard" and "soft" law solutions to different aspects of the issues surrounding housing justice. That is, a range of legal and policy options are to be considered practice and policy at the municipal level as well as legislative acts and amendments and policy at the provincial and federal levels. Kingdon (1995) has outlined the multiple streams model of public policy development: problem identification by the public, politics, and formulation of policy alternatives and proposals that meet in a 'window of opportunity' if change is to occur. We see this project encompassing all three of these aspects. Our project is geared to acting as a catalyst for policy change

The final strand of the project involves building support and providing academic expertise for a legal challenge to move Canadian law to recognize a right to adequate housing in keeping with Canada's international human rights obligations. Legal action will be considered depending on the input received from a series of public and expert consultations that the project will organize and synthesize. The focus of such legal action is to be determined by the information and strategies that emerge from this process and will likely be a more specific challenge than a broad casting of the issue as

a right to housing justice. The goal is to position any legal action as part of an overall progressive change strategy, as a base from which greater public and government engagement can be leveraged and public and private responses to the issue encouraged. An example of such an action is a Pivot Legal Society challenge of the City of Vancouver's Standards of Maintenance Bylaw.

Pivot's legal action resulted in the Municipal Council's resolve to pursue stronger enforcement of the Bylaw and several landlords in the DTES were told they would face legal action by the City if they continued to refuse to repair rental property. As a result, one of the buildings has already been brought up to code. Thus, the legal action served as a piece of a larger strategic deployment of education and action that had the goal of catalyzing desired governmental responses, independent of court results.

BACKGROUND

This project argues for housing justice, that is, the socially and environmentally fair and just distribution of housing benefits in a society. How can we determine what is fair and just? One way of doing this is by examining who is benefiting from government dollars and who is not and who are the winners and losers in housing expenditures? In a society marked by housing justice there would be a clear set of government programs, strategies and tax incentives to encourage the delivery of affordable housing and a fair allocation of benefits between different segments of the population. This project, focusing on Vancouver, aims to identify what can be done to develop effective policies and programs to address housing affordability, accessibility, and adequacy. Broader goals of sustainability, equality, and citizenship inform such a task.

Access to affordable, safe, and adequate housing is a fundamental right, at a formal level, clearly acknowledged, at least rhetorically, in Canada. International human rights treaties, signed and ratified by Canada, guarantee the right to housing, The Canadian Charter of Rights and Freedoms, our constitutional bill of rights, sets out guarantees potentially consistent with such international commitments. And, legislation in every jurisdiction in Canada provides for recognition of the importance of access to rental housing, providing a series of anti-discrimination and contractual protections.

Homelessness and housing insecurity are also economic issues, taxing government and public service budgets considerable amounts each year in relation to health care, criminal justice, social services, and emergency shelter costs. (Laird 2007) Yet, Canadian communities struggle with ensuring that the housing needs of all resident in Canada are met. Indeed, the United Nations Special Rapporteur on Adequate Housing stated in 2007 that Canada faced a "National Housing Crisis". (Kothari, 2007)

This crisis shows urgency and depth across the country. As of the 2006 Census, nearly one quarter of Canadian households were spending 30 per cent or more of their gross income on housing. (Canada Mortgage and Housing Corporation, 2008) Canada

Mortgage and Housing Corporation deems housing affordable when the total cost of shelter does not exceed 30% of gross household income. Over 13 per cent of households were in “core housing need” (that is, occupying housing that falls below any of the dwelling adequacy, suitability or affordability standards and needing to spend 30% or more of their gross income to pay for alternative local market housing that meets all three standards) and Canada’s homeless population has grown dramatically. (Snow, 2008)

A number of factors are cited for these statistics: a rise in housing costs; lack of appropriate government policy; too few new low-income rental units built; low rental vacancy rates; and urban population growth. The rise in homelessness is significantly linked to incomes growing slower than the cost of living, resulting in inability to afford housing (Laird 2007). Thus, affordable rental housing and homelessness as policy issues of concern are intimately linked.

Further, the demography of homelessness is changing with many homeless are employed, one-third of homeless people are 16-24, and the elderly make up an increasing number. (Snow, 2008) Indigenous peoples continue to be overrepresented in counts of homeless people. Moreover, groups that suffer from lack of adequate housing are disproportionately plagued by a number of other social and economic issues: mental illness, addiction, poverty, social exclusion. It is well recognized that paths to addressing successfully these other issues necessarily involve solving the housing issue as a key and initial step. And the issue is predominantly one for low- and middle- income renters.

The city of Vancouver has its own set of impediments. It is ranked in 2010 as the 3rd worst in the world for homeownership affordability; it takes 9.5 times the median income to buy the median home of \$602,000. Rental vacancy rates in Vancouver are among the lowest in Canada – 2.5% in BC and 2.8%% in Vancouver in April 2011. The secondary market is the main source of new rental accommodation in Vancouver with more than half of renters in secondary rental units.

Governments have not responded adequately to this pressing challenge. All three levels of government, federal, provincial, and municipal, have potential involvement. The federal government, through its spending power, has historically held responsibility for funding and developing affordable housing. Increasingly, this policy concern has been neglected at the federal level.

Canada has no formal national housing strategy. Reduced federal government support began in the 1980s. Past efforts by the federal government to ensure a measure of housing availability are now only minimally replicated in federal funding and policy strategies or priorities. Federal funding support for rental housing has been scaled back. Recent federal proposed legislation requiring such a strategy, stale dated by the election, holds no promise of reintroduction.

The provincial government in British Columbia equally has reduced its provision of housing services and investment in housing, though recently it has increased spending

on measures to address homelessness. BC Housing, a crown agency, is responsible for the administration and delivery of housing services in the province. And municipal governments, hampered by jurisdictional and funding limits, too have been unable to effectively meet the challenge. Vancouver has done more than most but the issue is considerable.

Little new social housing has been built in recent years. (Snow, 2008; Klein and Copas, 2010) Tax treatment of rental properties became progressively less favourable for investors since the 1970s. Thus both federal and provincial levels of government have seen funding cuts to government housing programmes and rental housing incentives. Like any federal system, accountability and responsibility are untidily assigned: all levels of government are inclined to shift blame for affordable housing problems onto the other levels of jurisdiction. Thus inadequate housing, housing insecurity, and homelessness are stark markers of inequality and of social citizenship denied across both urban and rural areas of the province.

ACTIVITIES & TIMELINE

Achieving social change is a necessarily complex matter. Consequently, our project proposes to approach the issues surrounding housing justice from three distinct perspectives: civil society engagement and education; policy development; and social change litigation.

The project is calibrated to facilitate effective overlap and interchange between these three perspectives so as to encourage innovation, collaboration, and collective transformation of how the issues are understood and advanced. We anticipate the involvement of community planners, urban economists, environmental experts, legal experts, and policy makers, among others.

Penny Gurstein and Margot Young will both be responsible for the first strand of this project: civil society engagement and education. Civil society engagement and education will occur at the grassroots level to build a level of awareness and support for effective change. This will occur through innovative social media and multimedia tools, as well as public dialogues and workshops.

We anticipate that our efforts in this project will be linked with the housing issues identified by our community partners and the planned community engagement process. We will also be allying our efforts with those of ongoing processes in the City of Vancouver. For example, the Housing and Homelessness strategy recently approved by the City of Vancouver identifies a number of sites targeted for social housing. We have consulted with the City of Vancouver Housing Centre and the community engagement process needed for the planning of these sites could be a point of entry into a larger discussion on policies needed for affordable housing. As well, engagement on inclusionary zoning for affordable housing in the City could also be an opportunity for a

larger discussion on the policies and programs needed at the municipal, provincial and federal levels.

Penny Gurstein will have oversight responsible for the second strand: policy development. Here the involvement of the Canadian Rental Housing Coalition will be critical. Policy development and advocacy will be directed at federal, provincial, and municipal levels with the development of proposed policy changes to the tax structure, property assessment, and the introduction of programs to encourage affordable rental housing. Coordinated synthesis of expert opinion and data on housing policy will play a key role in influencing this aspect of the project.

Academic research shows convincingly that social change litigation is most effective when viewed as a piece of a larger policy and community engagement strategy of change. (Scheingold 2004). The final strand of the project involves building support and providing academic expertise for a legal challenge to move Canadian law in the direction of recognition of a right to adequate housing in keeping with Canada's international human rights obligations. This action will function both to enhance and to supplement the kind of policy and knowledge dissemination in the civil and political arenas described above.

Margot Young will have primary responsibility for overseeing this strand of the project. The first year of this aspect of the project involves consultation with a broad range of relevant community groups on the character and shape of the optimal legal action. The second year of the project will see the launch of a legal action in partnership with Pivot Legal Society reflecting community consultations. The third year involves broad social education and policy discussions focused by the content of the litigation and its pending resolution.

All three strands, although independently conceived and orchestrated, are planned to be carried out in conjunction with each other. Insights or actions from one arena will play off of and augment aspects of the others. The project thus proposes a dynamic play across policy, public engagement, and legal rights. Research methods include naturalistic observation of town halls and roundtables organized by the project. Standard doctrinal legal research and literature reviews/syntheses encompass the bulk of our research tactics.

The Community Co-applicants are carefully chosen to reflect a number of elements key to the success of the project. The Canadian Rental Housing Coalition is made up of 10 key housing organizations in Metro Vancouver from the public, private and non-profit sectors. This Coalition has as its mandate increasing affordable rental stock through lobbying for governmental changes for key tax laws in order to stimulate construction of and

The Coalition will act as key advisor to these aspects of the project. Pivot Legal Society has a core commitment to social change in support of removing barriers to the full realization of human rights and works extensively with people impacted by poverty and

marginalization. The organization's housing campaign combines legal action with political advocacy and public engagement. Our project would interact with a Pivot initiated strategic legal action project that has the potential to make a meaningful difference in the housing circumstances of homeless people and low-income tenants. Pivot also has great expertise and experience in community organization and engagement.

MILESTONES

We anticipate the outcome of the project will be a greater awareness of effective models for the provision of affordable housing. Informed community members can be effective advocates for furthering proposed changes. More specifically, the following four benchmarks are relevant.

First, the project looks to policy change evidenced by such things as: positive policy, legislative or regulatory change affecting a significant number of people; increased government spending or other forms of government action; and, direct dialogue and consultation with decision-makers.

A second benchmark is achieved education and outreach, measured by, for example: numbers of publications distributed and downloaded; presentations and workshops; media, including social media, coverage and presence; interaction with other community groups.

Third, the project looks to the effects of direct advocacy: victory in legal and quasi-legal processes; public engagement; news media take-up; policy change.

And, finally, our project will engage with select forms of community evaluation such as feedback from local groups and individuals involved in the legal, policy, and community education strategies as to the relevance and effectiveness of the action.

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