The Human Right to Housing

- NOT ENOUGH MONEY
- DISCRIMINATION AGAINST WOMEN, SINGLES, CHILDREN
- GLITZY TINSEL TOWN
- SHANTY TOWN
1948 1988

Universal Declaration of Human Rights

Déclaration universelle des droits de l'homme
**The human right to housing/Le droit fondamental au logement by/par J. David Hulchanski**

Do all Canadians have a right to housing? by J. David Hulchanski

President’s message on rights, developing non-profit housing, nominations, letters...

International legal foundations to the right to housing by Scott Leckie

The case for social and economic rights by Havi Echenberg and Bruce Porter

Housing is not a basic right by Walter Block

Rights: Where do they come from? Is housing a right? by David Baxter

Discrimination in housing by Bruce Porter

The right to homeownership by Thomas Axworthy

Aids and housing rights in Canada by Scott Leckie

The human toll of Expo ’86 by Kris Olds

Mass evictions in Calcutta by Habitat International Coalition staff

International campaigns for housing rights by Scott Leckie

Third World shelter, UN global strategy, federal loan fund, United States’ “social deficit,” current research on Alzheimer’s disease, CMHC, New Brunswick’s housing task force report, calendar...

Organizing for the homeless reviewed by CCS, new releases, books for review

Classified listings

How aboriginals in Canada approach the concept of rights/Comment les peuples autochtones du Canada perçoivent-ils le concept des droits by/par Rosalee Tizya
The human right to housing

During 1988, the Canadian Housing and Renewal Association marked its 20th anniversary. A great deal has changed in Canada's housing institutions and public policies since the late 1960s. Yet, housing issues and problems continue to be at the top of the public agenda.

One increasingly heard phrase in the housing debate is the claim that housing is a right. What does this mean? Is it a valid claim? If so, how can it be implemented?

To help inform this debate, Canadian Housing is pleased to present a special issue with a focus on the human right to housing.

On December 9, 1948, the member countries of the United Nations met in a special session to adopt the Universal Declaration of Human Rights. Article 25(1) states: “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care, and necessary social services.”

The 40th anniversary of this declaration provides an opportunity to pause and reflect on its meaning and impact. The articles in this special issue discuss the significance of the 1948 Universal Declaration and other important international human rights covenants and conventions related to housing.

The two-pronged aims of this special issue are to inform and to stimulate debate. Information about these international declarations and agreements is provided; a number of authors debate the meaning and policy relevance for Canadians of the assertion that housing is a fundamental human right.

A broad range of views is presented, from a well-argued denial that housing is a human right (Walter Block's article) to an argument that not just housing but homeownership is a right (Tom Axworthy's article).

In addition to articles of a philosophical nature, other articles cover particular forms of human rights violations related to housing. Discrimination in the housing market is discussed by Bruce Potter. Scott Leckie looks at the problem of housing discrimination as faced by people with AIDS. The problem of forced evictions is discussed by Kris Oiks, who provides

Le droit fondamental au logement


Dans le débat sur le logement, on revendique de plus en plus que le logement constitue un droit fondamental. Qu'est-ce que cela veut dire? Cette revendication est-elle valable? Si oui, comment l'applique-t-on? Pour aider à éclairer ce débat, Habitation canadienne est heureuse de présenter un numéro spécial traitant du droit fondamental au logement.

Le 9 décembre 1948, les pays membres des Nations unies se sont réunis en assemblée extraordinaire pour adopter la Déclaration universelle des droits de l'homme. L'article 25 (1) stipule que: “Toute personne a droit à un niveau de vie suffisant pour assurer sa santé, son bien-être et ceux de sa famille, notamment pour l'alimentation, l'habillement, le logement, les soins médicaux ainsi que pour les services sociaux nécessaires.”

Le quarantième anniversaire de cette déclaration nous offre l’occasion de nous arrêter et de réfléchir sur sa signification pour le logement. Les articles publiés dans ce numéro spécial examinent la signification de la Déclaration universelle de 1948 et d’autres conventions internationales portant sur les droits de la personne relativement à la question du logement.

Ce numéro spécial vise un double objectif: d’abord d’informer et, ensuite, de stimuler le débat.

Vous y trouverez des renseignements au sujet de ces déclarations et conventions internationales. Divers auteurs et auteures se penchent sur la signification et la pertinence des politiques pour les Canadiens et Canadiennes dévoilant de l’affirmation voulant que le logement soit un droit fondamental. Vous y trouverez un large éventail d’opinions, allant d’un exposé bien documenté soutenant que le logement n’est pas un droit fondamental
a detailed review of the Expo '86 evictions in Vancouver.

The "last word" on the issue of housing rights, in the section of the magazine called the "Back Pages," is provided by Rosalee Tizya, Executive Director of the United Native Nations in Vancouver. She gives us something to think about by reminding us that the need for and concern over individual rights is relatively recent in human history and is the product of highly individualistic societies. She explains the important role played by collective rights, the concept of community in aboriginal culture, and how the Western focus on individual rights is alien to their philosophy.

It is hoped this issue of Canadian Housing will serve as a useful and thought-provoking review of the philosophical and practical issues related to the human right to housing. Let's hope that when the Canadian Housing and Renewal Association is 40 years old and the 60th anniversary of the Universal Declaration is being celebrated, even more, if not all, Canadians will have good quality housing appropriate to their needs and at a price they can afford.

J. David Hulchanski, Director of the Centre for Human Settlements at UBC, is the editor for this special issue.

(l'article de Tom Axworthy).

En plus des articles à caractère philosophique, d'autres articles portent sur des formes précises de manquement aux droits de la personne dans le domaine du logement. Bruce Porter examine la discrimination sur le marché du logement. Scott Leckie décrit le problème de la discrimination en matière du logement auquel doivent faire face les personnes atteintes du SIDA. Kris Olds, pour sa part, examine le problème des évictions forcées en dépliant en détail les évictions qui ont eu lieu à Vancouver pour l'aménagement d'Expo 1986. Le "mot de la fin" sur la question du droit au logement nous vient de Rosalee Tizya, directrice générale de la United Native Nations, un organisme de Vancouver. Elle nous amène à réfléchir en nous rappelant que la préoccupation à l'égard des droits individuels est un fait relativement récent dans l'histoire de l'humanité et qu'elle est le produit de sociétés hautement individualistes. Elle décrit le rôle important que jouent les droits collectifs et la notion de collectivité dans la culture autochtone étranger à la philosophie des autochtones.

Nous espérons que ce numéro d'Habitation canadienne servira d'outil pratique et qu'il suscitera la réflexion au niveau des questions d'ordre philosophique et pratique touchant le droit fondamental au logement. Expresons que lorsque l'Association canadienne d'habitation et de rénovation urbaine célèbrera son quarantième anniversaire et que nous marquerons le soixantième anniversaire de la Déclaration des droits de l'homme, encore plus de Canadiens et de Canadiennes, sinon tous, vivront dans des logements de qualité qui conviennent à leurs besoins et à leurs moyens.

J. David Hulchanski, directeur du Centre pour les établissements humains de l'UCB, est le rédacteur pour cette numéro spécial.

ACKNOWLEDGEMENTS

This special issue of Canadian Housing was edited by Dr. J. David Hulchanski, Associate Professor in the School of Community and Regional Planning and Director of the Centre for Human Settlements at the University of British Columbia. He is also a member of CHRA's Board of Directors, representing British Columbia and the Yukon.

On December 9, 1988, the UBC Centre of Human Settlements held an invitational seminar on the right to housing. Several of the articles in this special issue are based on the presentations and discussions made at that UBC seminar. These include the papers by David Baxter, Scott Leckie, Kris Olds, Bruce Porter, and Rosalee Tizya.

Scott Leckie, an expert in international human rights law, was a visiting scholar at the UBC Centre for Human Settlements in 1988. He played a major role in shaping the Centre's research agenda on housing rights, helped define a focus for the December seminar, and contributed three articles to this special issue of Canadian Housing.

Barbara Pettit, a research assistant at the Centre for Human Settlements and a Ph.D. candidate in the UBC planning school, was immeasurably helpful in selecting and editing several articles.

REMERCIEMENTS

Ce numéro spécial d'Habitation canadienne a été conçu et compilé par M.J. David Hulchanski, professeur agrégé à l'école d'urbanisme communautaire et régional du Centre pour les établissements humains de l'Université de Colombie-Britannique (UCB). M. Hulchanski est également membre du Conseil d'administration de l'ACHRU, représentant la Colombie-Britannique et le Yukon.

Le 9 décembre 1988, le Centre pour les établissements humains de l'UCB organisait un séminaire sur la question du droit au logement. Plusieurs des articles publiés dans ce numéro spécial sont fondés sur les présentations et les débats qui ont eu lieu lors de ce séminaire. Parmi ceux-ci, on trouve les articles de David Baxter, Scott Leckie, Kris Olds, Bruce Porter et Rosalee Tizya.

Scott Leckie, un spécialiste en droit international dans le domaine des droits de la personne, était professeur invité au Centre pour les établissements humains de l'UCB en 1988. Il a joué un rôle majeur dans au logement et a contribué à déterminer l'orientation du séminaire de décembre. Il a également contribué trois articles à ce numéro spécial d'Habitation canadienne.

Barbara Pettit, assistante à la recherche au Centre pour les établissements humains et candidate au doctorat à l'école d'urbanisme de l'UCB, a fourni une aide inestimable au niveau de la sélection et de la révision de plusieurs articles.
HOUSING AS A SOCIAL RIGHT
OF EVERY CITIZEN

Ron Basford, Minister of State for Urban Affairs, 1973

When we talk, as we undoubtedly will, in this debate in a general way about the subject of housing, we are talking about an elemental human need – the need for shelter, for physical and emotional comfort in that shelter. When we talk about people’s basic needs – the requirements for survival – society and the government obviously have an obligation to assure that these basic needs of shelter are met.

I have already acknowledged this obligation in stating that good housing at reasonable cost is a social right of every citizen of this country. As legislators, as administrators, as a federal government working with the provinces and with the private sector, that must be our objective, our obligation and our goal. The legislation I am proposing to the House today is an expression of the government’s policy, part of a broad plan, to try to make this right and this objective a reality.

The measures presented in this bill are designed, first of all, to give Canadians the kind of help that they have a right to expect in providing themselves and their families with adequate shelter. More particularly, they are directed first at those people whose need is most urgent – the old, the poor, and those people who for one reason or another do not have access to the resources this country can provide.

In considering people’s need for shelter, however, we cannot concern ourselves simply with a roof and four walls. Man is a social animal, and we must look beyond his house to the community of which it is a part. The community, as well as the house, must be safe and healthy, and must allow and encourage man and his family to achieve the fullest possible growth and development, physically, emotionally, and spiritually.

Do All Canadians Have a Right to Housing?

Abstract

Is housing an enforceable human right or an empty political slogan? Canadian Housing's editor for this special issue provides an extensive overview of the debate in Canada, concluding that the time for discussion has ended and a new course of action must begin.

by J. David Hulchanski

Résumé

Le logement est-il un droit fondamental obligatoire ou un vain slogan politique? Le rédacteur d'Habitation canadienne pour ce numéro spécial présente un survol de ce débat au Canada, en concluant que le temps des discussions est terminé et que le moment est venu d'agir.

The right to housing: Have Canadians this right, or is it simply a political slogan? Widespread use of the phrase emerged in the late 1960s. By 1973 it had become part of our National Housing Act. Although people line themselves up on each side of the issue, no one has a clear idea of what the right to housing really means.

In 1968 the Canadian Welfare Council organized the first Canadian Conference on Housing to discuss priorities for housing policy. Over 500 delegates came, representing government, business, the design and planning professions, various non-profit organizations, and neighbour-
TOWARD A PHILOSOPHY OF HOUSING RIGHTS AND EQUITIES

Humphrey Carver, 1948

The solution to this central problem of housing [low-income households] involves the forming of a philosophy concerning the rights and equities within our society. For, if it is not considered important that every adult and every child in a Canadian community should be able to enjoy a certain way of life, then there is no housing problem.

---Humphrey Carver, Houses for Canadians, University of Toronto Press, 1948, p. 128.

Humphrey Carver’s Houses for Canadians, published in 1948, is one of the first post-war studies of Canadian housing policy. The first and last chapters, in particular, provide a thoughtful analysis of the problem and its solution.

The solution to this central problem of housing [low-income households] involves the forming of a philosophy concerning the rights and equities within our society. For, if it is not considered important that every adult and every child in a Canadian community should be able to enjoy a certain way of life, then there is no housing problem.

The issues Carver raises are still pertinent 40 years later. Most Canadians have a good standard of housing, but many lower-income households remain excluded from adequate and affordable housing appropriate to their needs.

The Universal Declaration of Human Rights

Until the Second World War, the way that a government treated its citizens was entirely up to the rulers of that country. Since Hitler and Stalin, however, international law has changed profoundly. How a state treats its citizens is no longer a private matter. Today, violation of human rights in one country is a legitimate concern for all people and all nations.

On December 10, 1948, a special session of the United Nations General Assembly met in Paris to adopt the Universal Declaration of Human Rights. This document is the first catalogue of human rights and freedoms adopted by the international community.

The Universal Declaration helped begin the process of recognizing housing rights throughout the world. Article 25(1) refers specifically to housing:

Everyone has the right to a standard of living adequate for health and well-being, including food, clothing, housing, and medical care and necessary social services.

In 1966 the international community further recognized housing rights when the UN General Assembly adopted the International Covenant on Economic, Social, and Cultural Rights. Article 11 codified the right to housing by providing that:

The States Parties to the present Covenant recognize the right to everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions.

Canada has ratified these and virtually all similar international human rights covenants and agreements.

Not Everyone Agrees

Some people disagree that housing is a basic human right. Conservative economists contribute most of the published arguments against housing as a right. For example, in a 1981 Fraser Institute book on rent control, economist Walter Block writes:

All rights have corresponding obligations. If I have a right to property,
THE RIGHT TO ADEQUATE HOUSING
Canadian Conference on Housing, 1968

Recommendations of the Conference:

1. The Canadian Conference on Housing (1968) declares that all Canadians have the right to be adequately housed, whether they can afford it or not.

2. Housing is more than shelter and must be within a context of community that includes provision of related facilities and services to make livable the urban environment in which most Canadians will reside.

3. A wider range of housing, including private, co-operative, non-profit, and public housing, and greater freedom of choice of location, design, and form of tenure should be available to low- as well as middle-income groups.


The debate, therefore, is over the newer social and economic rights. Block is correct that these rights are claims guaranteed by the state by law, by taxes, and by services and income supplements. In distinguishing between negative and positive rights, however, he must deny the legitimacy of social and economic rights to promote and defend his philosophical argument for a minimalist role of the state. For political reasons, he chooses a narrow definition of human rights to limit the role of public policy.

However, no logical disparity exists between these rights. According to C.B. Macpherson, they are all "claims for a right to life at a genuinely human level. All that has changed is the acceptable view of possible ways of securing the individual right to the material means of a fully human life." The arbitrary distinction between negative and positive rights does not consider the actual socioeconomic position of people. It relates, says Waldron, to broader questions of political morality, and particularly to laissez-faire and minimalist theories of the state.

This approach, he notes, has been under steady attack throughout the 20th century. Human rights attract continuing debate because the package of rights that we accept as a society helps to define our criteria for policy choices. The debate rages because individual rights provide the starting point for political morality.
A DECLARATION OF HOUSING POLICY
PRINCIPLES

Federal Task Force on Housing and Urban Development, 1969

1. Housing and urban development are an urgent priority for the people of Canada and must be treated as such by their elected representatives at all levels.
2. Every Canadian should be entitled to clean, warm shelter as a matter of basic human right.
3. While it will take some time to realize this goal, a concerted effort is required by all concerned. ...
4. The aim of government policies should be to generate sufficient housing stock of various forms so that all Canadians may exercise their own freedom of choice as to the style and tenure of housing in which they live.
5. This fundamental freedom of choice should not be restricted to those able to compete in the private market, but should also be an underlying principle of public policies to assist low-income groups.


Is There a Right to Housing?

Many international covenants acknowledge the right to housing. There is no question that many people consider it to be a basic human right. The difficult question is: What does the right to housing mean in Canada?

For homeless individuals, the answer is simple. There is debate, however, over who the homeless are and what homelessness is. Is someone sleeping in a temporary shelter homeless? Most of us would agree. Home is not simply a shelter. It is more than a roof and four walls. By defining a home as more than minimal shelter, we assume a set of explicit or implicit standards. Below these standards, one is homeless: above them, one is not. Setting such standards is no simple task.

If most Canadians have good housing, then the slogan "the right to housing" may have no meaning. We could conclude, therefore, that the right to housing is irrelevant because our housing system has delivered good housing to most Canadians.

There are two problems with this conclusion. First, are we satisfied that not all Canadians have good quality housing at prices they can afford? Second, we all have notions of what the claim the "right to housing" means to us. Do we define this right by comparing Canadian housing with housing in other countries? Or do we compare the housing of some Canadians with the housing of other Canadians? Even a wealthy country that delivers good housing to most citizens has a long way to go to secure good housing for all. Much depends on the way we decide to define the right to housing. A list of options published some 20 years ago shows the range of issues we must consider: the right to free choice in housing type, location, and use; the right to security of tenure; the right to own one's home; and the right to control one's environment.

The Challenge Today

The debate over the right to housing comes down to a set of ethical questions. There is no scientific way to arrive at an answer. As voters, each one of us must make up our minds about the kind of society we want.

- What does it mean to lead a life of dignity?
- What are the necessary material means required to lead a life of dignity?
- How does society devise those institutions that allow all people to live with dignity?
- What role does housing quality, quantity, price, and security play in living with dignity?

The answers to these questions form the philosophical and moral framework for the policy decisions that face Canadians. Since the 1940s, Canada has made major health care decisions that guarantee access to quality health care for rich and poor.

Such is not the case with housing. Access to adequate housing varies between rich and poor. It varies between two-parent families and one-parent families. Much depends on whether you are young, old, or middle-aged.

What we need to consider in the way Canada produces and distributes housing is Carver's philosophy on rights and equities in our society. Canada has thought through health care in recent decades and is thinking through day care now. We need to think through the right to housing.

After the war, Canada had to tackle the practical problem of organizing national resources to produce enough houses. The country also had to address the ethical problem of making policy decisions about housing rights of people with low incomes and special needs.

We have solved our practical problem.
HOUSING AS A BASIC SOCIAL RIGHT, NOT A COMMODITY

Ed Broadbent, Leader of the NDP, 1975

We believe that housing, like medical services and like education, at least up to university level, should be available as a basic social right. Housing is a right to which every Canadian family is entitled by virtue of being part of our society. We test housing legislation by asking how it conforms to this general principle. We ask, does the legislation recognize that housing is a social right, that houses are not a commodity like any other in society? Second, if the legislation recognizes housing as a right, does it do something to fulfil that right? If the legislation meets either test, particularly if it meets our first point, we supported it, even though it may not go far enough in providing all the necessary details. Certainly the first test is crucial.

Of the many ministers and departments that have been given the responsibility for housing, not one has brought forward legislation clearly embodying the notion that housing is a social right. Actually, the legislation that has come forward has suggested just the opposite, namely, that the market will ultimately determine whether a Canadian family will obtain a house. Any mechanisms introduced by the government for providing housing have been aimed at the banks, trust companies, and other financial institutions. The aim of the government has always been to give incentives to these basically market-oriented institutions to provide services.

—House of Commons, Debates, February 27, 1975, p. 3649.

What Progress Have We Made in the 1980s?

In the 1980s, we have excluded even more Canadians from access to good-quality housing. Many more households cannot afford the housing they have or need. Data on income and poverty points to an even worse situation in the future.

- Real incomes of many Canadians have decreased by four to six per cent since 1981. In contrast, from 1965 to 1976 real average family incomes increased by 4.2 per cent per year.
- In 1986, 1.9 million Canadians (7.5 per cent of the population) were on social assistance, an increase from 1.4 million (5.7 per cent of the population) in 1981.
- The National Council of Welfare’s 1988 Poverty Profile provides data on poverty rates by tenure.
  - 26 per cent (500,000) family households in the rental sector live in poverty compared to 7.3 per cent of homeowners.
  - 38 per cent (800,000) single-person households in the rental sector live in poverty compared to 24 per cent of owners.

The percentage of households paying more than 30 per cent of income on rent keeps going up. In 1976 it was 25 per cent of all renter households; in 1986 it was 27 per cent.

Clearly, our housing system cannot respond adequately to social need. People
Statistics Canada figures show that the gap living in poverty simply cannot generate market demand or pay market rents or prices. Circumstances might have been better if we had improved income distribution in recent decades, but we have not. Statistics Canada figures show that the gap between rich and poor has not changed between the 1950s and the 1980s. The top 20 per cent of the population has 42 per cent of the national income, and the bottom 20 per cent has only four per cent.

An Agenda for the Future

Neither the problem nor the solution is new. Carver emphasized the need to organize our housing system to provide lower-income households with adequate housing as a right. The solution, therefore, is to devise an inclusive housing system. Canadians are already justly proud that the country has been able to deliver a high standard of housing for most citizens. It is, however, an exclusive system that permits access to housing according to economic status.

To develop an inclusive housing system, Canada must put housing on the public agenda as a priority. We must set up a realistic work program with a timetable for addressing Canada's remaining housing needs.

Post-war housing policy made the mistake of assuming there was a cheap way to deliver housing to poor people. Housing is expensive. No clever program exists that will solve our remaining housing problems at low cost. Education and health care are not cheap either. Yet, we believe it is wrong to have good quality education and health care for those who can pay and poor quality for those who cannot.

The starting premise for an inclusionary housing system is recognizing that all Canadians have the right to decent housing, in decent surroundings, and at rents and prices they can afford. Two decades ago, the Canadian Conference on Housing suggested:

"Canadian housing goals will not be easy to achieve. They require much higher priority within the public economy (federal and provincial) and should be seen to be as socially essential as education. No government is spending according to the priorities this conference insists on. National, regional, and local organizations must work to put housing higher on the public agenda and to improve Canadian housing institutions. These are, indeed, difficult tasks. Do we continue to waste time and money studying the problem? Or do we start now on a course of action that, in any case, must eventually begin?"

References


The Human Right to Housing

Special Issue of Canadian Housing

"The basic right of all people to adequate, affordable housing can only be achieved through a partnership between all sectors and a willingness to accept our collective responsibilities."

The Honourable Peter Trites
Minister of Housing
Province of New Brunswick

NEW BRUNSWICK HOUSING CORPORATION
SOCIÉTÉ D'HABITATION DU NOUVEAU-BRUNSWICK

J. David Hulchanski is the Director of the UBC Centre for Human Settlements and an Associate Professor in the School of Community and Regional Planning at the University of British Columbia. He teaches the housing policy courses in the University's School of Planning. Dr. Hulchanski is also a member of the Board of Directors of the Canadian Housing and Renewal Association.

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When every day is a question of survival

The solution to the central problem of housing low-income people, wrote Humphrey Carver in 1948, "involves the forming of a philosophy concerning the rights and equities within our society, for if it is not considered important that every adult and every child in a Canadian community should be able to enjoy a certain way of life, then there is no housing problem." Indeed, the Universal Declaration of Human Rights, proclaimed that same year by the United Nations General Assembly, affirms that housing right should and must be recognized: "Everyone has the right to a standard of living adequate for health and well-being - including food, clothing, housing, medical care, and necessary social services" (Article 25 (1)).

The right to housing as a political slogan enjoyed widespread use during the 1960s and by 1973 had become part of Canada's National Housing Act. More recently, the Canadian Conference to promote the 1987 International Year of Shelter for the Homeless - co-sponsored by the Canadian Housing and Renewal Association and the International Council on Social Welfare - did much to bring the issue to the forefront.

Still, the debate rages on. As demonstrated in the article written by economist Walter Block of The Fraser Institute, not all individuals acknowledge that humans have a basic right to housing. The fact that human rights - on various and sundry subjects - attract continuing debate in society is, as David Hinchliffe, our contributing editor, writes, "because the package of rights that we accept as a society helps to define our criteria for policy choices."

How we define our human rights, in society, is a reflection of how we, as a country, define our own morality. But to arrive at an answer about the kind of society we want, we have to examine for ourselves what is meant by affordable housing crisis, by homelessness, by "distribution and supply."

At last year's 20th annual symposium of our association, one of the speakers, Bruce Porter, who is the co-ordinator of the Toronto-based Centre for Equality Rights in Accommodation, illuminated the affordable housing crisis facing Canadians today. As a society, Porter said, "We Canadians have a clear preference for talking about housing supply rather than the debate rages on. As demonstrated in the article written by economist Walter Block of The Fraser Institute, not all individuals acknowledge that humans have a basic right to housing. The fact that human rights - on various and sundry subjects - attract continuing debate in society is, as David Hinchliffe, our contributing editor, writes, "because the package of rights that we accept as a society helps to define our criteria for policy choices."

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housing distribution, perhaps because we find it easier to think about solving the problem of scarcity than to address the ingrained structure of social inequality.

"It's always easier to blame homelessness on an economic factor such as housing supply than to look in the mirror and see ourselves as a society that targets particular groups - women, visible minorities, native people, single parents, young people, the disabled, the unemployed, social assistance recipients - and inflicts on them one of the cruelest deprivations imaginable, denying them, of all things, a home."

Similarly, the message given recently by the Minister of Housing for New Brunswick, Peter Trites, when releasing the report by that province's task force on housing, reinforced Porter's views: "Without adequate, affordable, and suitable housing, people cannot be expected to develop to the fullest of their potential. When every day is a question of survival, of choices between such basics as eating and heating, there is little or no possibility of staying healthy, planning ahead, learning new skills, or providing a stimulating environment for one's children."

The right to housing is one of the principles promoted by CHRA and other Canadian organizations as part of the Election Agenda for Canadian Housing during last year's federal election. The right to housing is an important element of "Access to Housing," the theme of this year's 21st annual symposium in Quebec City. CHRA's board of directors hope this special issue of Canadian Housing contributes to the real acceptance in this country of the right to housing for all Canadians.

Peter Smith has been president of CHRA for the past two years and will be turning over the helm to his successor in May at the annual symposium.

Peter Smith is président de l'ACHRU depuis les deux dernières années et il remettra les rênes à son successeur en mai au terme du symposium annuel.

Letters/Le courrier

Members' responses

"Thank you for your letter informing me about the Canadian Housing and Renewal Association. It is good to know that organizations such as CHRA exist and the roles that they play.

I append receiving the copy of Canadian Housing that you sent.

Beth Phinney, MP
Hamilton Mountain, Ontario

Je vous remercie des titilications que vous m'adressez à la suite de ma nomination au poste de Secrétaire d'Etat et de ministre d'Etat au Multiculturalisme et à la Citoyenneté.

Le premier ministre m'a fait un grand honneur en me confiant ces deux portefeuilles, et il me tarde maintenant de relever les défis qui se présentent dans le cadre de mes nouvelles fonctions. Votre appui contribuera à rendre ma tâche des plus faciles, et je suis convaincu qu'ensemble nous arriverons à créer une société qui vise à promouvoir l'égalité et à assurer la pleine participation de tous les Canadiennes. Je vous remercie également de m'avoir fait parvenir la revue Habitation canadienne.

Gerry Webster
Le Secrétaire d'Etat du Canada

Before being elected to the House of Commons, I was involved in municipal politics, and I've always fought hard for affordable housing. My fight will continue now that I'm in federal politics.

I look forward to working with you over the next four years.

Beryl Gaffney, MP
Nepean, Ontario

Soyez assuré que c'est avec intérêt que j'en ai pris connaissance et j'ose espérer que le gouvernement fédéral sera sensible à l'importance d'une politique nationale en matière d'habitation.

Je vous remercie que le Parti Libéral du Canada considère comme un droit fondamental pour tous les Canadiens et toutes les Canadiennes de pouvoir se loger à un prix raisonnable et d'accéder à la propriété.

Gilles Rocheau
Député de Hull- Alymer

As a Member of Parliament from Toronto, I am well aware of the magnitude of the housing problem, and I share your concern in this area. I look forward to receiving copies of your magazine, Canadian Housing, and to keeping up to date on your views on this issue.

David MacDonald, MP
Rosedale, Ontario

The Right Honourable John N. Turner wishes to assure you of the Liberal Party of Canada's continued commitment to a national housing policy ensuring adequate and affordable housing for all Canadians. Their needs will be vigorously defended in the 34th Parliament.

Thank you for sharing the views and good wishes of the Canadian Housing and Renewal Association with the Leader of the Opposition.

Judy Wood
Director of Correspondence
Office of the Leader of the Opposition
Tom Yauk, past-president of CHRA and one of the original members of the association, has recently been appointed Commissioner of Housing, Health, and Social Services for the City of Winnipeg. CHRA wishes Tom well in his new position.

Richard Peddie, formerly the City of Toronto's housing development director, has been appointed the General Manager of Land Development. Dr. Peddie assumed his new position on March 16. The association congratulates the immediate past-president on his recent appointment.

N.B.: A task force member's comments

During the nine months we have been working together, members of the housing task force have learned a lot about the living conditions of many people in this province, about their fears and their hopes, about how they survive. We have also learned from each other about how to listen, how to disagree without being destructive, how to compromise.

Our first meeting last May launched us on a provincial tour that covered 17 locations in just under six weeks. Wherever we went, we generally spent the morning and afternoon in private sessions or visiting food banks, people's homes, volunteer centres, or special facilities, being always receptive to last-minute invitations. Usually, there was a public meeting in the evening, often followed by informal discussions with members of the audience or among ourselves, which tended to go on into the night.

When the tour was completed the end of June, we began a series of meetings through which we developed recommendations and came to some conclusions about the form and direction the report would take. We met five times, for a total of about 10 days, in different facilities around the province. When a first draft of the recommendations had been prepared, we spent two days consulting with an advisory group, whose names appear in the report. They are mostly representatives of organizations who made presentations to the task force. This group gave us helpful suggestions on how to improve the report for its final version.

Although we became discouraged quickly at the beginning of this entire process because of the shocking conditions we encountered daily, we eventually became encouraged. Underneath all the frustration and despair, there was hope and there was courage. We saw first-hand the impact of bad housing; this is a basic fact that must be recognized and addressed. We heard people asking not for more hand-outs from the government, but for more opportunities to earn an income that will enable them to maintain themselves with independence and dignity.

We were overwhelmed by the dignity and strength with which people are endowed and which sustain them in conditions that have to be seen to be believed.

Our job is done; our report is complete. We are satisfied that we have accomplished what we set out to do. But we know the task force was just the first step in what must be a continuous effort to enable every person in this province to be the best he or she can be.

Housing is basic to human development. We as individuals cannot forget what we saw and heard, so we cannot fade back into our own lives, never to be heard from again. We see our report as a weapon that we are placing in the hands of those in a position to use it against poverty, against dependency, against hopelessness. We trust they will accept its direction and its recommendations, which are...
fundamentally rooted in the common sense and decency of the people who shared their lives with us. Our role now is to do what we can, individually and collectively, to promote the partnership between the government and all sectors of society so that we can work together in harmony for the development of this province's human and economic potential.

Bill Todd, CHRA’s representative from New Brunswick, served as co-chair of that province’s task force on housing, which released its findings February 15 (see story on page 68). Canadian Housing reprints his comments made at the press conference where the report was released.

Call for contributions

Canadian Housing will be focusing on discrimination in housing for its Spring 1989 issue and on housing in Quebec for its Summer 1989 issue. Copy deadlines are respectively January 20 and March 15. Contributions/suggestions/ideas are welcome. Please contact the Editor at (613)594-3007.

Appel de contributions


Nominations for CHRA Board of Directors

The Board of Directors of the Canadian Housing and Renewal Association is composed of 15 directors, including nine regional representatives and an executive, namely the President, First Vice-President, Second Vice-President, Secretary, Treasurer, and immediate Past President (ex-officio).

The term of all members of the Board of Directors is one year and terminates at the close of the Annual General Meeting. No member of the board serves as a regional representative for more than three consecutive terms or in any other board position for more than two consecutive terms (except the Treasurer).

All members of the Board of Directors must be active members in good standing.

Nominations are hereby invited to elect directors of the Board of Directors of the Canadian Housing and Renewal Association.

Nomination Instructions

Only active members in good standing are eligible to nominate and be nominated.

Candidates for regional representatives must be residents in the area in which they are nominated.

Directors completing their term may stand for re-election after a one-year absence from the Board of Directors.

Each candidate must be nominated by two active members of the Association. Nominations must be signed by the two nominators and by the candidate.

A statement by the candidate not longer than 200 words must accompany the nomination.

Each member of the Board of Directors shall be elected by a majority vote of the eligible members present at the Annual General Meeting.

The Board of Directors has appointed a nominating committee composed of the immediate Past-President and two other members of the Association.

The Nominating Committee shall nominate a full slate of executive and regional directors and present these nominees at Annual General Meeting in Quebec City on May 30, 1989.

Nominations, accompanied by a 200-word statement by the candidate, can be mailed or delivered to the CHRA National Office, address below, and must be received on or before May 1, 1989.

Canadian Housing and Renewal Association,
National Office,
PO. Box 3312, Station D,
Ottawa, Ontario
K1P 6H8

NOMINATION FORM — CHRA BOARD OF DIRECTORS

Candidate for Board of Directors

Name

Address

Tel. (Bus.) (Res.)

Electoral Area

Signature

Nominators

Name

Address

Signature

Name

Address

Signature
Access to Housing '89
May 28-31, 1989, Quebec City, Quebec

Monday, May 29
ACCESS TO HOUSING
• 8:45-10:15 — Plenary I: Access To Housing
• 10:30-11:45 — Concurrent Forum Sessions
   A: Using The Law
   B: Access To Neighbourhoods: Using The Political Process
   C: Regulating Tenure Conversions
• 2:00-3:00 — Concurrent Workshops
  1A: Supportive Housing In Your Neighbourhood: An "Access" Route
  1B: Developing YIMBY (Yes In My Backyard) Attitudes
  1C: Inclusionary Mechanisms For Affordable Housing

Tuesday, May 30
THE ECONOMICS OF AFFORDABLE HOUSING
• 8:45-10:15 — Plenary II: The Economics Of Affordable Housing
• 10:30-12:00 — Concurrent Forum Sessions
   A: Income And Housing Policies
   B: Regulatory Reform And Housing Quality
   C: Can The Private Sector Do It?
• 2:00-3:15 — Concurrent Workshops
  2A: Using RRAP/PARCO Innovatively
  2B: Housing Rural Canadians: The Flip Side
  2C: Homelessness: Concrete Developments
  2D/2H: Canada And Third World Shelter
• 3:30-4:45 — Concurrent Workshops
  2E: Residential Rehabilitation
  2F: Affordable Homeownership
  2G: Quality Of Community Life In Social Housing
• 6:00-8:00 — CHRA Annual General Business Meeting

Wednesday, May 31
WHO IS RESPONSIBLE?
• 8:30-10:00 — Plenary III: Access To Housing: Who Is Responsible? Views From Different Sectors
• 10:15-11:30 — Plenary IV: Access To Housing: Who Is Responsible? Views From Governments
• 11:30-12:15 — Wrap-up

The 21st Annual Symposium of
the Canadian Housing and Renewal Association
Accès au Logement '89

28-31 mai 1989, Québec (Québec)

Lundi 29 mai  ACCÈS AU LOGEMENT

- 8h45-10h15 — Première séance plénière — Accès au logement
- 10h30-11h45 — Séances de débat simultanées
  A — Le droit juridique au logement
  B — L’accès aux quartiers
  C — Réglementation de la conversion
- 14h-15h — Ateliers simultanés
  1A — Logements avec services dans les quartiers: une voie «d’accès»
  1B — Développer des attitudes «Oui, dans ma cour»
  1C — Mécanismes réglementaires d’encourager l’implantation de logements abordables

Mardi 30 mai  L’ASPECT ÉCONOMIQUE DU LOGEMENT ABORDABLE

- 8h45-10h15 — Deuxième séance plénière — L’aspect économique du logement abordable
- 10h30-12h — Séances de débat simultanées
  A — Politiques en matière de revenus et de logement
  B — Réforme réglementaire et qualité des logements
  C — Le vote du secteur privé?
- 2h-3h15 — Ateliers simultanés
  2A: Initiatives municipales en matière de réhabilitation résidentielle
  2B — Le logement abordable en milieu rural
  2C — Les sans-abri: réalisations concrètes
  2D/2H — La scène internationale: les établissements humains
- 3h30-4h45 — Ateliers simultanés
  2E — Enjeux de la réhabilitation résidentielle
  2F — L’accèsion à la propriété à coût abordable
  2G — La qualité de vie dans le logement social
- 6h-8h — Réunion administrative de l’ACHRU

Mercredi 31 mai  QUI EST RESPONSABLE?

- 8h30-10h — Troisième séance plénière — Accès au logement: qui est responsable? Points de vue du monde du travail, du monde des affaires et du secteur sans but lucratif
- 10h15-11h30 — Quatrième séance plénière — Accès au logement: qui est responsable? Points de vue des gouvernements
- 11h30-12h15 — Synthèse

Le 21e Symposium annuel de
l’Association canadienne d’habitation
et de rénovation urbaine
Mises en candidature pour le conseil d'administration de l'ACHRU

Le Conseil d'administration de l'Association canadienne d'habitation et de rénovation urbaine est composé de quinze administrateurs, dont neuf représentants régionaux et un Comité exécutif, composé du président, du premier vice-président, du deuxième vice-président, du secrétaire, du trésorier et du président sortant (membre d'office).

Le mandat des membres du Conseil d'administration est d'un an et il expire au terme de l'assemblée générale annuelle. Aucun membre du Conseil ne peut remplir les fonctions de représentant régional pour plus de trois mandats consécutifs ou tout autre poste du Conseil pour plus de deux mandats consécutifs (à l'exception du trésorier).

Tous les membres du Conseil d'administration doivent être des membres actifs en règle.

Nous sollicitons par les présentes les déclarations de candidature pour les élections au Conseil d'administration de l'Association canadienne d'habitation et de rénovation urbaine.

Instruction relatives aux déclarations de candidature

Seuls les membres en règle peuvent présenter des candidatures ou se déclarer candidat.

Les candidats et candidates ou poste de représentant régional doivent résider dans la région où leur candidature est présentée.

Les administrateurs et administratrices qui terminent leur mandat peuvent se présenter de nouveau après une absence d'un an au Conseil d'administration.

La déclaration de candidature de chaque candidat ou candidate doit être présentée par deux membres actifs de l'Association.

Les déclarations de candidature doivent être signées par les deux présentateurs et par le candidat ou la candidate.

Un énoncé n'excédant pas 200 mots rédigé par le candidat ou la candidate doit accompagner la déclaration de candidature.

Les déclarations de candidature peuvent être postées ou livrées au Secrétariat de l'ACHRU, à l'adresse indiquée ci-après, et doivent nous parvenir au plus tard le 1er mai 1989.

Chaque membre du Conseil d'administration sera élu par un vote majoritaire des membres admissibles présents à l'assemblée générale annuelle.

Le Conseil d'administration a institué un comité des candidatures composé du président sortant et de deux autres membres de l'Association.

Le Comité des candidatures dressera une liste de candidats et candidates pour chaque poste du Conseil d'administration (Comité exécutif et directeurs régionaux), et il présentera ces candidats et candidates à l'assemblée annuelle générale, qui se tiendra à Québec, le 30 mai 1989.

Les déclarations de candidature, accompagnées d'un énoncé de 200 mots, doivent nous parvenir au plus tard le 1er mai 1989.

Association canadienne d'habitation et de rénovation urbaine
Secrétariat
C.P. 3312, Succursale <D>
Ottawa (Ontario)
K1P 6H8

Formule de candidature

Candidat/Candidate pour le conseil d'administration

Nom
Adresse
 Téléphone (bureau) (résidence)
Région
Signature
Secondeur(s)
Nom
Adresse
Signature
The Government of Ontario recognizes that the attainment of decent, reasonably-priced housing is a fundamental objective of all Canadians.

To this end, I strongly support Canadian Housing’s special edition theme, “The Right to Housing” intended to mark the United Nations’ 40th anniversary of the Universal Declaration of Human Rights.

I am optimistic that the Canadian Housing and Renewal Association will continue to be successful in strengthening public awareness of housing issues and concerns in our country.

The Ontario Ministry of Housing is committed to ensuring an adequate supply of housing alternatives in the province.

By working together to overcome the obstacles, we are finding creative and workable solutions to the housing challenge.

Sincerely,

Chaviva Hosek
Minister
The American Declaration on the Rights and Duties of Man was adopted by the Ninth International Conference of American States at Bogotá in 1948 (Organization of American States, Resolution XXX, 1948). Article XI states:

Every person has the right to the preservation of his health through sanitary and social measures relating to food, clothing, housing, and medical care to the extent permitted by public and community resources.

Abstract

Many international covenants and resolutions refer to the right to housing. While some are not legally binding, the "repeated affirmation of housing rights affords it the status of a legally entrenched guarantee," writes the author. What remains is for these "soft" laws to be transformed into "hard" legislation.

Résumé

De nombreuses conventions et résolutions internationales mentionnent le droit au logement. Même si certaines n'ont pas une force exécutoire au yeux de la loi, selon l'auteur l'affirmation répétée du droit au logement lui accorde le statut d'une garantie enchaînée juridiquement. Il ne reste qu'à transformer ces droits abstraits en lois concrètes.
The right to housing is codified in a variety of international legal texts. Some are legally binding while others are declarations of intent. The right to housing is also found in an increasing number of national constitutions.

The general provisions found in articles 55 and 56 of the United Nations Charter do not mention the right to housing. These articles, however, require all UN members to accept the legal obligation "to take joint and separate action" to achieve higher living standards, to promote economic and social development, to seek solutions to international economic, social, and health problems, and to respect human rights. The Universal Declaration of Human Rights, adopted by the UN General Assembly in 1948, made the first explicit reference to housing as a fundamental human right. Article 25(1) of this declaration states:

Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care, and necessary social services.

In addition to this direct reference to housing, the rest of article 25(1) makes clear that the right to housing includes much more than a roof over one's head. Implementation of housing rights requires emphasis to be placed on the physical structure and the elements that turn "house" into "home." Housing must include such attributes as drinking water, sewer facilities, a balanced natural environment, access to credit, land, and building materials, as well as the de jure recognition of security of tenure and other related issues.

Forty years ago, therefore, the Universal Declaration began the process of recognizing housing rights.

The rights enshrined in the Universal Declaration became binding legal obligations in 1966. Article 11 of the International Covenant on Economic, Social, and Cultural Rights expanded on article 25(1) of the Universal Declaration. It further codified the right to housing by providing:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions.

The right to housing is also found in other international covenants and agreements. The recently adopted Declaration on the Right to Development, for example, in article 8 provides:

States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment, and the fair distribution of income.

The housing rights of children are codified in the Declaration on the Rights of the Child, principle 4, which provides that "the child shall have the right to nutrition, housing, recreation, and medical services." The Convention on the Elimination of Racial Discrimination, the most widely ratified international human rights instrument, also includes the right to housing. Article 5 states that countries agreeing to the Convention will undertake to prohibit and end racial discrimination in general and discrimination in the enjoyment of many other important rights, including the right to housing. Although article 5 does not create, by itself, an obligation for countries to provide adequate housing for all, it does call for the end to discrimination in any aspect of human settlements.

The International Labour Organization's (ILO) recommendation 115 of 1961 concerning workers' housing, gives extensive coverage of workers' rights to adequate housing. This instrument includes such topics as national housing policy, the housing responsibilities of public authorities, housing provided by employers, financing, housing standards, measures to promote efficiency in the building industry, house building, employment stabilization, and rent policy. While this recommendation contains many important provisions dealing with the issue of workers' housing and associated rights.
THE UNITED NATIONS
INTERNATIONAL
COVENANT ON ECONOMIC, SOCIAL, AND CULTURAL
RIGHTS, 1966

The International Covenant on Economic, Social, and Cultural Rights was adopted and opened for signature, ratification, and accession by UN General Assembly Resolution 2200A(XXI) on December 16, 1966, and entered into force on January 3, 1976 (21 U.N. GAOR, Supp. No. 16, p. 49). A total of 91 countries have ratified the covenant. Article 11(1) states:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

The International Labour Conference has called on the governing body of the ILO to revise and update this instrument. It does not consider, for example, the applicability of building codes to the urban poor or issues including eviction, illegal settlers, and tenure. Nor does it adequately address the enabling role that governments could take toward realizing housing rights.

The ILO's convention 117 concerning Basic Aims and Standards of Social Policy (1962) covers housing in the context of tenancy arrangements and standards of living. Article 5 states that "in ascertaining the minimum standards of living, account shall be taken of such essential family needs of workers as housing." These ILO instruments have not attracted much attention. This may change because of the increased interest in the question of housing at the ILO. A lengthy resolution adopted at the 73rd session of the International Labour Conference in 1987 illustrates this changing perspective on the ILO's housing role.

Finally, at the international level, the Vancouver Declaration on Human Settlements provides the most far-reaching statement of legal questions on housing and related services. Although this declaration, adopted at the UN Conference on Human Settlements (Habitat) held in Vancouver in 1976, is concerned with the broader realm of human settlements, there are also clauses relating directly to housing. For instance, in paragraph 8 of section III, the right to housing is reaffirmed by stating:

Adequate shelter and services are a basic human right, which places an obligation on governments to ensure their attainment by all people, beginning with direct assistance to the least advantaged through guided programs of self-help and community action.

It adds that "governments should endeavour to remove all impediments hindering attainment of these goals." Here again the question of housing is approached in terms of rights, with governments the main entity obliged to implement them. The central principles of the Vancouver declaration are elaborated in four specific respects: quality of life, disadvantaged groups, discrimination, and active measures. Each specific area clarifies the contents of this right and the nature of the obligations that governments have in implementing this right.

The notion of quality of life is the basis for the general principles of this declaration. Principle 1, for example, provides that:

the improvement of the quality of life of human beings is the first and most important objective of every human settlement policy. These policies must facilitate the rapid and continuous improvement in the quality of life of all people, beginning with the satisfaction of the basic needs of food, shelter, and clean water.

This clause draws the link between the conditions of human settlements (including housing) and the qualitative aspects of life so crucial for human dignity. The most important provision is principle 8, which relates to social mix: "Of special importance is the elimination of social and racial segregation through the creation of better balanced communities, which blend different social groups, occupations, housing, and amenities."

The Vancouver declaration also recommends that countries take positive action toward improving human settlement conditions. For example, governments are urged "to establish human settlement policies leading to a progressive improvement in human well-being." Furthermore:

A human settlement must seek a harmonious integration or co-ordination of a wide variety of components, including, for example, population growth and distribution, employment, shelter, land use, infrastructure, and services and that governments must create mechanisms and institutions to develop and implement such policy.

A related recommendation states that "the human settlement policies and programs should define and strive for minimum standards of an acceptable quality of life." The last guideline stresses that:

The international community must constantly refer to these principles and, at the same time, seek new and more effective ways to support the [self] reliant development of those societies that are struggling to meet the human settlement challenges facing them.
The Vancouver Declaration on Human Settlements has neither lived up to its expectations, nor have many of its standards been implemented. The 1976 Vancouver conference and its declaration were, however, the impetus for the establishment by the United Nations of the Centre for Human Settlements (Habitat) and for the designation of 1987 as the International Year of Shelter for the Homeless. Human settlements around the world, however, have not improved and in many instances have worsened. This does not imply a failure on the part of the Vancouver Declaration on Human Settlements, but illustrates that the implementation of any rights, particularly those relating to housing, are contingent on the priority given them by the governments concerned. It is the lack of initiative by governments that continues to inhibit the right to housing from becoming a reality for all of the world’s inhabitants.

Regional, as opposed to international human rights codes, tend to ignore the right to housing. Although this may not be surprising due to the general orientation to civil and political rights by regions, several instruments that might be expected to contain references to housing rights do not do so. The European Social Charter and the African Charter on Human and Peoples’ Rights, for example, do not mention housing rights. Neither does the European Convention on Human Rights and Fundamental Freedoms.

Two declarations by the Organization of American States (OAS) do mention housing, yet they are of little significance today. One is the 1948 American Declaration on the Rights and Duties of Man, which states in article XI:

> Every person has the right to the preservation of his health through sanitary and social measures relating to food, clothing, housing, and medical care, to the extent permitted by public and community resources.

In the other, the 1948 Inter-American Charter of Social Guarantees proclaims that ‘workers have the right to share in the equitable distribution of the national well-being, by obtaining the necessary food, clothing, and housing at reasonable prices.’

In a recent effort to improve these declarations, the Organization of American States is drafting an Additional Protocol to the American Convention on Human Rights. In the first draft of this protocol, finished in 1983, the right to housing was included in two contexts: the right to establish a family and the right to an adequate standard of living. However, in the most recent draft, reference to the right to housing was dropped. This omission is bewildering. It is, of course, plausible to assume that the emphasis on the right to work, once realized, would engage the right to housing.

Thus, in both a general sense and in the specific contexts of living standards, development, children’s rights, racial discrimination, and labour law, the right to housing is found throughout international human rights law. The repeated affirmation of housing rights affords it the status of a legally entrenched guarantee. As is the case with many guarantees of economic, social, and cultural rights, however, the theme underlying each of these legal foundations is the gap between their *de jure* essence and the degree to which they are actually promoted, protected, respected, and enforced.

The main task ahead continues to be the search for methods to transform the extensive soft law related to housing into substantive hard law.

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**THE UNITED NATIONS INTERNATIONAL CONVENTION ON THE ELIMINATION OF RACIAL DISCRIMINATION, 1965**


In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and eliminate racial discrimination in all of its forms and to guarantee the right to everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (e) Economic, Social, and Cultural Rights in particular . . . (iii) the right to housing.
Countries whose constitutions enshrine the right to housing

Among those countries whose constitutions contain the right to adequate housing, in a wide variety of formulations, are as follows:

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<td>Nederland</td>
<td>Nicaragua</td>
<td>Islamic Republic of Pakistan</td>
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<td>Costa Rica</td>
<td>Dominican Republic</td>
<td>Peoples' Democratic Republic of Yemen</td>
<td>Ecuador</td>
<td>El Salvador</td>
<td>Equatorial Guinea</td>
<td>German Democratic Republic</td>
<td>Greece</td>
<td>Guatemala</td>
<td>Co-operative Republic of Guyana</td>
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Scott Leckie has written widely on the subject of housing rights. A holder of an LL.M. in international human rights law from the University of Essex, Leckie is currently based in Utrecht. He has most recently carried out legal research on housing rights for the Habitat International Coalition, the Netherlands Institute of Human Rights, and the International Institute for Environment and Development in London, England. Leckie was a visiting research fellow at the UBC Centre for Human Settlements last November and December.

NEW PUBLICATIONS


PLAN CANADA, the Canadian Institute of Planner's (CIP) bi-monthly journal, is published by the IUS. It serves as a scholarly journal, a practitioner's magazine and as the CIP newsletter. Topics come from a wide range of disciplines including community planning, urban studies, housing, public policy, heritage and urbanisation. The journal contains both refereed and non-refereed articles, book reviews, commentaries, abstracts, publications, conference listings and other information.

RATES

Annual Subscription (one volume of ten issues).
CIF members Free Outside Canada Individuals C$40 Institutions C$45 Institutions C$50
Single copies, including back issues:
CIF Members C$4.00 Individuals C$5.50 Institutions C$5.50

THE PLANNERS NEWSLETTER, now in its 14th year, is published three times per year by the IUS on behalf of the Commonwealth Association of Planners Secretariat. It has a circulation of 1,600. The newsletter contains items of interest to planners, and those involved in international development. Annual subscriptions are: C$20 for individuals, C$25 for institutions, and back issues and single copies are C$7.50 for individuals and C$9 for institutions.

Robert Robson, Selected Sources on Northern Housing and Related Community Infrastructure: An Annotated Bibliography (1989), approx. 100 pp., Bibliographica 1, $15.00.

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REPORT

Abstract
Over 10 years have passed since resolution 32/130 was adopted by the United Nations General Assembly, and still the incorporation of social and economic rights — including the right to decent housing — into human rights advocacy and jurisprudence have not been realized. Such exclusion is not justifiable, morally or legally. In this article, the authors advance the case for social and economic rights.

Résumé
Plus de dix ans se sont écoulés depuis que l'Assemblée générale des Nations unies a adopté la résolution 32/130, mais l'intégration des droits sociaux et économiques — y compris le droit à un logement convenable — dans la jurisprudence des droits de la personne n'est toujours pas une réalité. Cette exclusion est injustifiable, tant du point de vue moral que juridique. Dans cet article, les auteurs se portent à la défense des droits sociaux et économiques.

The Case for Social and Economic Rights

by Havi Echenberg and Bruce Porter

In 1977 the United Nations General Assembly adopted resolution 32/130; in the vote, the United States, the United Kingdom, and several other “industrial democracies” abstained, but Canada voted in favour of the resolution, which affirms the following:

(a) all human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion, and protection of both civil and political, and economic, social, and cultural rights;
(b) the full realization of civil and political rights without the enjoyment of economic, social, and cultural rights is impossible; the achievement of lasting progress in the implementation of human rights is dependent on sound and effective national and international policies of economic and social development; and
(c) all human rights and fundamental freedoms of the human person and of peoples are inalienable.

Yet in Canada, more than a decade after the adoption of this resolution, any adequate incorporation of social and economic rights into human rights advocacy and jurisprudence remains, at best, something yet to be achieved. Similarly, the use of human rights arguments in social and political advocacy has been largely absent in the Canadian experience.

The devaluation of social and economic rights comes, in part, from their distinction from other human rights. The separate International Covenant on Economic, Social, and Cultural Rights was itself a response to the strong opposition from the U.K., the U.S., and others to the inclusion of these rights in what was first envisioned as a single, legally binding covenant based on the 1948 Universal Declaration of Human Rights. These argued vociferously that social and economic rights lack the judicial or constitutional status of civil and political rights in the industrial democracies and are, therefore, unenforceable.

An impasse developed between western and eastern bloc nations, and the eventual compromise was the creation of two separate covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. Provisions of the former relate to criminal process and punishment; freedom of expression, movement, belief, and association; the right to privacy, liberty, and security of the person; and democratic and equality rights. The latter covenant recognizes the right to work; to equal pay for work of equal value; to form trade unions; to social security and an adequate standard of living, including adequate food, clothing, and housing; and the right to health care, education, rest and leisure, and cultural life. Both covenants were adopted by the United Nations General Assembly in 1966 and came into force in 1976. When they were ratified by Canada in 1976, they became legally binding on Canada internationally. Yet, the same government proceeded within a few years to draft a constitution drawing extensively on the Covenant on Civil and Political Rights while entirely ignoring social and economic rights. The latter, apparently, were still seen exclusively as worthy goals of social and economic policy rather than as constitutionally enforceable rights.

It is impossible, however, to justify such an exclusion of the issues of economic and
social marginalization from the sphere of human rights practice. Poor people cannot begin to meet basic needs unless the deprivation of fundamental freedom and choice that often results both from poverty and from the provision of services by the state is challenged. Poverty is described by poor people as an absence of choice, dignity, and autonomy as often as it is described as material need. Ministering to needs, however, is what “helping” professionals are all about. As what poor people call the “poverty industry” continues to anoint its own professional classes of social service workers, housing providers, health care providers, and literacy experts, it becomes increasingly tempting for a growing number of us to define poor people not as they define themselves but rather by the needs to which we minister. Instead of challenging this disenfranchisement of poor people, the human rights movement has promoted it by polarizing the issues of material need and freedom of choice, overemphasizing the distinction between economic rights on the one hand and civil rights on the other.

The challenge, then, is not to recognize social and economic rights as they have been traditionally defined and segregated, but rather to enable their claimants to incorporate into the work of the human rights movement in such a way as to give full voice to a previously excluded constituency. That voice may well be “a different voice,” as Carol Gilligan describes women’s articulation of rights, finding among the women in her study an emphasis on the complex “web” of human relationships as opposed to the individuality and autonomy emphasized by the men, a recognition of the importance of caring and responsibility entailed in rights rather than the idea of fairness in the rules of a competitive game. Others have suggested that what Gilligan finds in women may be characteristic of the voice of suppressed and powerless groups in general. Certainly, claimants of social and economic rights will be served only by a politicized human rights advocacy, which in turn serves political struggles in what Elizabeth Schneider describes as a “dialectic of rights and politics.” The point is not to have human rights lawyers take over poor people’s movements or to import more abstract rights into social and political matters, but rather to develop routes of access to any sources of power and legitimation that will enable poor people to be heard and to meet their own needs.

One organization that has articulated this approach, the Ottawa Council for Low-Income Support Services, a few years ago produced a button that read: “POVERTY STOPS EQUALITY. EQUALITY STOPS POVERTY.” Their words point the way to a reintegrated approach to social and economic rights within human rights advocacy and to a dialectic of rights and politics.” The goal, of course, is to eliminate poverty, but approaching poverty from the starting point of equality rights thwarts the prevailing, more comfortable discourse that defines poverty as a condition to be addressed separately. As Miller and Roby wrote in The Future of Inequality in 1970, “Poverty has become the acceptable way of discussing the more disturbing issue of inequality” — understanding poverty as inequality repoliticizes it, taking the remedy out of the hands of the administering professionals, and returning it to the hands of the victims of the injustice. A repoliticized approach such as this confronts human rights jurisprudence with the deprivations of poverty and economic inequality as issues of fundamental injustice, as discrimination — precisely as poor people have always understood them.

Human rights claims, of course, are themselves administered within a professionalized and appropriating bureaucratic structure, with intake procedures that are almost entirely inaccessible to anyone lacking literacy skills and personal resources. The system has an individualistic basis that is isolating at best and frequently quite abusive of poor people. However, the value of reclaiming the complaint process is great enough to warrant making every effort to overcome the barriers imposed by the current processes. A human rights complaint can be a politicizing document rather than a bureaucratic and legalistic appropriation of rights, which, even in the classical notion of rights, belong to the claimant. There is a powerful narrative movement in a human rights complaint, starting with a personal story of discrimination, which can be documented in accessible language in the words of the rights claimant themselves, and culminating with the claiming of equality rights belonging to all members of the group to which the claimant belongs.

Social and economic rights can be claimed directly by invoking appropriate provisions of the Universal Declaration and the International Covenant on Economic, Social, and Cultural Rights. Every province undertook to comply with the covenant in areas of provincial jurisdiction when it was ratified in 1976. Provincial human rights protections must, therefore, be interpreted in the most expansive way to prohibit any discrimination or restrictions that result in degrading economic, clothing, housing, health, or education to any groups or individuals. Nothing less is a failure to comply with the social and economic rights guaranteed in the international covenant and can be challenged as such: politically, publicly, and judicially. Although there is no avenue for individual complaints to be heard under the Covenant on Economic, Social, and Cultural Rights as there is under the Covenant on Civil and Political Rights, non-compliance can be brought to public attention both nationally and internationally. Failure to comply with the federal government can be urged to work co-operatively with the provinces to ensure that Canada is meeting its obligations under the international covenant.

But can Canadian courts be convinced to give appropriate weight to international law and to accept that poverty and homelessness in an affluent society is a justiciable inequality? There are, at least, some encouraging signs. Canadian judges have been more than willing to look to international law for guidance in human rights matters, particularly in interpreting the Charter. Most cases have dealt with civil and political rights, but there has been no evidence of any reluctance to consider social and economic rights as well. An important distinction between Canadian and American considerations is that American case-law, and, as the Americans have stood virtually alone in the world by refusing to recognize social and economic rights, Canada has placed itself firmly on the side of the international consensus by ratifying both international covenants and by consistently voting at the United Nations General Assembly for the interdependence of rights as articulated in resolution 32/150 and in many other instruments. Thus, international human rights instruments are often more appropriate and reliable sources of human rights jurisprudence than American case-law, and, as Canadian judges turn increasingly to those sources, it may become difficult to maintain any traditional segregation of social and economic rights from the civil, political, and equality rights entrenched in the Charter.

Although the Canadian Charter is not considered “implementing legislation,” which would make the ratified covenants binding domestically, it is, nevertheless, the all-important link between the international norms and provincial and federal legislation. Chief Justice Dickson of the Supreme Court of Canada stated in an important dissenting judgement on the interpretation of the freedom of association guaranteed under the Charter that “the Charter should generally be presumed to provide protection at least as great as that afforded by similar provisions in international human rights documents that Canada has ratified.”

The increasing number of homeless and hungry people in the midst of economic prosperity in Canada are living witness to the serious violation of social and economic rights, since they demonstrate our failure to achieve “progressively the full realization of the rights recognized in the . . . Covenant to the maximum of [our] available resources.” For a government of so wealthy a country to renege on its binding international commitment to honor “the fundamental right of everyone to be free from hunger,” particularly when this problem could be solved so much more easily here than in other countries, is a national disgrace. In the area of housing, as well, the conspicuous failure to guarantee adequate homes to the federal government can be urged to work co-operatively with the provinces to ensure that Canada
In Canada, 96 per cent of housing is provided by the private sector, so that ensuring equitable distribution necessarily involves regulating how the private sector allocates units. That job has fallen primarily on the provinces, which have the responsibility of ensuring, predominantly through human rights legislation, a nondiscriminatory allocation of housing. Yet, the provinces have failed to stop widespread discriminatory practices that are unheard of in most parts of the world. The majority of provinces still allow restrictions preventing families with children from acquiring accommodation, despite the strong protections for mothers and families with children in international human rights law. Only Quebec, where discrimination on the ground of "social condition" is prohibited, has legislated any protection from discrimination on the basis of level of income. People are routinely denied access to adequate housing in Canada simply because they have a lower income, no credit rating, or would be sharing accommodation with others. We have accepted a housing delivery system that excludes families and poor people for no other reason than that landlords consider them "undesirable tenants," a system that forces over 100,000 people a year to sleep in hostels, bus shelters, or parks while there are 32 unused bedrooms for each one in undersized existing housing stock, often held for investment purposes. This would be totally unacceptable in most other countries in the world, yet here we remain relatively complacent about it.

Social and economic rights must begin to constitute a movement to challenge this kind of complacency. It must be both a national and international movement incorporating political, social, and judicial activity. The idea of movement is built into the legal definition of such rights as being "progressively realized," and legal rights are only validated if they are sustained by a social and political movement that articulates their meaning and enforces them through public consensus. Because no higher authority will step in and force us to eliminate poverty, hunger, and homelessness in Canada, these rights are legally binding by good faith only. There are no police or courts to enforce them unilaterally.

A movement, of course, is based in its constituents; the constituency of social and economic rights consists of those who have been excluded from the enjoyment of any meaningful participation in the community's social, economic, and cultural life. The movement is a claiming of place by those groups and peoples. Thus, social and economic rights rest in a concept of place, not in a notion of property. Having a rightful place in one's community requires a sense of belonging, of being affirmed by the community in an inclusive way. Property, on the other hand, has to do with the ability to keep other people out. When rights are articulated in terms of property, they become exclusive rather than inclusive in both their application and their effect.

We believe that rights should have as their starting point a claiming of place within a community and that it is the essence of human rights to oppose the tendency to exclude. But the claiming of place can be distorted. When it is translated into the language of a legal system, which privileges exclusion over inclusion, property over place, rights are articulated as their opposite, tied to higher authority rather than social movements, and protecting property from encroachment rather than marginalized people from exclusion. A claiming of place by excluded constituencies brings rights back to where they belong.

While the social and economic rights movement is now in its nascent, it may appear in a few years, in retrospect, to be reminiscent of earlier political and civil rights movements. Those movements crystallized when rights merged with social and political movements, when segregation was challenged by women entering the voting place that had been declared the property of men, or black people marching together or sometimes walking alone into places restrictio whites only. Social and economic rights are relatively new, but there is really nothing so new about them. They have a similar constituency, advancing a not-unfamiliar claim — they are being claimed in a vital and different voice.

Havi Eichenberg, who worked tirelessly for the Canadian Conference to observe the International Year of Shelter for the Homeless, is executive director of the Ottawa-based National Anti-Poverty Organization.

Bruce Porter works for the Centre for Equality Rights in Accommodation, located in Toronto.

NOTES
7. Re: Public Serv. Employees Relations Act (Alta.), Labour Relations Act, and Police Officers I, S.C.R. 313 at 349 D.L.R. (4th) 161 at 185. John Claydon has pointed out it is significant that the majority did not address the international law in this case, so there was no expressed disagreement on the issue of its relevance to interpreting the Charter.
8. International Covenant on Economic, Social, and Cultural Rights, Article 2(1)
9. Article 10 of the International Covenant on Economic, Social, and Cultural Rights states that:

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Housing is NOT a Basic Human Right

by Walter Block

Abstract
The right to housing, argues the author, implies an obligation on the part of other people to provide it. Such so-called "positive" rights — unlike the traditional "negative" rights, which call for people to refrain, cease, and desist — have nothing at all to do with rights. Rather, they are a disguised demand for wealth.

Résumé
Le droit au logement, soutient l'auteur, sous-entend que les autres membres de la société ont une obligation de pourvoir des logements. Ces droits que l'on qualifie de positifs — contrairement aux droits négatifs traditionnels, qui demandent aux gens de s'abstenir, de cesser et de renoncer — n'ont rien à voir avec des droits. Ils constituent plutôt une demande déguisée pour la richesse.

All rights have corresponding obligations. If I have a right to property, you have an obligation to refrain from stealing it or trespassing on it. If you have an inviolable right in your person, I, and everyone else, have an obligation to leave you unmolested. Note that these are negative rights. They make it incumbent on people to refrain, to cease and desist, to avoid certain aggressive behaviour. But they impose no positive obligations whatsoever. Rights such as these, the rights to person and property, have been acknowledged since time immemorial. They are at the core of the Magna Carta, the constitutions, and the principles of all western democracies; they are, indeed, the very backbone of western civilization.

Of late, however, a new type of "right" has arisen. Widely trumpeted, these include a claim to everything from a "decent" level of clothing, food, housing, and medical care to rock music, sexual organs, and meaningful relationships. If this were only an emphasis of everyone's right to seek happiness in whatever manner chosen, provided no one else's rights were infringed in the process, it would be unobjectionable. Indeed, this is the essence of the right to person and property. But something quite different is meant by those who hold, for example, that housing is a basic human right. What is claimed here is not the right to be left alone, free to build, buy, or rent whatever shelter one can afford. Now demanded is a right to housing implies an obligation on the part of other people to provide it.
claim, in other words, is for a so-called positive right, not the negative rights of classical origin. But what is actually at stake here has nothing to do with rights at all. On the contrary, it is a disguised and therefore quite insidious demand for wealth. In the case of rights, proper, all that is required of outsiders is non-interference; but in this fraudulent case, there is an unwarranted claim for a myriad of material goods and services.

The New Positive Rights

In order to see just how radical a departure are the new positive rights, consider the following: Mankind could at one fell swoop, if it were so minded, completely banish all violations of negative rights. All that need be done is for each and everyone of us to resolve not to initiate physical violence or fraud and then act on this basis. But all the agreements in the world would not be sufficient to provide the level of wealth necessary to fulfill our so-called positive rights to health, happiness, and so on.

There are other grave problems with this contention. First of all, if housing is a basic right, imposing ethical imperatives upon strangers, then each of us is immoral — not only if any of our countrymen are without decent housing, but as long as anyone in the world is so lacking. For rights know no national boundaries. If it is morally incumbent on anyone to supply a good or service without contractual agreement, then this applies to everyone.

Another logical implication is even more insidious. Rights, by their very nature, are egalitarian. It is clear that all of us, rich or poor, old or young, have equal (negative) rights; we are all equal in that, for example, murder committed on any innocent person is wrong, and to the identical degree. The mass murderer is guilty of the same immorality in each of the specific acts he/she perpetrates.

Coercive Egalitarianism

If positive claims are also rights, then people must not only have a right to decent shelter but to an absolutely equal share of the world’s housing. Since there is no logical stopping place for positive rights (if housing, why not medical care? If medical care, why not clothing? If clothing, why not recreation?), the claim of basic human needs as rights really amounts to a demand for absolute income equality. And the situation is even worse. For there is nothing in the logic of the argument to prevent the demand for equal intelligence, equal beauty, equal athletic and sexual prowess, and even equal happiness, if these things could somehow be accomplished.

No. We must reject this claim, and with it the moral swamp it necessarily leads to. We must question, moreover, the relevance of this claim. For even were it correct, it could not justify rent control — the provision of a housing subsidy to rich and poor tenants alike, at the cost not to all society but to one small group, the landlords.

Walter Block is the senior economist at the Vancouver-based Fraser Institute. Dr. Block has published numerous articles in newspapers, magazines, and business journals and is the author of five books on topics related to economics and public policy issues.

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The reason for introducing the perspective of economics into the discussion of human rights is that economics can offer valuable insights on the process that may be used to assist in achieving human rights goals. The discipline of economics is concerned with the mechanisms by which the resources in a society are allocated to alternative uses and users, that is, with the study of the process of production, distribution and consumption of goods and services within societies. As preservation or enhancement of human rights invariably involves use of a society's resources and hence affects (and is affected by) resource allocation, economic processes should be considered in the contemplation of any policy or program intended to assist in the achievement of human rights goals.

Having said that economics may have a fundamental role in the discussion of how to achieve human rights goals, it is important to say that the study of economics is silent on the subject of what human rights are or should be. In any discussion of either human rights or economics, it is essential to keep clearly in mind that economics deals with the mechanics of the allocation of resources to alternative uses, not with what rights should be accorded to people in a society.

If the discipline of economics is silent on the subject of what human rights should be, economists (of all political stripes) are most certainly not. Because so much of what is involved in achieving human rights goals affects or involves economic mechanisms, there is a tendency to give much greater weight to what an economist has to say about what human rights are or should be than to what a mechanic, cook, hospital worker, or unemployed person has to say. This is unfortunate because, although economists may be expert on the role of economic mechanisms that may be used in the pursuit of human rights goals, their opinions on what human rights are or should be are of no lesser or greater value than the opinions of any other human being.

The sources of human rights

While it is interesting to speculate on some concept of an absolute, innate, universal, natural, invariable, God-given set of human rights, in the real world of everyday life, human rights are the rights that members of society confer upon themselves. They are the rights that a collective of human beings decide to accord to each other, and that are enforced by the institutions of that community. This is my pragmatic point of view, that human rights are, essentially, defined and enforced by the political system in which a person lives. It is humanity — or lack thereof — that defines our human rights.

Accepting this framework, every human opinion on human rights has equal value...
(but perhaps not equal political force), and every human being is equally expert on what human rights should be. Through the political process, whatever it may be, and for better or worse, individual opinions on what human rights should be become the effective rights in the community.

Once the community has defined what human rights are going to be, then the various groups of technicians in the society (lawyers, community workers, economists, nutritionists, administrators) can assist in determining how the exercise of these rights can best be ensured. In this framework, these experts assist the community in doing what it wants to do rather than telling the community what it should do.

There is an unfortunate tendency for the personal opinions of economists on what human rights goals should be to be confused with their technical opinions on how to achieve goals using economic mechanisms. As we all want to see our opinions become the norm, there is also a natural tendency for economists, of the political left, right, and centre, to exploit this confusion. One example of a confusion of economic principles with the opinions of economists lies with the work of various “free market” economic lobby organizations. The oft-held perception of these organizations, usually based on reputation and notoriety rather than examination of their work, is that they are “against” human rights. Such is not the case. Rather they simply have their own opinion of what human rights are and use the logic of economics in an attempt to support their opinions.

Freedom and the free market

In this introduction, I will briefly consider how economists can contribute to the discussion of human rights, including the right to a dignified physical existence with freedom. It is in the area of freedom that economics and economists, can and do offer much assistance once there is agreement that there are rights to live to some community defined standard.

In the case of physical existence, the standard is usually measured as a standard of living, the right to have access to sufficient of the community’s resources to exist to a certain level. Economics and economists cannot help us in any way to determine what an adequate standard for human existence in a community should be. The profession cannot offer even a professional suggestion (although all of its members will be more than ready to offer personal opinions) of what each person needs to exist. The standards can be determined only by the community’s political process, but perhaps not equal political force, is that they are “against” human rights. Such is not the case. Rather they simply have their own opinion of what human rights are and use the logic of economics in an attempt to support their opinions.

The “redistribution of income and the freedom of choice of how to spend this income” approach is concerned with solving problems rather than symptoms. It is widely acknowledged that the central cause of inadequate shelter and homelessness is poverty. The market economic argument is that poverty is directly, by giving people enough money to eliminate poverty and letting them decide how much housing to consume rather than providing housing and forcing people to live in it but not having access to the income that it represents.

The “right to housing” approach focuses on the provision of housing, requiring that people consume the provided goods to exercise their right to a standard of living. In this later case, one group of people determines what goods and services other people must consume to have an adequate standard of living and then provides these commodities (but not others) to ensure that standards are met. This is a fundamental denial of the freedom of choice.

The “subsidize the unit” approach misallocates our resources (as people will have to consume more housing and less of some other commodity, such as education, than they might otherwise choose), it is expensive (as a hidden cost of the actual housing is the cost to administer and police the right), and it reflects a fundamental distrust of the recipients of the benefits. It is this last point that is particularly disturbing, as it is an expression that in order to benefit from programs intended to ensure one’s rights, one is treated like a child — not given the money to acquire the

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**Conclusion**

Rights are what one gets from one's community as the result of political action. What they are will change from time to time and place to place. Rights will always be to some extent limited, the limits imposed by the community to ensure that one person exercising their rights does not do harm to others. Just as the right to free speech does not include the right to yell "fire" in a crowded theatre, so the right to determine how to spend one's own income does not include the right to let other members of the community starve. The community gives to us, with our rights, the restriction that they will be limited to protect the community, to protect ourselves and others. That the community granted the right to have access to sufficient resources to survive with dignity cannot be interpreted as an imperative that all must have an "equal" standard of living, but rather that all have an equal right to the community defined level of sufficiency.

If we keep in mind the goal of freedom, but freedom with the dignity of an adequate standard of living through redistribution of income, when we lobby for the rights we think everyone should have, we will probably never attain the best solution but will hopefully get close to the least worst one. Given that many questions on human rights are concerned with people's share of a community's resources, an understanding of the mechanisms of microeconomics (distinctly different from the opinions of economists, including the author of this article) will be a significant part of finding acceptable solutions.

David Baxter is a principal of Urban Pacific Financial Corporation, a Vancouver-based firm providing intermediary services in the financing, refinancing, acquisition, and sale of real estate. Active in the real estate industry for over 15 years, Baxter has focused on the financing and development of commercial real estate and the analysis of project and market economics. He carried out undergraduate studies at the University of Alberta and graduate studies at the University of British Columbia and has taught graduate, undergraduate, diploma, and licensing courses in the Faculty of Commerce and Business Administration (UBC). He made these comments at a seminar on housing rights last December, organized by the Centre for Human Settlements.
VIEWPOINT

WOMEN AND
THE RIGHT
TO HOUSING

by Leslie Robinson

Abstract

Although women have traditionally been the primary consumers of housing as housecleaners, cooks, and child-rearers, they have been deprived of the right to affordable and adequate shelter and of the opportunity to be involved in the design, management, and financing of housing. The right to housing is one issue being pursued by the National Action Committee on the Status for Women.

Résumé

Mêmes si, traditionnellement, les femmes ont été les premières intéressées au logement à titre de ménagères, de cuisinières et de mères, on les a privées du droit à un logement convenable et à prix abordable et de l'occasion de participer à la conception, à la gestion et au financement des logements. Le droit au logement est l'une des questions que défend la Comité d'action nationale de la condition féminine.

Housing is a women’s issue. With less than two-thirds of what men earn to pay for accommodation along with the added responsibility of housing children of mother-led families, women are hard hit by the housing crisis.

Traditionally, women have not been involved in the development, financing, design, construction, or management of housing. What they have been are primary consumers of housing: as housecleaners, cooks, and child-rearers. In essence, women have traditionally been the centre of the family’s home life — and their home life has been the centre of women’s community life.

But women’s homes have also been the building blocks for commodities, not for communities. Developers and owners of housing say they need private property rights in order to protect their land development investments and holdings and their management companies. But women want a right to housing to ensure they have a place in the community: a decent and appropriate place they can afford to which they have access without being discriminated against because they make less money than their male counterparts and come to the rental accommodation with children in hand.

Women need housing that provides security of tenure so that they can build homes and build communities. Women need housing that is designed and managed to provide both safety and security.

The treatment of housing as a commodity has resulted in a housing market that does not meet the needs of the community. Thousands of homeless women across Canada are living in the streets, in hostels and temporary shelter, and doubled-up in overcrowded accommodation shared with family and friends. Thousands more are trapped in substandard housing, in rental housing where superintendents and landlords sexually harass them, or in unsatisfactory, often violent relationships with male partners because there is nowhere else to go.

The Housing Committee of the National Action Committee on the Status of Women (NAC) has called for a right to housing. It is studying the implications of involving women in the development, design, and management of housing as well as in the call for a right to housing. The committee invites women to help develop a call for the right to housing that includes consideration of gender, race, and class differences and needs.

In addition, the committee publishes a quarterly newsletter and is currently compiling a women and housing directory for Canada. At this year’s NAC annual meeting, to be held in Ottawa this May, the committee will be sponsoring a workshop on building a national women’s housing network. The committee can be contacted at: 720 Spadina Avenue, Suite 410, Toronto, Ontario M5S 2T9; (416) 926-9822.

Leslie Robinson is a member of the NAC Housing Committee and works for Metro Tenants Legal Services in Toronto.

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DISCRIMINATION IN HOUSING:
An Equality Rights Perspective on Canada's Rental Housing Problem

by Bruce Porter

Abstract
It is easier to consider the problem of the lack of affordable housing as one of supply rather than distribution. But the answer to how to accommodate everyone until the end of the century, explains the author, lies in the private and public sectors' ability to address the "ingrained structure of social inequality."

Résumé
Il est plus facile d'envisager le problème de l'abordabilité des logements comme un problème de pénurie plutôt que de répartition. Mais, selon l'auteur, la solution à la question de trouver un logement à chacun d'ici la fin du siècle repose sur l'aptitude des secteurs public et privé à faire face à la structure enracinée de l'inégalité sociale.

Peter Smith, President of the Canadian Housing and Renewal Association, was once quoted in The Globe and Mail as saying that Canada's affordable housing crisis is a crisis of distribution rather than of supply. "We have enough existing housing in Canada," he said, "to accommodate everyone in the country plus all those who will be born until the end of the century. It's not a crisis of housing supply."

We did not pay enough attention to that perspective during the course of our discussions on homelessness in 1987. Clearly, our preference has always been to talk about housing supply rather than housing distribution, perhaps because we find it easier to think about solving the problem of scarcity than to address the ingrained
structure of social inequality. It is always easier to blame homelessness on an economic factor, such as housing supply, than to look in the mirror and see ourselves as a society that targets particular groups—women, visible minorities, native people, single parents, young people, the disabled, the unemployed, social assistance recipients—and inflicts on them one of the cruellest deprivations imaginable, denying them, of all things, a home.

Those in housing use a catchword for these victims of the unequal distribution of housing. We call them the "hard-to-house." The phrase suggests somehow it is more difficult to provide housing to women-led families, visible minorities, or social assistance recipients—as if they are asking for anything more than anyone else when they apply for apartments, first and last month's rent in hand; as if the problem lies with them rather than with the system that denies them equal treatment. We define their plight, in other words, as one of supply rather than inequity.

An exclusively supply-oriented discourse can obscure the basic structure of discrimination that determines who is "hard-to-house." By assuming discrimination, it can make us complacent. By making disadvantaged groups the objects of housing and social programs, we rarely recognize them as subjects who have the legal right and often the anger and motivation to fight against the injustice that makes them homeless. When we simply provide for the needs of victims of discrimination, without recognizing them as subjects of persecution, what we end up with is social control rather than empowerment. Take shelters, for example. We call them by a name that suggests that we are simply providing for the physical needs of the homeless—walls and a roof to protect people from the weather. But go into a shelter, and you will see that it is something quite different. The walls are actually continuous bulletin boards, and prominently posted is an elaborate system of rules and regulations. A rigid schedule governs when you can sleep, eat, and go out. Medication and personal effects are administered by staff. One shelter for young women in Toronto requires that the residents wear pajamas 24 hours a day to discourage them from running away.

In other comparable forms of institutionalization, at least some provision is made for legal rights and judicial process. But nothing like this is provided for the prisoners of homelessness. They are not advised of their rights or provided with legal representation to challenge the inequalities that deny them housing. They have already been deprived of liberty and security of person without a hearing. In that sense, the incarceration of homelessness is rather more tyrannical than other more obvious forms.

With 96 per cent of the housing in Canada in the hands of the private sector, affirmative action in a portion of four per cent is not going to equalize things.

What do we know about the distribution of housing in the private sector? The Fair Rental Policy Organization of Ontario commissioned a survey to discover who is renting the most affordable apartments in Ontario. The group discovered that affordable units are going to high-income tenants while low-income tenants live in expensive and inadequate apartments. This inequity had increased dramatically in just two years in Toronto's tight market. But the conclusion of this study illustrates how we wear blinkers when it comes to distribution issues. We might have expected a critical reflection on the tenant selection criteria used by landlords or a recommendation for special seminars for landlords on human rights legislation and affirmative action. But that's not what we got. The conclusion was that, if affordable apartments are not going to low-income people, then we should do away with affordable apartments by abolishing rent control. Once again, it is assumed housing distribution cannot be altered—only supply, and perhaps income, through rent supplements.

Affordable rental housing is distributed in the private sector—according to employment history, income, marital status, spousal income, number of children, and credit rating. Landlords select according to preferences which usually means they aim to house those with higher incomes and white, heterosexual, childless married couples with no disabilities and a good credit rating.

Suppose you are a single mother on social assistance. After much searching, you may find a place where you pay an exorbitant rent for completely unacceptable accommodation. It will be unhealthy and unsafe; you will be sharing facilities with people you don't trust; you will fear for your children, and you may be sexually harassed by your landlord or superintendent, who will say he did you the favour of renting you the place and expects the favour to be returned.

This is the norm, and we have not been doing a thing to change it. We have had human rights legislation in most provinces to challenge much of what is happening, but have done little with it. Where good legislation is lacking, housing activists have paid little attention to equality rights. And equality rights activists have largely ignored housing.

Landlords, on the whole, are far more ignorant and contemptuous of human rights...
The International Convention on the Elimination of Discrimination Against Women was adopted and opened for signature, ratification, and accession by UN General Assembly Resolution 34/180 on December 18, 1979, and entered into force on September 3, 1981 (UN Doc. A/RES/34/180). A total of 94 countries have ratified the Convention. Article 14(2)(h) states:

States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right... (h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport, and communications.

Most important among the changes will be the increasing recognition of what we call systemic, constructive, or adverse-impact discrimination. This brings within the purview of human rights legislation or the Charter anything in the distribution or provision of housing that disadvantages or creates an adverse impact on particular groups. Essentially, it means that the entire question of distribution inequities can now be addressed as discrimination issues.

The courts have made it clear that discrimination under the law need not be malicious and, in the landmark O'Malley decision of 1985, the Supreme Court of Canada followed case-law from other countries in establishing that intent is not an issue in discrimination. The effect of an action or a policy, even if unintended, is what counts.

A ll this has made discrimination less of a moral question and more of an evolving social question. Human rights is beginning to deal with the fact that moral victories of civil rights or suffrage have not translated into social or economic equality. Now we start not with whether or not an action or policy seems on the face of it morally wrong or discriminatory but with its effect on disadvantaged groups. If the action creates inequality, then it is discriminatory. Only at this point is the respondent's (landlord's) point of view and whether or not the discrimination can be justified as reasonable is considered. In evaluating this, the assumption is made that the respondent has a duty to accommodate the needs of the disadvantaged person or group, in question as long as it does not involve undue hardship to do so.

I do not foresee many of the current tenant selection processes withstanding this type of challenge. Where income and affordability criteria are used to exclude lower-income people from affordable apartments, I am confident they will be struck down as discriminatory against virtually every group protected under human rights codes and the Charter. Affordability criteria exclude anyone on social assistance from just about every apartment in the market and have an obvious adverse impact on women who earn 60 per cent of what men earn, unattached individuals who have to compete with household incomes, youth, the elderly, the disabled and the most needy in general. Landlords should not be able to say that any lower-income people what they can afford to pay for housing. The only result of restricting their choice is to force them to pay far more in rent elsewhere. Any hardship imposed on landlords in relinquishing income and affordability criteria will be balanced, in these cases, against the hardship imposed on disadvantaged groups being denied housing. It should not be seen as undue hardship to risk renting to a low-income tenant.

The same argument applies to landlords who inquire about a person's credit rating and employment. What good is human rights protection for social assistance recipients or youth or refugees and immigrants if
landlords can reject anyone without a good credit rating or permanent employment? Renting an apartment is not the same as applying for a loan to buy a shiny, new car. The person is paying cash in advance for something that is an absolute necessity.

Are we really prepared, as a society, to adopt a policy that says people without a good credit rating or permanent employment? Good credit rating and a job shouldn't have anything to do with whether housing providers allow someone to rent an apartment. If it is an absolute necessity, it is not a discretionary choice; it is a right. Renting an apartment is not the same as buying a car or a house. It is a right, not a luxury.

The implications of this extend to the public and non-profit housing sectors as well. There is an awful lot of direct discrimination and harassment in the public sector, and we are not doing nearly enough to train staff of public housing or members of non-profit co-ops to deal effectively with such issues as racism and sexual harassment. I was shocked to discover how many tenancy applications for market rent apartments in the non-profit sector require information on marital and family status, where the information is being used not for needs assessment but rather to determine the desirability of the applicant. The time to ask such questions, if the information is necessary for some reason, is after the selection process has been completed.

The public and non-profit housing sectors have to clearly distinguish between affirmative action selection and other forms of selection. In general, it is justified to select applicants according to need, based on information of income, family status, or disability. But to collect and use such information for the purpose of excluding low-income families from market rent agreements through affordability criteria or someone suffering from drug or alcohol addiction from a co-operative or someone who has not been a resident in the province for a certain length of time from public housing — these types of actions are discriminatory.

More and more often, to secure allocated units in the non-profit sector, groups representing battered women, refugees, young mothers, or the disabled are having to get directly involved in the creation of housing supply. Or they are being asked by non-profit co-ops to provide indemnification against any risk in exchange for a special allocation of units to their client group. But this is not the way it should be. Non-profit housing should be exemplary in initiating affirmative action programs to ensure that they are housing disadvantaged groups, not simply imitating the private sector. They should not be placing all the burden of what in human rights we call "reasonable accommodation" of disadvantaged groups back onto the groups themselves. It would be like employers agreeing to hire women as long as women's groups indemnify them against perceived self-interest and to rent to a single mother of three on social assistance rather than to a single man making $41,000 a year. They cannot believe that what they consider the rational choice based on income could be considered illegal. Such a radical shift in thinking will not come just by legislation or policing. It will come from the grassroots level, with low-income people and victims of housing discrimination educating the courts and the legislators.

It has to be a social rather than a judicial change in the way we think. The intent and self-interest of the individual has to be overruled by a collective intent — or what the philosophers call "intentionality," that mysterious ability of human collectivities to constitute rules for such structures as language and mathematics that transcend the individual, but without passing any laws or setting up any commissions or courts to ensure individual compliance. This is the sort of thing that happens when children in a playground develop rules of fair play for a game without the rules ever being imposed from above, or when lineups at a supermarket adapt in an equitable way to the opening of a new cash register without anyone in authority telling each individual what to do.

While boarding a plane in Toronto recently, I watched staff and passengers together respond in similar collective fashion to accommodate the needs of a mother with two small children, an elderly woman in a wheelchair, and a man with some sort of disability. I thought, as I watched that scene, of how we would have reacted with outrage if someone in authority had negated the collective response and refused to allow those people on the airplane because they would be too much trouble. Pursuing the analogy with housing, I thought of how a special subsidized flight to Vancouver for the "hard-to-seat" would not repair the harm done by that act of violence — violence against both the individuals who are excluded but also against the collective response to include them.

Scenes such as these are reassuring. They give me some hope that we will soon see a decisive social response in Canada to the intolerable and absurd violence inflicted by discrimination in housing.

Bruce Porter is a graduate of Queen's University and the University of Sussex. He has yet to complete his doctoral dissertation in the graduate program in social and political thought at York University in Toronto. A long-time advocate of low-income tenants, Porter helped organize the Lakeshore Tenants' Association, sponsored the Lakeshore Community Organisation Office, and assisted in founding South Etobicoke Community Legal Services, of which he is past chairperson. He is a member of the housing needs committee of the City of Etobicoke and vice-chairperson of the Lakeshore Hospital Site Public Interest Coalition, a group lobbying for and developing non-profit housing on Lakeshore Psychiatric Hospital lands. Porter is a member of the Affordable Housing Action Group and the Family Housing Workgroup in Toronto.
The RIGHT to Homeownership*

by Thomas S. Axworthy

Abstract
The political essayist John Locke, in his famous treaty on the goals of a liberal democracy, placed great importance on property rights. Using this as a premise, the author argues that shelter is a basic element of human happiness and that healthy democracies should do their best to ensure all people be adequately housed.

Résumé
Le philosophe John Locke, dans son fameux ouvrage sur les objectifs des démocracies libérales, accordait beaucoup d'importance au droit à la propriété. En partant de ce principe, l'auteur de cet article soutient que le logement est un élément fondamental au bonheur et que les démocraties saines devraient tout faire pour s'assurer que chacun ait un logement convenable.

Throughout history, human rights have had many defenders, but pride of place probably belongs to John Locke. Locke begins his famous treaty on the goals of political society with the claim:

The great and chief end therefore of men uniting into Commonwealths and putting themselves under Government is the Preservation of their Property.1

The modern doctrine of human rights began quite literally with property rights. Property was more than land or material possessions. It was life and liberty. The importance Locke placed on property should alert us to the importance of shelter as a basic element of human happiness.

* This article is an abridged version of a paper prepared for the Ontario Ministry of Housing's Homeownership Forum, held in Toronto, October 13, 1988.
Self-realization is the goal of liberal democracy. The purpose of life is to become whatever we are capable of becoming. Thus, individuals must have the broadest possible choices to define the good life for themselves. The role of the state is to provide the conditions for these choices. Real choice depends not only on civil and political rights. It also depends on a range of economic and social rights — including adequate shelter.

Having the right to do something is meaningless unless we can actually do it. True freedom is absent when poverty, hunger, or illness deny us the ability to realize our potential.

Adequate shelter is an individual right.
denied many Canadians today. Beyond providing a minimum level of adequate shelter for everyone, a democracy should also strive to increase housing choice. Individual circumstances change, and the housing market should be flexible enough to meet these needs. In Toronto, for example, there are not enough units for renters and not enough medium-priced housing for those who want to buy. Housing choices are narrowing, not expanding.

A healthy democracy requires a large band of property-owning citizens. A society of property holders increases liberty, balances wealth, reduces dependence, and gives citizens a stake in the community. Ownership should be as important a goal of housing policy as social equity.

Adequate shelter is critical to self-realization. Given our climate in Canada, lack of shelter means loss of life itself. Safe, warm, well constructed housing is the minimum standard for adequate shelter. The quality of housing in central cities and in rural and northern communities is far from adequate. Statistics Canada found nearly one million dwellings “in need of major repair” during a 1987 survey. The physical condition of Canadian housing must be on any policy agenda.

The priority of any housing policy must be the homeless. Twenty thousand Ontarians use the emergency shelter system of this province. For up to a hundred thousand Canadians, the dominant housing problem is not high rental or mortgage payments. It is simply a roof. To study the plight of the homeless makes us realize how far we are from the democratic ideals of self-worth and self-realization.

Toronto cannot become another New York where the homeless wander the streets while the affluent look down from cold, soulless, skyscraper windows. The problem is large, but it can be solved. We need to build more emergency shelters. We need to find operating funds to man them. Shelters are only a temporary step to deal with immediate needs until we find a permanent solution. Yet, this first step is urgent.

Almost as critical is the gap between the cost of decent shelter and the ability to pay for it. For some Canadians, we are building bigger houses for smaller households. Other Canadians live in cramped quarters or pay so much for shelter that every other necessity of life suffers. A recent report in the Toronto Star suggests that nearly 80,000 Torontonians, almost half of them children, go to bed hungry because rent takes so much of the family income.

Rent and mortgage payments are the most pressing in the average Canadian budget. Food, transportation, clothing, or health care takes second place to the overriding need to find shelter. In a recent speech, Chaviva Hosek described Ontario’s housing problem succinctly.

- Ontario’s population is growing by one hundred thousand a year through migration alone, thereby putting intense pressure on supply.
- A quarter of a million households in Ontario pay more than 30 per cent of their incomes on housing.
- Thirty thousand Ontario families are on waiting lists for public housing, and up to 20,000 people use the emergency shelter systems.
- The average residential resale price in Toronto in June 1988, according to the Multiple Listing Service, was $233,000 — up from $201,000 in 1987.

The democratic goal of freedom of individual choice recedes in the face of such figures. The price of single-family dwellings, especially in Toronto, is going up faster than incomes. Supply is not keeping up with demand, and the resulting tight market restricts choice to those with high incomes.

In contrast to the imbalance in the supply of modest housing, a 1988 survey by Goldfarb Associates reveals the high value Canadians place on housing choice. The three most critical goals for Canadians were good health, love and marriage, and homeownership. Owning property is more important to Canadians than raising a family, having a satisfying sex life, or accumulating wealth. And the index of importance attached to housing has increased: from 72 per cent in 1980 to 81 per cent today.

Homeownership is almost a universal dream. Yet, that dream is turning into a nightmare for many Canadians. Future expectations are even worse. In the national sample, 26 per cent rated housing as a serious problem today, but 41 per cent believe the problem will get worse in the future. Canadians, particularly homeowners, rate future housing opportunities for their children as poor. A wide gap is developing between hopes and realistic expectations. Dashing hopes and reducing choice is not a happy prospect in any democracy.

The debate over property rights, however, is far from one-sided. Plato attacked private property as inconsistent with the good life. Aristotle defended it as essential for the fullness of human faculties. Early Christians derided it, but St. Thomas Aquinas justified it under natural law. It was extolled by Jean Jacques Rousseau and Thomas Jefferson, and abhorred by Karl Marx.

Like the classical Greeks, the goals I advocate for our society revolve around the process of fulfilling our potential. C.B. Macpherson writes: "Life is for doing rather than just getting." The full life need not be consumerism gone mad. We can aim higher.

It was not until the 17th century that the Greek ideal emerged as a plea for the individual. Property, again, was at the centre of the debate. Early liberals of the 17th century protested the power of the landed aristocracy. As feudalism dissolved in the face of liberal pressure, individuals could get enough land or capital to work for themselves. Thus, Locke argued:
We no longer have a society made up of small farms. Ownership of a home or a business through profit-sharing or share distribution is the modern equivalent. For the average family, the only significant investment in their life is their home. Canadians invest 40 per cent of all personal savings — $682 billion — in housing. Profit-sharing should be as much a priority of any future economy, but it is not. Unlike profit-sharing, we have already achieved homeownership on a broad scale. We must preserve this achievement and strengthen the option for future generations of Canadians. Having achieved a part of the Rousseau-Jefferson ideal of widely distributed property ownership, dare we turn the clock back?

Housing is a necessity of life. Homeownership, with its historical credentials as a basic right, continues to be a dream. The ideals of liberal democracy — self-realization, choice, and rights — have important implications for housing policy.

- If shelter is a right, the homeless have a moral claim that we, as a society, must meet.
- If choice is central to our idea of a liberal democratic state, we must recognize that choice is diminishing. The severity of problems of supply, demand, and cost requires a radical response.
- If homeownership is a foundation of the democratic way of life, there must be equal opportunity for all citizens to own their own home.

Trying to manage the growth of an urban colossus, such as Toronto, is a supremely difficult task. Trying to provide relief to thousands of Canadians who pay more than 30 per cent of their income for shelter is expensive. Trying to balance the intricate market relationship of supply, demand, and cost is a policy problem of immense proportions. But if Canada — with its small population, vast area, and impressive wealth — cannot achieve the democratic requirement of adequate shelter, who can?
Everyone deserves a decent home. We salute the 40th anniversary of the United Nations' declaration of the universal right to housing.

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The City of Toronto Housing Department warmly acknowledges the 40th anniversary of the United Nations Universal Declaration of Human Rights. Working with Cityhome and other non-profit and private housing developers, this department has an enviable record in promoting and producing affordable housing for the City of Toronto. Central to its operating philosophy is the premise that all citizens have the right of access to adequate, affordable housing.

The right to adequate and affordable housing is a right that should be accorded everyone. The Capital Region Housing Corporation of Victoria, B.C., supports the efforts of all who seek solutions to the current housing crisis.

Capital Region Housing Corporation
534 Yates Street, P.O. Drawer 1000, Victoria, B.C. V8W 2S6

The Ontario Non-Profit Housing Association supports the availability of affordable and appropriate housing for all households in the province.
for the health and well-being of himself and his care, and necessary social services.”

The Regional Municipality of Peel and the Peel Non-Profit Housing Corporation are committed to seeking solutions to the housing crisis in our communities. We actively seek new partnerships with the public, private, and non-governmental, community-based sectors in the housing field and applaud the Canadian Housing and Renewal Association for its commitment to seeking adequate, accessible, and affordable housing for all Canadians.

You can count on Peel’s continuing participation and support of the Canadian Housing and Renewal Association.

Frank Bean
Chairman and Chief Executive Officer
The Regional Municipality of Peel

Maja Prentice
President
Peel Non-Profit Housing Corporation

Decent and affordable housing that is suitable to the needs of the household is an essential ingredient of the overall health of the community. As professional community planners, the membership of CIP congratulates CHRA on its continuing leadership in the field of housing.

Élément de base du bien-être de notre société, le logement convenable, à la portée de tous, reste un besoin dont l’ACHRU est porte-étendard. Les urbanistes du pays partagent cette préoccupation et félicitent l’ACHRU de ce numéro spécial.

The City of Ottawa Non-Profit Housing Corporation and the City of Ottawa Department of Housing & Property is committed to providing Ottawa’s low- and moderate-income and special needs citizens with decent and affordable housing options. The premise that all citizens should have access to adequate accommodation is integral to all human rights movements. As such, the City salutes the Canadian Housing and Renewal Association for bringing the issue of the human right to housing to the forefront.
The UBC Centre for Human Settlements (CHS) was established following the 1976 United Nations Conference on Human Settlements held in Vancouver. The interest generated by the "Habitat Conference" led to the formation of a multi-disciplinary research centre within UBC's Faculty of Graduate Studies.

During the past 12 years CHS has pursued research in the broad field of human settlements, welcoming more than 70 visiting scholars, convening 40 research seminars, organizing 28 Habitat Lectures, and publishing 8 books and more than 50 research papers.

Since 1986 CHS has studied the nature and scale of homelessness in Canada within the framework of the International Year of Shelter for the Homeless. The Centre's research staff prepared the reports on homelessness which were submitted by the Canadian delegation to the United Nations Commission on Human Settlements in Nairobi.

In 1988 Dr. J. David Hulchanski, Associate Professor in the School of Community and Regional Planning, was appointed Director following a University review of the Centre's mandate.

The Centre is part of UBC's School of Community and Regional Planning and reports to a governing council chaired by the School's Director, Dr. Alan F.J. Artibise.

The aim of the Centre for Human Settlements is to undertake multi-disciplinary research and disseminate information on issues relating to housing, urban and regional development, urban governance, and community development planning. The Centre seeks to engage in policy relevant research which will help communities develop socially, economically and physically.

CHS research is aimed at identifying, studying and promoting processes by which communities can effectively shape and continually improve their own initiatives. The focus is on developing community-level interaction, identity, institutions and initiatives. The role of senior governments is addressed in terms of identifying what government can do to assist communities in their own development. The Centre also seeks to identify lessons which can be shared within and between industrialized and non-industrialized areas of the world.

Research is focused on the following geographic areas: Canada, with a particular emphasis on British Columbia and northern Canada (northern B.C., Yukon and the Northwest Territories); and Australia, Japan and other Pacific Rim countries. CHS also responds to requests for research work in other areas of the world where CHS staff and UBC faculty have expertise.

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School of Community and Regional Planning
Abstract

AIDS victims are natural targets of discrimination in housing. Although such instances have occurred less frequently in Canada than other countries, two cases recently went before the courts. The result: The legal system recognized that AIDS is a physical disability and, therefore, grounds for legal protection and guarantees. A government policy concerning the housing needs of this group has yet to be formulated.

Résumé

Les victimes du SIDA sont des cibles naturelles pour la discrimination en matière de logement. Même si ce genre de discrimination survient moins souvent au Canada que dans les autres pays, deux causes se sont récemment trouvées devant les tribunaux. Le résultat: le système juridique a reconnu que le SIDA était une incapacité physique et que, par conséquent, il constitue un motif valable pour justifier une protection et des garanties légales. Les gouvernements n'ont pas encore formulé de politique concernant les besoins en logement de ce groupe.

AIDS and Housing Rights in Canada

by Scott Leckie

The first case of AIDS in Canada was reported just over seven years ago. Since that time the numbers of persons infected with the Human Immunodeficiency Virus (HIV) have risen sharply. By mid-1988 nearly 2,000 cases of AIDS had been reported.

This figure, of course, masks the issue of an estimated 50,000 to 75,000 people who are HIV positive, that is, about 340 persons per million are seropositive.

While AIDS was mistakenly perceived as solely a gay disease in the first years of the epidemic, trends show that intravenous drug users and heterosexuals are the societal groups where the virus is now spreading most rapidly.

Throughout the world, actions and reactions to AIDS have followed similar stages: from denial to blame and from confrontation to action. Jonathan Mann, director of the World Health Organization’s (WHO) global program on AIDS, has described the current stage as “the Third Epidemic: the epidemic of economic, social, political, and cultural reaction and response to AIDS virus infection and AIDS.”

Countries around the world thus find themselves choosing between compassion, justice, and equality or discrimination, violence, and deprivation for AIDS victims. Some countries have reacted with severity, quarantining victims and carriers, as well
as denying them other fundamental human rights and freedoms. Others have acted cautiously to protect the rights of these persons, while trying to limit further spread of the virus.

Canada has taken the latter approach, yet AIDS victims are beginning to face certain problems on a more frequent and disturbing basis. One area where the problem is particularly acute is housing.

AIDS victims generally experience difficulties in getting and keeping adequate accommodation. If landlords know or suspect they are renting to an AIDS sufferer, they may become extremely cautious.

Not only do landlords increasingly request evidence of good health, but they also invade the private life of renters with more vigour than ever before. They question credit ratings, require references from previous landlords, and restrict children from certain buildings. Recipients of government assistance often face difficulties, while those with physical or mental disabilities occasionally face rejection.

Yet, only recently has the legal system seen cases emerge concerning AIDS and accommodation. In late November the Ontario Human Rights Commission ordered an Ottawa landlord, who refused to rent space to the AIDS Committee of Ottawa, to pay $9,000 in damages. Only recently, the courts recognized that AIDS is a physical disability entitling persons with AIDS to special legal protection.

In the landmark case of Biggs and Cole versus Charles Hudson, two gay men in a Vancouver rental building received an eviction notice because they had a dog, which they were nursing back to health. Although other tenants also kept dogs as pets, only this couple received notice. In court, their lawyer argued that the real reason for eviction was that one of the men carried the AIDS virus. Although the Vancouver court decided that no tenure discrimination had occurred, it did decide that AIDS is a physical disability and, therefore, grounds for legal protection and guarantees. Another case is pending, also in Vancouver, involving a gay couple refused tenancy when the landlord learned that one of them had AIDS.

Cases of discrimination in housing appear to occur less frequently in Canada than in other countries, such as the United States. However, these reports indicate that persons with AIDS and seropositives have a variety of problems that stand in the way of their right to adequate housing.

Canada has various international and domestic legal obligations to fulfill the right to housing. Canada has adopted, in principle if not in fact, the International Covenant on Economic, Social, and Cultural Rights (article 11), the Universal Declaration of Human Rights (article 25), the Convention on the Elimination of Racial Discrimination (article 5), the Declaration on the Rights of the Child (paragraph 4), and others.

Furthermore, article 15 of Canada’s own Charter of Rights and Freedoms guarantees no one shall be discriminated against because of physical disability. As well, the Ontario Human Rights Code provides significant protection against discrimination and harassment in accommodation for all social groups.

While public authorities at both federal and provincial levels have taken some steps to realize housing rights, shortfalls exist at all levels. The current domestic legal norms protect persons only against acts. They do little to guarantee persons positive actions by the state. Although this is clearly the intent of many of Canada’s international legal obligations.

Loss of income, for example, can lead to a loss of housing. When AIDS becomes severe, victims are usually unable to continue working. Without an adequate income, housing choice is limited, and serious problems emerge. The question of housing rights takes on new meaning.

In Vancouver, the co-operative housing movement has designated one unit in each co-op for exclusive use by persons with AIDS or seropositives—a noble gesture by one small sector of Canada’s housing community, but far short of what is needed. To date, no government policy exists concerning the housing needs of this group.

If we think of AIDS in the context of housing rights, we can ask many questions about the individual rights of persons infected with this virus—questions that governments and others must be encouraged to answer. Where do people go to live when rents can take 50 to 50 per cent of income and they must also pay for medicine often not fully covered by insurance? Where do they go when vacancy rates are well under one per cent? Where do they go when the few special houses for persons with AIDS are filled? What happens when a life insurance company tries to reneg on payment obligations when they discover their clients have AIDS? What happens when the wait for public housing may be years rather than days or months? Where do people go when landlords evict for socially acceptable reasons without saying that the ground for eviction was AIDS? Where does the survivor go when succession rights do not apply because the couple is gay? Where do they go when zoning laws restrict group housing for AIDS? We must not only reconcile such questions morally and legally, but also with the legal obligations of the Canadian government vis-à-vis the right to housing.

Canada is one of the richest and most well-endowed countries in the world. It could easily and quickly solve the housing problems confronting persons with AIDS and seropositives. One option is the combined federal, provincial, and local financial support for hospice-like settings in which persons with AIDS could live together in comfort and security. Home medical care could be provided for those who are able to benefit from such palliative measures in a secure setting.

Governments have the resources and power to guarantee that persons with AIDS have adequate and appropriate housing at an affordable cost. The political will for doing so is insufficient. The state is bound legally to respect the right to housing. This can take several forms. Social housing units for use by persons with AIDS could be provided. Rent supplements could be extended and increased to meet actual costs and needs. Legislation on housing rights, which would protect the rights of individuals, could be adopted.

Should persons with AIDS, seropositives, or anyone else find their right to housing has been violated, by omission or action, they can pursue international remedies where local and national remedies fail.

An appeal to the United Nations Human Rights Committee is one of several options available. If the Canadian government is to take its legal obligations seriously, all Canadians must know they already have international housing rights, and they must be able to use legal sources and remedies to substantiate these rights.

While Canada’s record is commendable compared to some other countries, the time has come for this nation to finally and fully guarantee the right to housing to all persons.

Scott Leckie, an international human rights law expert, is currently based in Utrecht.
I'm not going to move unless they force me out. I'm not a piece of garbage. I’ve been here three years and don't mind if they raise the rent, but I won't move. ... Once you get used to a place, it's like a pair of shoes, they're comfortable. Even if they get worn out, you still put your old shoes on. This hotel to me is home. You go to the beer parlour, you know everybody. ... I like this place, but what they've done — it's inhuman.

(Evictee Jon Muller, 59)

Mass Evictions in Vancouver: The Human Toll of Expo '86

by Kris Olds

Abstract
Evictions do not all occur in underdeveloped countries, as illustrated by the recent evictions in Vancouver. By extensively documenting the human toll of Expo '86, the author makes the case that even such less severe evictions constitute major human rights violations.

Résumé
Le phénomène des expulsions ne se limite pas aux pays sous-développés, comme en témoignent les récentes expulsions survenues à Vancouver. Au moyen de données détaillées sur les victimes d'Expo 1986, l'auteur soutient que même des expulsions moins graves constituent des manquements majeurs aux droits de la personne.
Evictions take place in every country in the world. Most commentators, researchers, and housing activists will agree that far more people are evicted annually throughout the world than are housed. In some countries (South Korea, Indonesia, South Africa, Israel), evictions are notably heavy-handed without adequate consultation or compensation. In Korea, for example, the City of Seoul evicted about 100,000 people from slum areas in an effort to spruce-up the city for the 1988 Summer Olympics.5

While frequently less severe, evictions that constitute major human rights violations also occur in developed countries. Depending on place and circumstances, being forcibly evicted can amount to violations of one’s right to adequate housing, the right to privacy, the right to freedom of movement, the right to equal protection, and so forth. Such was the case in Vancouver, Canada, when several hundred elderly and poor individuals were evicted to make way for tourists seeking accommodation while visiting the 1986 World’s Fair (Expo ‘86). These evictions caused considerable turmoil within both the affected community and the political sphere.

Expo ‘86 and the Community

While the first documented proposal for holding a World’s Fair in Vancouver’s inner city was in 1974, not until February 1978 was the idea of sponsoring a fair seriously raised again. Architect Randle Iredale prepared a concept study for the redevelopment of the north shore of False Creek, which lies on the opposite side of False Creek from the celebrated False Creek neighbourhood being developed at that time. The north side of False Creek had been under consideration for redevelopment since 1967 when Marathon Realty (the real estate arm of Canadian Pacific Railway) first raised the issue of building residential towers on the declining industrial site.

After reading the Iredale study, the sponsor of the study, Provincial Recreation and Conservation Minister Sam Bawlf, proposed an “International exposition to complement Vancouver’s 1986 centenary.” Vancouver’s centenary was simply a suitable excuse to hold a World’s Fair given that all fairs are linked to important dates, such as the centennial of the French Revolution (Expo 1889), the 400th anniversary of the arrival of Columbus in America (Expo 1893), or the 10th anniversary of the gold rush (Expo 1909). This linkage is required to attract support from the community, all levels of government, and the Bureau of International Expositions (BIE).

While various potential sites were examined during the spring and summer of 1979, Premier William Bennett hired a consultant to recommend locations for a large, domed sports stadium. In the fall of 1979 it was recommended that the World’s Fair under consideration be linked to the stadium and constructed on the False Creek lands held by Marathon Realty.

In January 1980 Bennett announced his vision for the future, a vision to build a great meeting place for all our people that we would call British Columbia Place.4 His vision consisted of a sports stadium, a World’s Fair, and a brand new rapid transit line linking the CBD to the site and suburbs. He mentioned the enormity of the site and the consequent benefits for all Vancouverites if it was developed properly. Most important, from the perspective of this article, was the use of a fair to kick off the project: “The trigger for this development will be Transpo ’86. . . . We see in this exposition an opportunity to host both a major World Fair and to proceed with developments that suit our present and future needs. . . . We see in Transpo ’86 the chance for a celebration that will leave a lasting legacy.”

Soon after, Expo ’86 was officially established. Unfortunately, the fair and its 70-hectare site was situated next to one of Vancouver’s poorest communities — Downtown Eastside.

Vancouver’s Downtown Eastside community bounds the northern and eastern edges of Expo ’86. The 1981 Census found 16,608 people living there, with 55 per cent residing in private dwellings (single-detached dwellings, duplexes, row housing, and apartments) and the remaining population (45 per cent) living in lodging houses (residential hotels, rooming houses, non-profit hostels, and multiple conversion dwellings). A more recent (1986) survey by the City of Vancouver’s social planning department registers approximately 9,600 lodging house units in Downtown Eastside. It is the lodging house population (the residential hotel residents, in particular) that is under examination here.5

The average lodging house resident is characterized by the Downtown Eastside Residents’ Association (DERA) as follows: if there is a typical Downtown Eastside resident, he is an unemployed man, about 55 years old, receiving social assistance, and living alone in a small housekeeping room for which he pays $225 a month. He probably has lived in the community in a variety of lodging houses, on and off, for the past 15 years. He has previously worked in primary industries (logging, mining) and may have become disabled while working.6

Downtown Eastside’s residents also tend to be fiercely independent individuals, who are linked to informal social support systems.7 Their independence exists with respect to mainstream society and the services offered by the government.

Independence, combined with a history of struggle (in terms of work, personal life, and community problems) and links to community-based services and social networks, has created for many a strong sense of community in the Downtown Eastside.

During 1986, one important contributing factor to the severity of the evictions was the lack of residential tenancy rights of all residential hotel dwellers. Tenants have absolutely no security of tenure. Legally, they are considered licensees (those who have not got the right to exclusive possession). As such, they are considered to be hotel guests, even though they may have lived in the hotel room or rooming house for one, or even 40 years. They may be evicted at any time and with no notice. They may face rent increases at any time and in any amount. Their goods may be seized, and their use of the room may be regulated by the landlord (e.g., no guests allowed after 11 pm).

Very precarious tenancy status, combined with marginal financial resources, leave the typical Downtown Eastside resident vulnerable to any potential speculation by hotel owners interested in catering to the Expo tourist market. Given that a large number of residential hotels and rooming houses are within a five-minute walk to the Expo site and that many of the hotels are in weak financial condition, many hotel owners could not resist the perceived potential financial gains brought by the money-laden Expo tourist trade.

The Expo ’86 Eviction Crisis

The first questions about the possible housing impacts of Expo ’86 (then called Transpo ’86) and B.C. Place were raised during the summer of 1981, one-half year after the BIE’s official ratification of the Expo application. In Downtown Eastside, First United Church representatives predicted that at least 800 low- and fixed-income residents would be evicted from residential hotels and rooming houses being upgraded for the Expo ’86 lucrative tourist trade.

In early 1983 Vancouver’s social planning department assumed responsibility for Expo ’86-related accommodation issues because of a long involvement in Downtown Eastside issues. In October of that year the department began work on a major option called the Expo Housing Program. The justification for the program was that Expo ’86’s inner city setting, its success in attracting exhibitors, and its likely success in attracting a multitude of visitors would exert considerable pressure on an already limited amount of rental housing stock. Additional housing assistance from CMHC was sought because of the necessity to avoid further pressure on rental accommodation, particularly in the inner city, and the necessity to protect
the most vulnerable population — the long-term, low-income inner city dweller living in hotels and rooming houses. The Expo Housing Program basically involved capitalizing on the possible negative housing impact of Expo '86 by convincing the federal government to provide special increased funding for existing programs.

The social planning department developed various other options over 1984. The most important and controversial was a rent freeze and no eviction program, which was proposed by DERPA and refined with social planning staff input. In the proposal, long-term residents (over one year) of lodging houses would receive protection from either rent increases or evictions during the period of operation of Expo '86. This option required provincial government approval because the city does not have legal authority to enact either rent controls or eviction protection.

By June 1985 the results of the department's Expo Housing Survey were in. It was noted that a large majority of hotel operators would not be undergoing major upgrading specifically for Expo '86 until the last possible moment — January or February 1986. This prediction, in addition to Expo '86 refusing to support the Expo Housing Program, caused planners to focus on their ounce of prevention option — time-limited, no-rent increase, no-eviction legislation applied to long-term residents of residential hotels alone.

On August 13, 1985, this option came before Vancouver City Council for approval. It failed to pass, as council split 5–5 on the motion to request the provincial government to amend either the City Charter or the Residential Tenancy Act until October 13, 1986 (the day Expo was scheduled to close). There was firm opposition to this option from various members of city council, including alderman (now mayor) Gordon Campbell, who aligned with the B.C. Hotels’ Association. Their perspective was that no hotel owner intended to evict tenants. Rather, in the words of Campbell, rent freeze advocates were “trying to set up a bunch of straw men” to lead the attack on any legal action preventing evictions.

In February 1986, the exact month predicted by the social planning department, evictions began to occur. On February 25, 1986, city council finally passed a motion requesting the provincial government legislate an end to the housing program that would allow the city to implement the rent freeze and no eviction program. A 5-5 tie vote occurred, and the motion was not passed. Alderman Gordon Campbell continued to lead the attack on any legal action preventing evictions.

In the past four years, about 80 private rooming houses — which provided more than 2,000 rooms for low-income families and individuals — have closed down. Some have been converted to non-residential use, others have been demolished.11

Thus, Expo '86 had a destabilizing effect on land values (and, therefore, housing supply) in Downtown Eastside before the opening of the fair. Other contributing factors likely include core commercial expansion, the expansion of Chinatown, the low profit margins of this type of rental housing, the enforcement of city standard of maintenance by-laws, and general urban redevelopment pressures.

Pre-Expo Tourist Demand Impact: The exact number of Downtown Eastside lodging house residents displaced because of Expo '86-induced pressure was a controversial issue. Estimates between a low of a few and a high of 2,000 evictees have been suggested by politicians, planners, and community representatives. Statistics supplied by the social planning department offer a good rough estimate of the number of evictees. Based on the various surveys and housing registry data, approximately 415 were evicted from their lodging houses because of Expo '86. This total is considered conservative by the city's social planning and health departments, as well as by community representatives, because of problems with survey techniques and the fiercely independent nature of the typical Downtown Eastside resident. Many evictees simply moved without seeking any assistance.

Taking all of this into account, assuming the social planning department statistics are correct, speaking to community representatives and city staff, and searching over relevant newspaper clippings, my estimates indicate that between 500 and 850 evictions occurred in Downtown Eastside lodging houses because of pre-Expo tourist demand impact. In addition, between 1,000 and 1,500 lodging house rooms were switched from monthly rental to tourist rental status during the spring of 1986. To put some perspective on both these figures, the 1981 Census tabulates approximately 7,461 lodging house residents living in Downtown Eastside and of April 1986, approximately 9,600 lodging house units in Downtown Eastside.

Evictions were both direct (e.g., receipt of an eviction notice) and indirect (e.g., rent increases or implementation of strict regulations about cooking in the rooms).

Post-Expo Impact: While Expo '86 was open, a high proportion of the owners and operators of residential hotels where residents were evicted failed to see their dreams of financial gain materialize. Negative publicity occurred because of the evictions and the poor quality of the renovation work. Also, Downtown Eastside residents stopped frequenting the bars of hotels where residents were evicted. This action cut off an important source of revenue.

The Housing Impacts of Expo '86

World's Fairs can result in four different types of housing impacts: 1) on-site; 2) post-announcement speculative; 3) pre-Expo tourist demand; and 4) post-Expo.9

On-Site Housing Impact: No housing was demolished on the Expo '86 site because it was former industrial land comprised of railway tracks, lumber storage, and several old industrial structures.

Post-Announcement Speculative Impact: Following the announcement of Expo '86 and the B.C. Place development in 1980, land speculation began occurring in Downtown Eastside. Examination of data detailing changes in the value of downtown residential hotels points to a destabilized market, which is characterized by a rapid increase in land values.10

Similar conclusions can be drawn by an examination of the social planning department's lodging house surveys carried out during 1983, 1985, and 1986. Substantial housing loss has occurred in Downtown Eastside since 1978. Various estimates put the loss between 1,000 and 2,000 units for 1978–1984. This is supported by preliminary data from the 1986 survey, which shows a permanent loss of approximately 600 lodging house units (primarily sleeping/housekeeping units) between 1984 and 1986. As Vancouver's mayor also put it: "In the past four years, about 80 private rooming houses — which provided more than 2,000 rooms for..."
Notes

1Jon Muller is one of many evictees profiled in an article by Mark Hume, "Turned Out: They Built Canada, Now They're Uprooted," Vancouver Province, March 8, 1988, p.A10.

2This article is based on the author's M.A. thesis Planning for the Housing Impacts of a Hallmark Event: A Case Study of Expo '86, School of Community and Regional Planning, University of B.C., April 1988. The research was supported, in part, by a scholarship from Canada and Mortgage Housing Corporation.


5Lodging house is a general term encompassing both residential hotels and rooming houses. Residential hotels differ from rooming houses: A residential hotel has a lobby/lounge area and amenity space, and there are often bars on the main floor of these hotels; the rooming house, on the other hand, does not have a lobby with hotel staff/check-in area. The residential hotels evicted the great majority of tenants living in Downtown Eastside.


7Dr. John Blatherwick, Chief Medical Health Officer, City of Vancouver. Interview with author on June 26, 1987.


9The four different types of housing impacts were delineated by the author after examination of the housing impacts of World's Fairs since their inception in North America in 1853 (see Olds, 1988).


Following the closure of Expo '86, many residential hotels attempted to attract previous residents. Some hotels initially attempted to continue catering to tourists, but they met with mixed results. By spring 1988 only one hotel, which formerly had been renting to long-term Downtown Eastside residents, has remained a tourist hotel. Many hotels had borrowed money to renovate and failed to make up this cost. Consequently, several hotels where residents were evicted went into receivership, and some have been sold. The rent levels in lodging houses returned to pre-Expo rates after Expo '86 closed, and the vacancy rate (as of October 1987) was approximately equal to the rate recorded over one year before Expo opened.

While there appears to be little if any post-Expo impact, Downtown Eastside's housing market remains unstable. Walks through the community during 1987, 1988, and 1989 reveal considerable numbers of For Sale signs and several development permit applications. This signals that a potential exists for future post-Expo impacts. In all likelihood, current plans for the development of the Expo '86 lands (now known as Pacific Place) will have a powerful effect on Downtown Eastside housing stock and, consequently, its residents.

Kris Olds is an urban planner who recently completed a thesis, "Planning for the Housing Impacts of a Hallmark Event: A Case Study of Expo '86," at the University of British Columbia. He has also published research papers on gentrification and displacement.

The YWCA of/du Canada is a national voluntary organization serving 46 member associations across Canada. Dedicated to the development and improved status of women and their families, the YWCA is committed to service and delivery, to being a source of public education on women's issues, and an advocate of social change. As a member of the World YWCA, the YWCA of/du Canada is part of the largest women's organization in the world.

In the late 19th century, housing was one of the first services provided to young women by the YWCA in Canada. Today, more than a century later, housing is a cornerstone of the YWCA movement. YWCAs and YM-YWCAs provide housing and support services for women and their families in communities in 9 provinces and the Northwest Territories. These housing services include emergency and crisis shelters, supportive and transitional accommodation, as well as housing for independent living and short-term hotel facilities. The YWCA movement in Canada provides more than 2,400 beds every night across the country.

Contact:  Rita S. Karakas  
Executive Director  
YWCA of/du Canada
The Social Impact of Expo '86
by Jim Green

The 1986 Expo celebrations caused 700 to 1,000 residents of Vancouver's Downtown Eastside community to be evicted from their long-time homes. Within weeks, 11 were dead. But these evictions affected others as well. The Downtown Eastside was forced to watch pioneers of this province thrown into the street. Although the feeble, the disabled, and the elderly bore the brunt of the Expo evictions, the entire community felt the pain of the massive dislocation. People left the community for Toronto and other parts, and the social networks of a caring community were damaged and in some cases destroyed.

The community fought back with every resource available to protect itself. It was a battle that could not be won. The Downtown Eastside had its allies, but the landlords, speculators, crown corporations, and provincial government were too strong a team.

We were told that it was all worth it—Expo '86 only lost $400 million. But to the Downtown Eastside Residents' Association, the only positive outcome of the whole terrible event was that we learned who were and were not our friends. The evictions happened in 1986, but the memories remain. These memories, and the lessons we learned, are reinforced by the massive developments planned for the Expo '86 site and Coal Harbour. These developments, by Concord Pacific and Marathon Realty respectively, will have even greater impact on the people who live in the vulnerable Downtown Eastside community.

Jim Green is the community organizer of the Downtown Eastside Residents' Association.

OLAF SOLHEIM, 1898-1986

On April 18, 1986, long-time Downtown Eastside resident Olaf Solheim died at the age of 88. Solheim had lived in the Patricia Hotel for 62 years and was said to have been the hotel's bell boy back in the 1920s. He was well known in the neighbourhood and in good health.

Six weeks before his death, Olaf was evicted from the Patricia—the last one to go out of the 70 or so long-time residents evicted by the owners, who had registered the Patricia with the Expo '86 booking agency. The staff of the Downtown Eastside Residents' Association was able to find Olaf an apartment in a recently opened social housing project, about six blocks from the Patricia. However, Olaf never came to grips with the eviction.

Olaf apparently decided it was over. About 40 days after his eviction, in his new social housing unit, bags still unpacked, his meals-on-wheels deliveries uneaten, Olaf Solheim died.

JOHN STEFANICZAN AND MAY HEGINBOTHAM

On March 1, 1986, John Stefaniczan and May Heginbotham were evicted from their room at the Regal Place Hotel in Vancouver's Downtown Eastside to make way for Expo '86 tourists.

They lived together and had lived for several years in the hotel. The eviction was very stressful. John was in tears most of the time, on eviction day and for long after. The eviction took a serious physical toll on May. Community workers did their best to help. A good apartment in a social housing project was found for them.

May died in February 1987, 11 months after the eviction. John still lives in the neighbourhood.
MASS EVICTIONS IN CALCUTTA:

One Canadian’s Role in Monitoring Conditions for the Habitat International Coalition

by Habitat International Coalition Staff

Abstract

Forced evictions are becoming an increasing problem in Africa, Asia, and Latin America. Using Calcutta as an example, the Habitat International Coalition has adopted a proposal for an international campaign against forced evictions.

Résumé

Les expulsions forcées deviennent un problème de plus en plus répandu en Afrique, en Asie et en Amérique latine. En utilisant Calcutta à titre d’exemple, la Coalition internationale de l’habitat a adopté une proposition visant à lancer une campagne internationale contre les expulsions forcées.

At the Habitat International Coalition’s (HIC) April 1988 meeting in New Delhi, many representatives of non-government organizations learned that mass forced evictions of poor families from their squatter settlements or their place on the pavement are still taking place on a larger scale than most people realize.

HIC is a coalition of over 200 non-government organizations and housing research institutes. It was established following the 1976 Vancouver Habitat Conference on Human Settlements. One Canadian, Barry Pinsky, is a member of HIC’s board of directors.

The General Assembly of the Habitat International Coalition unanimously adopted a resolution calling for an immediate halt to mass forced evictions. These evictions were condemned as serious violations of human rights. The resolution quoted a recommendation from the Vancouver Declaration of 1976, which states that "major clearance operations (should take place) only when conservation and rehabilitation are not feasible and relocation measures are made."

The resolution quoted as examples two cases of forced evictions that had taken
place within the last two months in Calcutta, one leaving 200 families homeless and the other about 65 families. It urges the Government of West Bengal to initiate a dialogue with the displaced residents in order to arrive at a satisfactory solution of their shelter problems; to set up a mixed committee to review the shelter situation in Calcutta; and to recommend means to ensure that further evictions do not take place. The General Assembly entrusted a member of the HIC board, Barry Pinsky, co-ordinator of Rooftops Canada in Toronto, with the task of visiting Calcutta and reporting on the Calcutta evictions.

Barry Pinsky investigated the eviction of the residents of Baghbazar Municipal Yard. He had discussions in Calcutta with the mayor, representatives of the West Bengal Government, HUDCO, and local NGOs, as well as with former residents who had been evicted. He concluded that in the early morning of Sunday, March 27, the 328 residents of Baghbazar were evicted from their community. First, they refused to move and were beaten by the police; eight residents were arrested. Once they were removed, a bulldozer proceeded to destroy all the huts and pile up the debris. No formal written notice of the eviction was ever given to the residents, and they were still in discussion with the local authorities about a relocation site. (The West Bengal Public Lands Act requires a 15-day notice for evictions.)

During his visit to Calcutta, Barry Pinsky was shown a report indicating that in the city alone more than 40,000 people had been evicted since 1983; an additional 30,000 had been threatened with eviction. Calcutta is not the only city in India where forced evictions take place, and India is not the only country. The president of HIC has brought both the resolution and Barry Pinsky's report to the notice of government authorities in India and officials of the United Nations.

During its session in New Delhi, the General Assembly of HIC adopted a proposal from a working group, elaborating its plans for an International Campaign Against Forced Evictions. This campaign consists of the following elements:

- HIC members and others will be asked to draft reports on recent cases of eviction in 10 to 15 cities in different countries.
- HIC will then send missions of three people each to these cities to discuss the findings of the reports with different government and non-government representatives and, if necessary, to make additional enquiries. At least one of the people taking part in the missions should be from the region where the city is situated, and at least one should be a national or international well-known personality.
- The information obtained will be submitted to governments and international agencies. It will also form the basis for a press campaign, and for the production of a background leaflet in several languages, to be distributed among the general public. In carrying out the campaign, HIC will seek an alliance with other international NGOs.
- From the 10 to 15 cases, three or four will be selected for elaborate country-wide studies into the economic, political, and social forces that led to the evictions and into the measures that should be taken to prevent their recurrence. These studies will be carried out by different regional research institutes on the basis of an agreed-upon model.
- At the same time, HIC wants to establish regional centres for early warning and assistance in Africa, Asia, and Latin America. These centres should be able to collect information on evictions and threats of eviction and quickly approach national and international authorities and the media in an effort to stop or prevent them.
- They would also advise communities in their region on measures to protect them against evictions (e.g., by appeals to court and members of parliament) and help them in overcoming resettlement problems.

HIC has already started to draw the attention of the human rights agencies of the United Nations to the increasing problem of forced evictions. It has asked the United Nations Committee on Economic, Social, and Cultural Rights to question governments on evictions when it examines their reports on their implementation of the International Covenant on Economic, Social, and Cultural Rights.

HIC has suggested to the United Nations Commission on Human Rights that an international agreement should be concluded containing rules of conduct in cases of eviction. Such an agreement might, among others, include articles that provide for the following:

- people will receive a warning several weeks before an eviction takes place;
- they will have a right of appeal against this decision to an impartial authority and will not be evicted before final judgement has been made;
- another piece of land close to their place of work will be designated for their resettlement;
- they will be involved in the planning of their resettlement; and
- they will receive compensation for loss of property.

New Partnerships — Building for the Future

Proceedings of the Canadian Conference to Observe the International Year of Shelter for the Homeless

A lasting record of the 1987 Canadian Conference to Observe the International Year of Shelter for the Homeless, New Partnerships — Building for the Future is now out in book form. This 130-page document not only includes a detailed write-up on every forum and plenary session. It also contains brief stories on some of the major workshops that occurred, as well as the final report written as a result of the conference, Canadian Agenda for Action on Housing and Homelessness Through the Year 2000.

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Housing Rights Take Root Across the Globe

by Scott Leckie

Abstract
National housing rights campaigns are at foot in India, The United Kingdom, throughout Asia, and in Canada, with the Indian campaign being the most organized and dynamic. This article not only documents the various campaigns emerging around the world but also discusses their importance in the context of housing rights.

Résumé
Des mouvements nationaux de défense du droit au logement sont sur pied en Inde, au Royaume-Uni, dans l'ensemble de l'Asie et au Canada, mais la campagne menée en Inde est la mieux organisée et la plus dynamique. Cet article décrit non seulement les diverses campagnes qui sont menées dans le monde entier, mais il analyse leur importance dans le contexte du droit au logement.

If the past two years are anything to judge by, then vociferous demands concerning the human right to housing are here to stay. From India to the United Kingdom and from Canada to South East Asia, housing rights campaigns have developed from intellectual ideas to concrete realities. While these varied movements differ in many subtle ways, these distinctions are overshadowed in their common aims for the recognition and fulfillment of the right to housing. These nongovernment initiatives are unique in that they each use the discourse of human rights law in the context of adequate shelter. Traditionally, the law has been seen (and continues to be) not as a means toward achieving greater social equity, but as a tool of the dominant social interests by those active in the housing arena, particularly in the Third World. Increasingly, however, NGOs, community-based organizations (CBOs), lawyers, and others are beginning to perceive and use legal resources in the quest towards improving shelter conditions across the globe. Some housing rights campaigns have had measured successes, whereas others have found only the plugged ears of government officials.

The National Campaign for Housing Rights (NCHR) in India probably represents the most organized and dynamic movement of this type. Although the NCHR was only formed some two years ago, the scope and originality of its actions are astonishing. On the one hand, the movement has campaigned against all forms of forced evictions—an all too common feature in the daily life of impoverished Indians. For instance, during the United Nations International Year of Shelter for the Homeless in 1987, over 100,000 people were forcibly evicted from their homes in Calcutta alone. If other large Indian cities are included, the number jumps significantly. Many legal strategies have been pursued by supporters of the campaign to prevent or at least delay this most vicious form of housing rights violation from taking place. Occasionally, there are victories and acceptable settlements. Yet, increasingly, physical protests against the evictors are becoming the norm, as the courts continue to turn a blind eye to the housing rights obligations of the Indian government.

In an effort to permanently halt evictions and to sustainably guarantee adequate shelter for all, the campaign has spent a good deal of its energies drafting and discussing possible legislative changes. Its central demand is the insertion of an amendment explicitly recognizing that "every person, woman, and man shall be guaranteed the right to a place to live in security and dignity" into the Constitution of India. In supporting its demands for legislative reform, the NCHR has published a variety of studies and "approach papers," which outline in precise terms how the right to housing should be interpreted and what this right should legally entail. The points it has made thus far are perfectly compatible with the social reality apparent in India and reflect a great deal of wisdom—wisdom that should be accepted by the current Indian government.

The United Kingdom, while suffering housing problems of a somewhat different dimension than in India, also has had the experience of a national housing rights campaign. This movement was active be-
fore the 1987 national election in Britian and has since restricted its activities enorm­ously. In contrast to the NCHR, the Brit­ish movement focused largely on discrimination in the housing sector.

Instead, the fascist regime of Margaret Thatcher has recently passed through Parliament its own "Housing Bill," which totally ignores the suggestions made by the housing rights campaign. Members of the campaign had minor successes in watering down some of the more drastic language of the governments bill, yet these amounted to meagre victories when com­pared to their more progressive urgings.

Two other interesting housing rights cam­paigns are more extensive in their coverage. The International Campaign for Housing Rights of the Habitat International Coalition (HIC) spans the planet, while the Asian Coalition for Housing rights has members from 10 Asian countries. Each of these groups are relative newcomers on the scene, representing broad approaches and activities aimed toward enhancing respect for the right to housing.

The HIC campaign has carried out fact­finding missions concerning mass and forced evictions, actively participated in the human rights bodies of the United Nations, and is currently in the process of drafting an International Charter on Housing Rights that will eventually be forwarded to the UN for potential adoption by the General Assembly.

The Asian coalition recently carried out a fact-finding tour of South Korea several days before the Olympic games began there. Its findings concerning the hundreds of thousands of persons forcibly evicted from their dwellings received widespread coverage.

In addition to these various international campaigns, an emergent housing rights campaign is quickly gaining momentum in

A 10-nation coalition for housing rights established in Asia

The Asian Coalition for Housing Rights (ACHR) was created at a Habitat International Coalition for Asia (HIC-Asia) meeting in Bangkok in June 1988. It was established by representatives from non-government and community-based organizations in 10 Asian countries (Japan, South Korea, Hong Kong, Philippines, Indonesia, Malaysia, Thailand, India, Bangladesh, and Pakistan).

The coalition will bring together NGOs and CBOs throughout Asia. It will expand its membership from among those organizations actively working for the housing rights of the poor. Eventually, it hopes to develop into a coalition of the poor themselves.

The coalition is not just interested in shelter in the sense of a material physical building of cement, bricks, nails, and wood. Much less does it look at a house as a commercial commodity whose main value is its price-tag. The coalition is interested in the rights of the poor to live in peace and dignity: their rights to a PLACE TO EXIST, even if they can only exist poorly (as poor people). The group is also interested in the model of development prevalent in developing countries, as well as the market mechanisms that not only deny the poor their rights to a place where they can exist but also ignore and destroy the cultures of Asia.

This culture is preserved among the poor and sustained by the deep-rooted values, structures, social order and relationships, and the inherent (although informal) legal order that regulates the rich community life of the poor.

Everyone admits that housing is a basic need. Oddly, few make the connection that, therefore, it is also a basic right. ACHR views housing as a basic human right concomitant with and inseparable from the most basic of rights: the right to exist.

The coalition is also aware of the profound role women have in the area of human shelter, as well as their great agony in the face of increasing evictions and displacements of huge numbers of people all over Asia and the rest of the world.

The coalition commits itself to articulate and promote the awareness of people's laws and their rights to housing; to assist the poor of Asia to put an end to evictions and displacement of people; to define and achieve the housing rights of all; to share experiences and knowledge toward these ends so as to realize the fullness and wealth of the people of Asia.

In other words, the coalition can also serve as a positive agent - as a bridge between government and the poor - in a process to establish housing rights in relation to the people's way of life in the Asian society.

The coalition will carry out research and reflection on the deeper meanings and implications of this "right to a place to exist," as well as on the forces (models of development, market mechanisms, economic and political systems and structures) that obstruct this basic right to decent housing AND the reasons why and how these mechanisms function and are so effective.

The strategy is to articulate in every way possible (publications, mass media, solidarity actions) the results of this communal reflection and research.

The goal is to change the way people look at and think about housing so that eventually governments will also see housing in a new light: not as a means of quick profit for a few but as an area worth huge (financial but non-profit) investment, since security in housing is an indispensable means to achieving genuine national security and development.

In short, the coalition hopes, through collaboration and solidarity actions with its partner coalitions in Africa, Latin America, North America, and Europe (all are regional affiliates of the Habitat International Coalition, or HIC) and through the co-operation of many national and international bodies and organizations to bring about the full implementation of "housing as a basic human right" so that every man, woman, and child can live in and with a sense of security, peace, and human dignity.

An action-oriented coalition, ACHR is affiliated to HIC-Asia and has established a secretariat in Bangkok, as well as national contact points in each of the 10 member countries. In addition to its activities in the areas of regional research and training, documentation/distribution, hotline, and campaigns, ACHR will continue to have an ongoing targeted project for which a package of concrete regional actions are adopted and launched upon.

(Editor's note: This item is part of a brochure being distributed throughout Asia announcing the recent formation of a coalition of organizations from 10 Asian countries that will campaign for housing rights. Further information can be obtained by writing to: Asian Coalition for Housing Rights, P.O. Box 24-74, Klonchan Bangkapi, Bangkok 10240, Thailand.)
Canada. Although no formal arrangements have been made, it is clear that interest in the notion of a human right to housing is greater than ever before. As homelessness becomes more evident, as rents shoot upward, as housing prices soar, and as housing choice plummets, the permanent need for a right to housing becomes all the more apparent. A central component in the struggle for housing rights in this country is the Centre for Equality Rights in Accommodation (CERA), based in Toronto. CERA fulfills a number of functions, including the filing of complaints before the Ontario Human Rights Commission concerning forms of discrimination in accommodation, lobbies for legislative change, and publishes research on these and other matters. The Centre for Human Settlements (CHS) in Vancouver is also focusing extensively on housing rights. The CHS has just initiated a publication series on housing rights and human settlements, as well as sponsored the first major seminar, "The Right to Housing: An Empty Political Slogan or an Enforceable Human Right?" in December 1988.

Along with various tenants organizations, co-operative housing supporters, and others, it is likely the emergent Canadian housing rights campaign will become a significant contribution to the efforts just discussed.

The emergence of these groups will not inevitably result in dramatic changes in the perception of the housing issue, as the British result has shown. However, without these and other NGOs and CBOs focusing on the legal side of the housing question, it is doubtful governments ever would. Accepting legal obligations to fulfill the right to housing, as a majority of states of the world have done, makes governments liable to their citizens that they will create all the conditions within their power to make this right a reality. Housing rights campaigns now realize the extent of this legal responsibility and are acting to see it through.

Scott Leckie has carried out legal research on housing rights for the Habitat International Coalition, Netherlands Institute of Human Rights, and International Institute for Environment and Development.

THE VANCOUVER DECLARATION ON HUMAN SETTLEMENTS, 1976

The Vancouver Declaration on Human Settlements was adopted by the United Nations Conference on Human Settlements in 1976 (UN Doc. A/CONF.70/15). Section III(8) states:

Adequate shelter and services are a basic human right, which places an obligation on governments to ensure their attainment by all people, beginning with direct assistance to the least advantaged through guided programs of self-help and community action. Governments should endeavour to remove all impediments hindering attainment of these goals. Of special importance is the elimination of social and racial segregation, inter alia, through the creation of better balanced communities, which blend different social groups, occupations, housing, and amenities.
Ontario, feds set up joint housing team

A joint housing team, set up recently by the newly appointed federal housing minister, Alan Redway, and his Ontario counterpart, Chaviva Hosek, will be working at easing the province's housing shortage, in particular the crisis in Metro Toronto.

The two ministers also believe this team is a first, positive step toward improving relations between the two levels of government. The team of senior housing officials will be working at ironing out differences between the two - and to find a way for the federal government (which claims its role in housing is limited) to keep its still unfulfilled promise to help build more non-profit and co-operative housing projects.

Canadian coalition supports Third World shelter projects

Using blocks and roof tiles from their own workshop, the residents of Kariobangi Housing Co-operative built two new courtyard buildings in their shantytown home near Nairobi, Kenya. The buildings will house six local families. But more importantly they will help prove to Kenyan lenders and municipal authorities that the co-operative's plans to house its 500-member families are worth financial support. Assistance to set up the workshop and build the demonstration units was provided by Canadians.

Following the recommendations of last year's Ottawa IYSH conference, a coalition of Canadian housing organizations is working to continue Canadian support to overseas initiatives, such as the Kariobangi co-operative. Member organizations include the Canadian Housing and Renewal Association, Canadian Institute of Planners, Co-operative Housing Foundation of Canada, Oxfam Canada, Roofops Canada, Development Workshop, and Shelter Unlimited.

The coalition operates as the Shelter for the Homeless Foundation, a non-profit charity. With assistance from the Canadian International Development Agency (CIDA), the foundation provided assistance to Kariobangi and seven other IYSH projects, now complete or nearing completion. These projects support local efforts to find solutions to the shelter crisis in the Third World.

Other examples include a new house in a Chilean shantytown built to demonstrate low-cost, earthquake-resistant construction methods. There is also a project to improve latrines in Luanda for refugees from South Africa's war on Angola.

The foundation is now considering new projects in Chile, Southern Sudan, Kenya, and Colombia. CIDA has again been approached for funding to complement the fundraising efforts of coalition members. Other proposed activities include advocacy to increase government and NGO support for Third World shelter, public education and information-sharing among active groups, and participation in international shelter coalitions.

For more information contact Barry Pinsky, Roofops Canada Foundation, 22 Mowat Avenue, Suite 100, Toronto, Ontario M6K 3E6; (416) 538-7511.

Federal government may establish loan fund

A large fund that could be loaned to groups wanting to build non-profit housing is one initiative being seriously considered by the federal government. The fund could consist of land or money and would be similar to Metro Toronto Housing Company's revolving fund.

The federal housing minister talked about this proposal shortly after a press conference scheduled by a national coalition of housing activists, held on March 14. The coalition called the Election Agenda on Canadian Housing, is made up of six groups, including the Canadian Housing and Renewal Association.

Saskatchewan's rural housing programs under review

Saskatchewan is participating with CMHC in a review of its rural housing programs.

Jack Klein, minister in charge of the Saskatchewan Housing Corporation, was quoted as saying, "Substantial opportunities exist to better meet housing needs in Saskatchewan, particularly in the north. This comprehensive evaluation will provide a strong base for decisions in the programs' future management."

A comprehensive review will be undertaken of rural housing programs supported by federal and provincial governments in Canadian communities with a population of 2,500 or less. The programs currently house some 3,000 low-income families in Saskatchewan, living predominantly in the north.

25 ans de luttes pour sauver nos logements et nos quartiers

À l'occasion de son dixième anniversaire et du vingt-cinquième anniversaire des premiers comités de citoyen-ne-s, le Front d'action populaire en réaménagement urbain (FRAPRU) vient de publier une brochure de 60 pages, abondamment illustrée, rappelant les grands moments de l'histoire des résistances pour le droit au logement et la survie des quartiers populaires au Québec.

On reste ici témoigne des efforts de ces femmes et de ces hommes qui, du quartier Pointe Saint-Charles de Montréal au quartier Saint-Sauveur de Québec, de Hull à Sherbrooke, de la Côte-Nord aux Bois-Francs, de la rue Saint-Norbert à l'Ilot Overdale, des comités de citoyen-ne-s au FRAPRU, du mouvement coopératif en habitation aux locataires de HLM, ont pris le parti de la lutte.

On reste ici s'adresse à tous ceux et celles qui s'intéressent au mouvement populaire à son histoire. On peut se la procurer au coût de $5 (plus 1.14 $ pour les frais de poste) en communiquant avec le FRAPRU, 1212, rue Panet, local 318, Montréal, H2L 2Y7; (514) 522-1010.

The citizenship-housing swap

Canadian citizenship can be used as a lure to entice offshore investors to build homes for the poor, the B.C. government says. In a bid to increase low-rental housing and attract entrepreneurs to Canada, the government wants the federal government to admit foreign investors who agree to build apartment blocks.

Under the proposal, investors would be allowed into Canada if they invested $250,000 in an apartment building where 30 per cent of the units are low rental.

The low-rental units could not be resold for at least seven years. The program admits entrepreneurs who have a net worth of $500,000 and are willing to invest $250,000.

The federal government has been reluctant to allow people to immigrate based on the policy is little more than a delayed form of land speculation because the province would allow the apartments to be sold after seven years.
Planners launch pay campaign

The Canadian Institute of Planners (CIP) has asked all its members to donate one hour’s pay to groups involved in Canadian housing issues. “IYSH captured our attention,” said Executive Director David Sherwood. “As planners, we are well aware of the plight of the homeless. That is why our board decided to work with the Shelter for the Homeless Foundation.”

CIP members already support one foundation project - the Women’s Construction Collective in Kingston, Jamaica. Although planners chose this project before the recent Hurricane Gilbert, it is particularly timely. According to Sherwood, “the project is also a chance to build direct contacts in Jamaica, which will reinforce our efforts to work with Caribbean planners.”

CIP is keen to build links with Third World planners. The Canadian group will host the Secretariat of the Commonwealth Association of Planners from 1988 to 1992. The institute is also developing exchanges with China, Indonesia, and Caribbean countries.

Alberta firm receives grant to study air quality

Through Alberta Municipal Affair’s Innovative Housing Grants Program, a $25,000 grant was recently awarded to B & W Technologies of Calgary. The company is developing a residential ventilation controller that will reduce costly over-ventilation yet optimize indoor air quality.

The monitor will control indoor air quality by regulating air exchange and will measure the concentration of any existing gases. At a critical level, the monitor will trigger air exchange. Prototypes should be ready early next year.

Housing starts second highest in 10 years

Homebuilding activity in Canada in 1988 was at the second highest level since 1978. According to statistics released by CMHC, preliminary housing starts for 1988 were 220,436. While this is a decrease in activity of 10 per cent from the 1987 level of 245,986 units, it clearly represents an above-average year and exceeds long-term housing requirements.

This strong performance stems mainly from the strong economic growth in many regions of the country, low apartment vacancy rates, and a record-breaking pace in home resale markets. These factors have combined to stimulate housing activity, despite a moderate increase in mortgage interest rates in 1988.

THE INTERNATIONAL HOUSING SCENE

UN global strategy on shelter formulated

The United Nations Commission on Human Settlements recently formulated a proposed Global Strategy for Shelter to the Year 2000, which was adopted at its 11th session held in New Delhi, India, April 6-12. The strategy articulates the principles and implementation approach for such a concerted effort. The main features are as follows:

- Objective - to facilitate adequate shelter for all by the year 2000, with particular focus on improving the situation of the poor and disadvantaged.
- National action - to act at the national level, with each country developing its own appropriate national shelter strategy, and concentrate on improving the situation of the poor and disadvantaged.

The strategy recognizes the crucial role played in this sector by women, as income-earners, homemakers, and heads of households.
**UNITED STATES**

The “social deficit” of a country

by Helen Sause

It's a new ball game in Washington, D.C. While the team has not changed, the players have. We have a new president, who has called for a “kinder, gentler” nation. That goal is impossible unless our country is better housed in better neighbourhoods.

The federal budget deficit — the Reagan legacy — is thwarting every effort toward addressing the “social deficit.” Therefore, we must continue to press for a resolution of that problem. It is now time to recognize the severity of the fiscal deficit and its pervasive impact on all aspects of the quality of life in our communities, and let the new Bush administration and Congress know that we want this problem dealt with effectively and expeditiously, and that the only way to address it is to increase revenues. Unless this action is taken, no one will seriously address the need to adequately fund domestic programs.

America has a crisis: This crisis is seen in the visible plight of the homeless, including increasing numbers of families, the less visible, who make up the ever-growing number of households living in inadequate and substandard housing, and the swelling numbers of families living at and below the poverty line, who can't afford to rent housing even if it is decent and available. The 70 per cent reduction in HUD funding, the loss of revenue-sharing, and the effect of the 1986 tax law changes on development and maintenance of multi-family units have been devastating.

NAHRO has told Secretary Kemp that we believe we are entering into a new era of partnership within our industry. We need a strong federal partner. Due to the federal government's withdrawal from housing and community development in recent years, an unprecedented creativity and resourcefulness linking states, localities, public housing authorities, community development agencies, non-profits, and the private sector has occurred to provide affordable housing and stable, revitalized communities. With a strong, recommitted federal partner, great progress can be made in our efforts to provide decent, affordable housing and better communities for all Americans.

We are poised at a threshold of opportunity for focused partnerships between government — local, state, and federal — and the private sector, both for-profit and nonprofit, in putting housing and community development high on the national agenda. We have a new HUD secretary, who everyone acknowledges is committed to addressing the problems of the poor and ensuring that HUD is “out in front.” The key is how to marshal all of this willing and creative talent, and the resources they command, to make a positive impact on solving the housing crisis for low-income persons.

The housing crisis has produced an array of new players — and old players playing the game differently — in the hope of producing or rehabilitating housing for the poor despite the impediments facing us. These activities need to be co-ordinated and in some cases facilitated, even funded, by a local government or quasi-governmental housing provider to ensure efficient and effective use of the various tools that can make low-income housing possible. The local housing authority, redevelopment agency, or office of housing could become that entity.

Even with the attention now being given to the housing crisis, it will probably result only in a federal budget for FY '90, which fairly well holds the line with no new cuts in our programs. This is not enough.

Several areas need priority attention. These include the following:

1) **Maintaining the existing housing stock:** Our government partners must work to maintain the inventory of assisted housing we have developed for low-income persons over the last 50 years. This inventory is on the brink of being lost or significantly reduced. Much of the inventory of 1.4 million units of permanently available rental housing in the public housing program needs major repair and continuing maintenance. It is too valuable a resource to let lapse into a permanent state of disrepair. The federal government must adequately fund its modernization and ongoing maintenance. The programs we deal with and the segment of society we serve are victims, not the cause of the problem. As well, a variety of other programs assist some three million additional households. To varying degrees and at varying times over the next 10 years, the assistance or the use restrictions for these programs will expire. We cannot afford to lose these housing resources. We must also face the problem of the continuing loss of privately owned, non-assisted affordable housing to abandonment, conversion, and demolition without replacement. Two million units have been lost in this fashion since 1974.

2) **Drug abuse:** This insidious problem is reaching all corners of our society but disproportionately affects the poor, declining neighbourhoods, and some of our assisted housing developments. To effectively deal with this issue requires money, education, creativity, and co-operation by several entities. Again, we need to forge partnerships.

3) **Resources for building partnerships:** The 1986 tax revisions pulled the rug out from under many of our partners and potential partners because the federal tax code now lacks incentives for investment in low- and moderate-income housing. We need to restore those incentives. We need to create and fund a production program.

If we address these priorities and if the President and Congress agree on a solution to the deficit problem, then we will be able to address the surging demand at the local level for assistance and programs to solve the social deficit.

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*Helen Sause is President of the National Association of Housing and Redevelopment Officials, CHRA's counterpart in the United States. This article is from a speech she delivered at NAHRO’s Legislative Assembly in February.*
CURRENT
RESEARCH
NOTES

Housing Alzheimer's
disease at home
by Nancy Gnaedinger

The purpose of the study was to fill a gap in current knowledge about housing and living with Alzheimer's disease. The existing literature tends to be either about institutional settings, when addressing the issue of design or physical concerns, or about emotional and activity issues, when addressing the issue of caring for a person with Alzheimer's disease at home. Little consolidated information is available about the practical, physical changes that private caregivers make to their dwellings "behind closed doors."

At least three groups of people could benefit from this kind of information: caregivers of people with Alzheimer's, who could learn from others' creativity and strategies; policymakers, who need to be aware of the experience of caregiving for such people in domestic situations; and architects, so they may learn about the spatial and safety needs of a special user group.

Research methods

The research methods included a literature review, telephone interviews with key informants (such as the executive of the Alzheimer Society and social workers familiar with Alzheimer households), a national survey of 1,000 randomly and anonymously chosen members of the Alzheimer Society (by mail-out questionnaire), and 25 in-situ interviews with current or former caregivers of Alzheimer's disease persons living in all five regions of Canada. Questions asked in both interviews and questionnaires fell into three general areas of concern: safety and security; orientation and agitation; and caregiver needs.

Information on Alzheimer's

Alzheimer's is a progressive, degenerative disease that attacks the brain and results in impaired memory, thinking, and behaviour. It is recognized as the most common cause of dementia and affects an estimated 300,000 Canadians. Most Alzheimer patients live at home with family caregivers until the final stage of the disease is reached.

Symptoms of Alzheimer's include cognitive, behavioural, and physical changes. Not all persons with Alzheimer's have the same symptoms, which can vary from individual to individual and with the stage of the disease.

The main cognitive changes characteristic of Alzheimer's disease include: gradual memory loss, especially recent memory; impairment of judgement; marred visual perception, especially depth perception; a decline in the ability to learn and react and to carry out routine tasks; loss of language skills and abstract reasoning; and disorientation.

Typical behavioural changes are: agitated, persistent, purposeless behaviour, such as wandering and rummaging; changes in sleep patterns (typically getting up in the night); quickness to anger, often directed at the primary caregiver; demonstrated fear of darkness and of being alone; and a marked deterioration in personal grooming habits.

Although many persons with Alzheimer's remain physically fit well into the advanced stages of the disease, others experience such physical changes as a loss of muscle strength (and the resulting need for a walker or wheelchair) and a tendency to stumble (related to loss in depth perception, for one thing) and thus experience unexplained "very heavy" falls. Alzheimer victims eventually become incontinent and totally incapable of caring for themselves.

Findings

Several themes emerged from the research findings. First, the need for constant surveillance or supervision of the person with Alzheimer's disease, as a basic safety precaution before and after all else was reported. In addition to this vigilance, a number of practical safety precautions had been taken in many households, such as: the installation of extra locks on exit doors; the removal of dangerous objects or substances; the regulation of appliances with the potential to cause burns or fire (for example, by removing fuses from the stove, lowering the hot water temperature, and putting a lock on the thermostat); the going for a drive was reported to be the most successful way to prevent or reduce the agitation that is characteristic of Alzheimer's disease.

Caregivers expressed the same needs over and over again. The need for "a room of one's own" - a place to lock oneself away and rest or read or cry with frustration and exhaustion - was declared repeatedly. Equally important or more important than this private space, however, was the strongly communicated need for respite, for the opportunity to get away from the Alzheimer household more often than once or twice a week and for more than a couple of hours.

Other necessities for caregivers were revealed in their uncensored comments. The most ardent appeal was for help: help from social service agencies to provide more assistance in the form of well-trained home helpers; help from doctors (many of whom appear to be unaware of the realities of living with the disease) in accessing support services and in finding placement for Alzheimer persons before total caregiver burn-out; help from families, friends, and neighbours, even with the smallest tasks, most of which can become onerous when trying to carry them out with an Alzheimer patient in the house; help from government in the form of subsidies or reimbursement of expenditures by families who are housing people with Alzheimer's disease at home.

Nancy Gnaedinger is an Ottawa-based consultant in gerontology with a particular interest in the housing of and for seniors.

Participation requested on accessory apartment study

Patrick H. Hare Planning and Design, with the support of the American Association of Retired Persons, is conducting a study on the experience of communities that have changed their zoning ordinances to permit the installation of accessory apartments.

The survey results will help other communities assess whether or not to change their zoning ordinances and how. This will be of great benefit to older homeowners, in particular, who need assistance in staying in their homes and aging in place.

If you are a local planner, housing advocate, aging specialist, or in a community that permits accessory apartments, please write to the address below for a copy of the short survey form. Respondents will receive a free copy of the survey results.

Saskatchewan mortgage plan

The Saskatchewan Mortgage Protection Plan will be more than $2-million over budget this year, latest government projections indicate.

While $4.8 million was originally put in the 1988-89 budget for the program, it is now estimated the total cost will be $7 million by the time the fiscal year ends on March 31.

The program provides government subsidies on the first $50,000 of home mortgages, so that the effective rate of interest will not exceed 9.75 per cent.

While one-year mortgages are available at 12 per cent (or a fraction of a percentage point lower in many cases), rates were about 10 per cent when the provincial budget was introduced last March.

The increased rates are making more people eligible for the program with each passing month.

CCBOA Bulletin off the press

The inaugural issue of the CCBOA Bulletin appeared this past January, with the next edition slated for mid-summer. The bilingual bulletin is being circulated to members of the Council of Canadian Building Officials Associations, as well as other interested individuals.

Inquiries can be made to: Ron Greene, Editor, CCBOA Bulletin, c/o Building Regulations Division, City of Calgary, P.O. Box 2100, Station M, Calgary, Alberta T2P 2M5.

IHM conducting spring lecture series

The Institute of Housing Management (IHM), in conjunction with the Ontario Ministry of Housing, is sponsoring five full-day seminars for building owners and property managers across the province. This year's lecture series will be held in Sudbury (May 31), London (June 5), Hamilton (June 6), Toronto (June 8), and Ottawa (June 16). Each location offers a unique blend of topics geared to everyone involved in design, construction, building management, and maintenance in both the private and public sectors.

Some of the topics to be covered include: credit and collection procedures; energy management control systems; lighting for energy management and security; and implementing a unified management strategy. IHM has spared no expense to provide speakers who are noted experts in their own fields. Each topic is designed to be both informative and entertaining.

For further information about the lecture series, contact Cindy Woods, coordinator, at (416) 467-1200.

Meeting on renovation data

On March 16, 1989, a meeting organized by CMHC and the Société d'habitation du Québec was held in Montreal to discuss how to improve the collection of data on housing quality and renovation activity. A presentation was made by Clayton Research Associates, who had prepared a report for CMHC and SHQ on residential renovation data. (Copies of this report are available from CMHC.)

Although there have been significant advances in the data sources on the renovation market, such as Statistics Canada's FAMEX and HIFE surveys and CMHC's National Residential Renovation Industry Survey and the National Housing Study done in 1986, there are still areas in which the data available could be greatly improved. Clayton Research suggested a number of improvements to fill the gaps that they identified in the existing data sources.

Of great interest to the municipalities who were represented at the meeting was the discussion on the state of repair of the dwelling stock. It was agreed that more information is needed on the condition of the rental stock in the country, particularly the high-rise stock and the stock in non-urban areas. Improved knowledge of the condition and qualitative changes in the housing stock is of great importance to municipalities intent on improving the living conditions of their populations through local and senior government program initiatives. Such information must be collected on a regular basis.

Société d'habitation du Québec circulated an excellent brief to the delegates on the need for a new survey instrument and methodology to obtain better data on the quality of housing. Copies of this brief can be obtained from the CHRA office. This proposal and the other suggestions made at the symposium will be forwarded to CMHC's National Housing Research Committee and its working groups on renovation and housing statistics.

For more information, contact Stan Wilder, City of Ottawa Housing and Property Department, at (613) 504-8448.

Ontario revising rental act

A new act (Bill 211) to replace the existing Rental Housing Protection Act is before the Ontario legislature and will apply generally to rental property in municipalities designated by the regulations made under the act. The bill also enlarges the definition of "rental unit" to include vacant premises that have been previously used as rented residential premises.

Obituary

Peter Martin

Peter Martin, who helped draft Metro Toronto's official plan, died recently in Toronto after a battle with cancer. He was 60 years of age.

A planner for many years with M.M. Dillon Ltd. of Toronto, Martin will be remembered by members of CHRA as the consultant who implemented Phase I of the tripartite regulatory reform project, which has been ongoing since 1986 by the three groups involved — CHRA, CHBA, and FCM — with financial assistance from CMHC.

Martin was born in England and came to Canada in 1954. He took a graduate course in regional planning at the University of Toronto and in 1956 was hired as a Metro planner. He was a former vice president of the Commonwealth Association of Planners.

Appointment

Tom Cochren is the first "small" builder to head the Canadian Home Builder's Association. Elected in February as CHBA's new President, the Hamilton, Ontario, builder was President of the Ontario association during 1986-87.

B.C. Housing Management Commission's new chair is Vancouver businessman Peter Thomas. The founder of Century 21 realty companies in Canada, Thomas was appointed February 7 by Social Services and Housing Minister Claude Richmond. Thomas replaces Mary Kerr, a long-time member of CHRA.
Calendar/Calendrier

1989

May/mai


"Gender and Aging" conference organized by the Women’s Studies Programs of Wilfrid Laurier University and the University of Waterloo. May 12, St. Jerome’s College, Waterloo, Ontario. Information: Jeannine Clarke, Co-ordinator, Women’s Studies Program, Wilfrid Laurier University, Waterloo, Ontario N2) 3C5 (519) 894-1970, ext. 2516.

"Building Partners Within the Housing Community:" hosted by the Rural and Small Town Research and Studies Program at Mount Allison University, Canadian Council on Social Development, and New Brunswick Steering Committee on Housing Coalition. This conference will provide a setting in which participants from all sectors of the housing community (planners, non-profit groups, church organizations, service clubs, housing and building professionals, developers, the real estate industry, architects, and consumers) can begin a dialogue on how to build partnerships within the housing industry. May 17-19, Mount Allison University, Sackville, New Brunswick. Information: Ron Corbet, Senior Research Associate, Rural and Small Town Research and Studies Program, Mount Allison University, Sackville, New Brunswick E1A 3C0; (506) 364-2393.


Builder education symposium, sponsored by the Canadian Home Builders’ Association of British Columbia. May 26-27, Westin Bayshore Hotel, Vancouver, B.C. Information: Keith Sashaw, Executive Director, CHBA-BC, 3700 Willingdon Avenue, Burnaby, B.C. V5G 3H2; (604) 425-7112.

"Access to Housing: A Continuing Involvement" is the theme of the 21st Annual Symposium of the Canadian Housing and Renewal Association. May 28-31, Quebec City, Quebec. Information: 21st Annual Symposium, CHRA, #1-20 Rochester Street, Ottawa, Ontario K1R 7V3; (613) 594-3007.

June/juin

"Social Theory and the Production of the Built Environment:” conference to address comparative perspectives on the role of the state and the market in the provision of housing and inner-city revitalization. Budapest, Hungary. Information: Willem van Vliet, College of Environmental Design, Campus Box 314, University of Colorado, Boulder, Colorado 80309-0314.


July/juillet

Fifth international "Making Cities Livable" Conference. July 4-8, Venice, Italy. Information: Suzanne Crowhurst Lamard, Making Cities Livable Conference, Box 7586, Carmel, California 93921; (408) 626-9080.

August/août

International Conference on Rural Low-Cost Housing, hosted by the Department of Housing of the Republic of Malawi, in association with UNCHS (Habitat), the Overseas Development Administration, and the Building and Social Housing Foundation. August 1-5, Lilongwe, Malawi. Information: Chief Housing Officer, Department of Housing (OPC), P.O. Box 30548, Capital City, Lilongwe 3, Malawi; TelEx: 4389 MI (Housing).

"The Meaning and Use of Home and Neighbourhood:” international housing symposium organized by the National Swedish Institute for Building Research with the International Association for the Study of People and their Physical Surroundings, and the Swedish Association for Architectural Research. August 21-23, Sweden. Information: Ms. Gun Frank, Secretary of Studies, National Swedish Institute for Building Research, Information Division, P.O. Box 785, S-801 29 Gavle, Sweden; +46 26-10 02 20.

September/septembre

IAPS, the International Association for the Study of People and their Physical Surroundings’ housing studies network will be holding a meeting, with the theme “The Meaning, Importance, and Use of Home and Neighbourhood.” Gavle, Sweden. Information: Gilles Barbey, 11 Bd. de Orancy, 1006 Laussanne, Switzerland.


October/octobre

Ontario Non-Profit Housing Conference. October 3-6, Kingston, Ontario. Information: (613) 392-3613.


"The Key to Housing for All: Public/Private Partnerships" is the theme of the Third International Shelter Conference, being organized by the National Association of Realtors. April, Washington, D.C. Information: John Howley, Vice-President, Policy Planning and International Affairs, National Association of Realtors, 777 14th Street, N.W., Washington, D.C. 20005; (202) 383-1033.

Spring/Printemps 1989, Vol.5, No.1
FROM CMHC

Shelter Unlimited

Employees at Canada Mortgage and Housing Corporation have teamed up with an active group of CMHC retirees to form Shelter Unlimited, a non-profit organization aimed at helping Third World housing initiatives.

Shelter Unlimited has selected a Central American housing project being sponsored by another Canadian NGO, Horizons Development Foundation. They have already started to inform their fellow employees and retirees about the project, and fundraising will begin soon.

According to board member Bob Anderson, "this project will help us learn more about shelter in developing countries and ways in which we can respond."

Shelter Unlimited is a member of Shelter for the Homeless Foundation, the coalition of Canadian groups supporting Third World shelter activities.

CMHC external research program winners

Twelve researchers from across Canada have been awarded research contracts by CMHC for research into various aspects of housing and community planning.

Alan Redway, Minister of State (Housing), said the contracts, awarded under the External Research Program, are "intended to encourage private and not-for-profit sector researchers, as well as those employed in academic institutions, to carry out independent research of high quality."

The research to be funded this year covers a range of subject areas that include housing evaluation of weeping tile /Tom Field; "Breaking down the discretionary use barrier" /Malcolm Holt; "Resident satisfaction with retirement community living in Ontario" /Barry Lyon; "Demographic characteristics and consumption of housing" /Douglas McCready; "Evaluation comparative de trois types de plaques de plâtre à haute capacité thermique" /Jean Paris; "Development and operation of transition houses for battered women" /Evelyn Peters; "A comparison of co-operative and other non-profit housing options for older Canadians" /Barbara Sanford; "Economic consequences of divorce on families owning a marital home" /Dana Stewart-Mallin; "Criteria for the testing of wall sheathing for load-bearing steel studs" /Derek Tarlton; "Port Maitland contour septic field revisited" /Donald Waller; and "Housing needs of single mothers and their children" /David Wiesenthal.

The winners were recommended by a committee with representation from government, academic institutions, the professions, and business. There were 75 eligible applications submitted for consideration.

The results of research sponsored by CMHC are made available to industry, government, and any individuals or institutions interested in housing through the Canadian Housing Information Centre. The research contracts are made under the authority of the National Housing Act, which permits the corporation to support studies that will improve housing and community planning in Canada.

CMHC scholarship program

Seventy scholarships will be awarded by CMHC to graduate students pursuing studies in housing and related disciplines during the 1989-90 academic year. The scholarships, awarded under the University Scholarship Program for Graduate Studies, are made available on the basis of merit to students seeking master’s or doctoral degrees in programs related to housing.

"Since the beginning of the program, over 40 years ago, almost $25 million has been awarded to almost 2,400 Canadian students studying housing-related disciplines," Alan Redway, Minister of State (Housing), said when making the announcement.

The budget for the 1989-90 academic year, including the renewal of existing scholarships, is $1.65 million.

New housing minister welcomes openness

Canada’s new housing minister, who has always taken an active interest in housing, is looking forward to the challenges of his new post. Co-operation and openness not only with the provinces but with housing groups and the housing industry itself will be important considerations in meeting these challenges, said the Honourable Alan Redway, who is representing York East, Ontario.

"The government’s commitment to targeting funds to those most in need will not change nor will our commitment to meeting the housing needs of Canadians in every part of the country," he was quoted as saying.

The new minister has been active in community and political life since 1972, when he was elected alderman for Ward 4 in the Borough of East York in Metropolitan Toronto. He was elected East York’s mayor in 1977, a position he occupied until 1982. During this period, he also served as a member of the Metropolitan Toronto Executive Committee, the East York Hydro Commission, and the Metro Toronto Budget Sub-Committee responsible for the city’s police budget.

Redway has also taken a strong leadership role in community affairs, serving as a key member of Metro Toronto’s Task Force on Youth Unemployment. He also established the East York Senior Citizens’ Task Force and the first municipal committee to deal with race relations and multi-cultural issues. He currently sits on East York’s race relations and multi-cultural committee.

Before entering politics, he practised law for 20 years and was appointed Queen’s Counsel in 1977.

Redway has represented the riding of Don Valley East since 1984. During his first term, he served as vice-chairperson of the House of Commons Standing Committee on Public Accounts and as a member of the standing committees on multi-culturalism and justice and solicitor general.

Members of CHRA will recall that Redway participated in a three-party debate that was part of the association’s 1986 annual conference agenda.

Redway is married to Louise Harvey, with whom he has two children, Kimberley and Andrea.
The Canadian dream

by Alan Redway

While we tend to think of housing in terms of being a necessity of life, it is much more than that. Along with equality of opportunity, homeownership is a major part of the Canadian dream.

Our government made two major decisions following the public consultation process initiated over two years ago: the first, to direct all federal housing funds to those in the most need; the second, to let the private homebuilding industry do its own thing without government interference and to attempt to provide an economic climate in which the industry and the private market can function as effectively as possible.

And that is what we have done.

For five straight years the economy has grown. Interest rates have been reasonable and financing for homes readily available. Inflation has been held to four per cent, the most stable price environment in 18 years. With the more than a million new jobs that have been created, Canadians have more money in their pockets and enough security that they can make long-term decisions, such as buying a home.

Perhaps best of all is that people are buying homes. Nationally, last year housing starts were at 22,000. Although this was down from the nearly 246,000 in 1987, it is above most forecasters' predictions and well above the 171,000 average for the last 10 years.

But this is only part of the picture because renovation expenditures are keeping pace at around $16 billion a year.

One major concern expressed during the public consultations was to ensure that the most disadvantaged in our society receive the help they need.

Earlier housing programs did not do that. The poor stood by and watched in wonder as middle-class families moved into brand new, government-assisted housing. We determined this was not what Canadians wanted done with their tax dollars. So this government is now directing all social housing funds to those in real need.

In 1988 about 20,000 new housing units were built for low-income seniors, families, single-parent families, the handicapped, and others who needed our help. In addition, about 30,000 more homes were repaired with federal government assistance.

The role of the federal housing ministry, as I see it, is to seek opinions, hopefully develop consensus, set policies and take action. We can set the standard and be a helper. I look forward to working with you in a spirit of co-operation.

Canada Mortgage and Housing Corporation, so well-known 10 or 15 years ago for its tremendous work in all aspects of housing, is now in the process of being restored to a position of prominence. The corporation has a strong management team and the tools to rebuild national expertise in housing.

Once again, we are working with all housing-related associations and interest groups to create better ways of helping to house Canadians.

One of the first major activities has been in financing housing.

We set about to change CMHC's focus. We didn't forget its most important responsibility of serving Canadians wherever they live, but did get its house in order to be more business-like and service-oriented.

Fees and premiums were set to reflect the risk involved, and a concerted effort was begun to make consumers aware that mortgage insurance, no matter who underwrites it, can help them become homeowners.

So far, the emphasis has been on the resale market, but the needs of new homebuilders will receive increased attention this year. We'll be looking at ways to streamline many procedures that can cause delays and aggravation.

We will endeavour to ensure that the customer-first attitude that has been imprinted on CMHC will continue as its hallmark. I personally applaud this entrepreneurial spirit and can only echo the sentiments of the auditor general, who recognized CMHC as a star performer in client relations.

Mortgage-backed securities, a popular and secure investment, have encouraged nearly one and a half billion dollars into the mortgage market in just over two years. They are also meeting the needs for longer-term mortgages.

This is just the first of what could be many more instruments used for housing finance. That research is already under way.

So often we think of research as the future, but what has become commonplace today is usually the fruit of earlier work. It's easy to forget that through national research we've managed to provide practical solutions to some important building problems. Research has allowed us to overcome many difficulties with truss uplifts, the deterioration of polyethylene film, and crumbling parking garages. Indoor air quality is a growing concern in modern construction. We're looking at how air moves in a home. Also, chimney and furnace designs may change so we can ensure attractive and healthy homes.

The "Housing Options for Older Canadians" conference sponsored by CMHC last year was evidence that all levels of government, social agencies, business, and individuals can set aside biases and territorial barriers to work together.

In all we do together, we must continue to strive for excellence. But excellence doesn't have to be luxurious or costly. It can mean innovative, clever. Our goal is to encourage widespread access to affordable and adequate housing to facilitate the Canadian dream.

Over the years, quality housing has been created in this country through a mix of skilled builders, a competitive market, and government-established standards. But we know disparities exist. There are differences between rural and city homes, between new construction and renovation. Quality — as it is expressed through the "bells and whistles" in many new homes — is almost certainly a barrier to homeownership for many first-time buyers.

National housing strategies extend from sea to sea and from Parliament Hill to every neighbourhood. They can't be developed or implemented without consensus on common goals and active support. I invite you to share your ideas with me — your ideas on how working together we can help to facilitate the Canadian dream.

Alan Redway is the newly appointed Minister of State (Housing). This article is an excerpt of a speech Mr. Redway delivered to the Canadian Home Builders' Association on February 6.
NEW BRUNSWICK: Housing task force report

Problems and related issues

1. THERE IS NOT ENOUGH AFFORDABLE, ADEQUATE, SUITABLE HOUSING TO MEET THE NEEDS OF THE PEOPLE OF NEW BRUNSWICK.

a) The provincial government has not recognized the importance of housing as the basis for full development of human resources.
b) Construction of new social housing is complicated and expensive.
c) Incomes are frequently very low, relative to housing costs.
d) Many buildings where people live are not suitable for human habitation.
e) Housing that is available is not always suitable for those who need it.

2. ALTHOUGH THE PROBLEMS ARE READILY DEFINABLE, GOVERNMENT'S RESPONSE TO THE HUMAN NEED FOR HOUSING HAS BEEN INSUFFICIENT AND POORLY FOCUSED.

a) There is no comprehensive provincial housing policy, and the present policy guidelines, formulated mostly in Ottawa because of the relationship between CMHC and NBHC, often do not fit New Brunswick conditions.
   - rural and urban needs differ, but these differences are not always recognized;
   - the question of whether or not public housing should be built to own or to rent or both is unresolved; and
   - there is a debate over the roles and responsibilities of the government, the private (for-profit), and third (non-profit) sectors in the provision of housing.

b) There is lack of communication and coordination among government departments, which results in serious fragmentation in program design and delivery.
c) The role of the New Brunswick Housing Corporation as a construction agent and landlord is too narrow.
d) The existing legislation related to housing does not offer sufficient protection to those who need it.

c) The relationship between housing, poverty, unemployment, and the entire range of economic and social problems, while recognized in theory, is not recognized in practice.
b) The environment of NBHC housing projects is not conducive to the full development of human potential.

Principles, strategic statements, and recommendations

- PRINCIPLE 1

Adequate and affordable shelter is a basic need, like food, water, and clothing, which must be met before human development can proceed to its full potential.

Strategic Statement

That the government of New Brunswick direct sufficient human and financial resources, not confined to those included in the current federal/provincial three-year plan commitment, to the achievement of adequate and affordable housing as a basic requirement for full development of the economic and human potential of this province.

Recommendations

1. accept as a basis for decision-making that everyone has the right to a standard of living adequate for health and well-being, with its corresponding responsibilities.

2. make the provision of adequate, affordable, suitable housing a government priority by allocating a portion of the provincial budget to housing, which corresponds to the magnitude of the need.

3. make more effective use of available resources by:
   a) identification of specific or unique local needs and use of local designs, materials, and methods;
   b) identification of all potential sources of revenue, including housing-related funds from other departments, such as insulaton money from N.B. Power, emergency repairs from the Department of Income Assistance, etc.;
   c) careful targeting of programs so that they reach only those who need them;
   d) removal of systemic barriers, such as bureaucratic red tape and lack of access to information, to allow full participation of all sectors; and
   e) maximum use of all federal programs appropriate to our goals.
4. increase the supply of affordable housing through:
   a) new construction, primarily by the private and non-profit sectors, with government assistance as needed.
   b) programs that reduce costs:
      • of housing construction, such as sweat-equity, self-help, and co-operative ventures, by which an investment of time/work is made by the consumer in lieu of money;
      • of housing acquisition, such as home completion loans and downpayment assistance; and
      • of housing operation, such as energy-efficient, cost-effective design, and the use of wood heat.
   c) innovative use of existing buildings, such as surplus public institutions.

5. address the affordability problem by increasing disposable income through subsidization of shelter costs.

6. improve the condition of existing housing stock by:
   a) legislating clearly defined, enforceable minimum standards for new and existing housing in rural areas and motivating landlords and homeowners to comply, through education, financial incentives, and enforcement;
   b) requiring municipalities to have minimum standards by-laws and to enforce them. Consider the use of both incentives and sanctions to encourage compliance;
   c) increasing the penalties for non-compliance with minimum standards by-laws to meaningful levels;
   d) providing an inspection system that facilitates the process of emergency repairs; and
   e) making home improvement loans accessible for owners of substandard homes who do not meet the loan criteria of commercial institutions, permitting upgrading in steps with which the applicants are comfortable.

7. address the immediate needs of those who are excluded from or neglected by present programs:
   a) provide safe emergency accommodation for those who have no shelter alternatives, such as unattached youths and deinstitutionalized persons;
   b) provide transition and second-stage housing for victims of family violence and the disabled; and
   c) expand access to public housing to single people.

8. review and revise, in consultation with all stakeholders, the Residential Tenancies Act (including the structure, function, location, mandate, power, and relationship to other departments of the Office of the Rentalsman), so that:
   a) its rights and responsibilities are extended to boarders and lodgers;
   b) it includes (where possible) public housing; and
   c) it protects tenants from excessive and sudden rent increases without penalizing landlords.

9. develop and make public, in consultation with all interested sectors, an implementation strategy for these recommendations, to be reviewed with regard to progress and modifications within one year of the release of the report.

PRINCIPLE 2

Housing is more than shelter; it is a total environment that promotes human development.

Strategic Statement

That government housing policies and programs focus on people, with an integrated approach to the development of human resources, requiring a high degree of coordination between government departments.

Recommendations

10. acknowledge that "housing" is more than shelter. It encompasses related support and educational services, such as counselling and training in home maintenance and management, including budgeting and nutrition.

11. broaden the mandate and increase the resources of NBHC so that it becomes a social agency with the mandate to deal with housing as more than shelter, delivering human development services in addition to its present functions.

12. make a long-term strategic housing plan with specific goals, targets, and commitments, recognizing the significant differences in rural and urban needs and resources.

13. sensitize and educate the bureaucracy in all government departments, including the decision-makers at the highest level, to the needs and concerns of people in poverty, requiring such activities as an "experiential placement" that brings staff into personal contact with clients, preferably in the clients' homes; games and other techniques related to values; and client involvement in staff and program evaluation.

14. bring services to the people by giving priority to programs that help people stay in their own homes and communities, if that is their choice, through renovation, rehabilitation, and mobile services.

15. fit its programs to the people they are meant to serve, thereby maximizing their social and economic integration.

16. build flexibility into programs so as to implement policies holistically rather than piecemeal, keeping in mind first and foremost the needs of the consumers.

17. enable relevant government departments to keep abreast of housing trends in other parts of the country and world by attending national and international housing forums.

PRINCIPLE 3

The attainment of financial and social independence through personal responsibility, in which housing plays a critical role, is a major motivator for human achievement.

Strategic Statement

That government housing policy and programs promote independent living, both social and economic, through incentives and recognition for personal responsibility, growth, and success.

Recommendations

18. design programs to help people help themselves before they become totally dependent.

19. make a strong commitment to those whose potential for independent living is in some way limited, so that they are supported at a level that enables them to live safely with dignity.

20. consider tenure in public housing to be of a limited duration rather than permanent as a general rule, although exceptions are possible; inform residents about their future options and make every effort to enable them to move into an independent housing situation, even if they continue to require subsidization, through such measures as a provincial rent supplement program.
21. expect some contribution from residents of public housing in terms of participation in housing management or community service.

22. make a strong commitment and take immediate action to improve the environment and lifestyle in existing NBHC projects.

23. immediately make support services available as needed to all low-income individuals and families in public housing units, extending ultimately to those in private-sector housing.

24. encourage co-operative efforts of all kinds, such as co-operative lending institutions and housing and worker co-ops, to provide housing and housing components, as well as skill development.

25. promote programs that build community acceptance of and respect for the efforts of low-income people to enter the mainstream of community life.

26. move in the direction of barrier-free design in all new construction while educating the general public to accept variations in housing features, such as wider doors and lower light switches.

27. move in the direction of making existing buildings wheelchair accessible; in cases where this is not feasible, supply the services on a mobile basis where the client is.

PRINCIPLE 4
Housing is an appropriate and effective tool for social and economic development.

Strategic Statement
That the potential of housing as a tool for economic and social development be recognized and used, both to create jobs and to enhance the quality of life.

Recommendations
28. accept the principle in planning that social programs can achieve economic goals and economic programs can achieve social goals; integrate social and economic objectives through institutional and delivery structures at all levels.

29. use the construction, manufacture, and renovation of housing as economic and social stimulants to create jobs, teach skills, and build self-esteem as a basis for self-sufficiency.

30. analyze the social and economic impacts of policies and programs to ensure the integration of human development objectives.

31. support innovative pilot projects that: a) emphasize human development in addition to the provision of shelter; b) facilitate closer connections between departmental staff and clients; and c) provide for maximum client involvement at all stages.

32. support or develop an independent academic research capability in the area of economic and social policy integration, with particular emphasis on housing.

PRINCIPLE 5
Effective programs that respond to people's real needs can best be developed in consultation with the people involved and others with an interest in satisfying those needs.

Strategic Statement
That programs be developed and delivered at the community level so as to assure their necessary flexibility and full participation of all sectors in consultation and action, as well as their credibility and acceptance in delivery.

Recommendations
33. adopt as government policy the principle of consultation with the stakeholders in any proposed program, both in planning and in implementation.

34. include relevant local interests in the planning and delivery of housing programs, through continuing consultative mechanisms, such as coalitions and regional housing councils, as well as occasional opportunities for input and exchange of ideas, such as forums and conferences.

35. identify and develop groups at the local level, both urban and rural, that have already acquired experience in some aspect of housing delivery or related programs; take advantage of what they have learned and support their efforts to improve and integrate their services.

36. work with municipal councils to encourage or strengthen the role of municipal governments in the provision of affordable, adequate housing, especially in the areas of planning, zoning, land-banking, servicing, community education and leadership, and enforcement of minimum standards by-laws.

37. develop community-based sources of funding for housing-related projects.

38. identify existing community resource centres that define local needs and initiate positive responses and programs (both economic and social) and develop these, in pilot projects, as community information centres for government programs where a one-step, drop-in approach could be tried.

PRINCIPLE 6
The government cannot be expected to be the primary provider of services, to meet all human needs; responsibility must be shared.

Strategic Statement
That government policy be based on the concept of shared responsibility, so that the role of government becomes more frequently that of facilitation than of provision, recognizing the primary responsibility of government in the protection of rights and the contribution of funding.

Recommendations
39. strive to create and maintain a climate of orderly growth in the housing sector by offering equal opportunity to all sectors for program development and delivery.

40. use the private and third sectors as delivery agents wherever possible, with the government undertaking this function only when no other sector is able or willing to do so.

41. provide training, advice, and funding to enable volunteers to identify and meet community needs, and simplify access to programs, information, and funding for volunteer groups.

42. increase the accessibility of information about government programs to all sectors through toll-free telephone lines to regional offices, resource centres, and mobile units.

43. improve the operation of the NBHC with regard to external communication and more efficient and cost-effective procedures.

44. promote the involvement of consumers in appropriate aspects of planning and delivery.

45. provide training, education, and incentives for builders to improve and certify the quality of housing rehabilitation, as well as construction.

46. develop, support, and encourage research projects, innovative techniques, and a variety of housing types that respond to problems faced by all sectors.

PRINCIPLE 7
Prevention of problems reinforces positive values and reduces the cost of physical and social rehabilitation.

Strategic Statement
That government policy give at least equal importance to the long-term prevention of
social and economic problems as to short-term remedies for specific situations.

Recommendations
47. engage every possible resource in the reduction or elimination of poverty and its socioeconomic consequences.

48. concentrate resources on the health, safety, and positive living environments of young children.

49. develop a media campaign to educate the public about the social and economic impact of poverty.

50. create and designate the responsibility for monitoring all legislation that affects the cost of housing, including federal tax reform, and react appropriately.

Priorities
1. FOCUS FINANCIAL RESOURCES ON THE DEVELOPMENT OF NEW BRUNSWICK'S HUMAN POTENTIAL, THROUGH PROGRAMS THAT ENABLE PEOPLE TO MEET THEIR BASIC NEEDS (OF WHICH HOUSING IS ONE OF THE MOST CRITICAL) AND TO ACHIEVE PERSONAL AND ECONOMIC INDEPENDENCE.

a) Continue to expand the supply and increase the availability of affordable, adequate housing:
- make more housing available through construction and rehabilitation programs;
- reduce housing costs while encouraging initiative through such programs as home completion loans or downpayment assistance, co-operative ventures, and innovative methods of cost-effective construction;
- increase disposable income through programs that subsidize shelter costs, such as rent supplement or shelter allowance, thereby making available a greater percentage of a low income for other basic needs;
- improve existing housing stock by enforcing minimum standards with prompt and effective inspection and maximizing use of the emergency repairs program, extending its response to include the working poor; and
- provide emergency and transitional shelter for those with no other viable alternatives, as well as second-stage housing for victims of family violence and the disabled.

b) Build on the base of existing NBHC policies and programs to develop human resources:
- provide support services, such as programs for counselling in home management and development of personal skills to residents of NBHC units;
- enable residents to achieve future integration into the mainstream of community life by:
  • providing opportunities for responsible involvement in management, participation in activities, and co-operation in the neighbourhood; and
  • educating the community at large to understand and respect the efforts of disadvantaged people to improve their quality of life.
- reward initiative by extending housing programs to the working poor.

2. SHARE THE RESPONSIBILITY FOR THE DEVELOPMENT OF HUMAN RESOURCES BETWEEN ALL LEVELS OF GOVERNMENT AND ALL SECTORS OF SOCIETY.

a) Reinforce the right to appropriate housing through the law, particularly with:
- enforcement of minimum standards legislation to guard the health and safety of residents;
- zoning regulations to encourage social and economic community integration; and
- improvements to the Residential Tenancies Act to address gaps in the protection of tenants.

b) Ensure the participation of all sectors in the consultation process through which housing programs are developed and delivered, connecting NBHC to the community through:
- ongoing advisory mechanisms, such as local housing coalitions, regional housing boards or councils, or private and third-sector networks; and
- community resource/information centres and toll-free phone lines to regional offices to facilitate interaction and the exchange of information.

c) Involve municipal councils in the provision of housing through a variety of approaches and identify local leadership in rural regions to fulfil a similar function.

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passed on Queen Street were occupied, as were many doorways. Around three a.m., I ran out of coffee money, so I headed for a quiet park to lie down.

Of course, it started to rain. Well, in the course of the next hour, I scrambled through alleyways, fire escapes, across warehouse roofs. Without exception, every little hiding hole was filled with some unfortunate person like myself.

Finally, I saw some piles of cardboard by some tractor-trailers. I pulled the first pile aside. Someone was sleeping underneath. The same thing with the second pile. And the third had two people under it. All this within 50 feet of trendy Queen Street West.

About a week after this, I ran into a friend from Guelph. We had a couple of beers and chatted. We got into his car, and he started to drive me home (fortunately, I had a home again). He saw some guys sleeping in the bus shelters — there were heavy thunder storms. When I suggested that most of the bus shelters downtown were the same on a bad night, he laughed and said I was crazy. We proceeded to drive around while we drank coffees.

Fifteen minutes later, he wasn’t even chuckling — nearly every bus shelter west of Yonge Street on King, Queen, Dundas, College, Bloor over to Dufferin was used as a bed, as were those on Bathurst, Bay, and Spadina. That’s to say nothing of the 60 or more people sleeping around city hall, or those hidden in trash bins, alleyways, fire escapes, etc. We must have seen at least 1,000 people homeless that night — and we weren’t even looking — we didn’t even have time to get out of the car or leave the main streets!!! What in God’s name is going to happen to these people this winter?

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Rent Control and the Availability of Affordable Housing in the District of Columbia: A Delicate Balance

Producing Lower Income Housing: Local Initiatives

Tenent Participation in the Management of Public Housing: A Synopsis of U.S. Experience
Available from Canadian Housing Information Centre, CMHC, 662 Montreal Road, Ottawa, Ontario K1A 0P7

Other

Rural and Small Town Housing: Issues and Approaches
Edited by Floyd Dykeman. 1987, 96 pages, $12.00. Published by the Rural and Small Town Research and Studies Program, Department of Geography, Mount Allison University, Sackville, New Brunswick E0A 3C0.

Montreal: After Drapeau

Preserve or Perish: The Issue of Conservation (Research Bulletin 27)
by City of Toronto Planning and Development Department. 1986, 11 pages. Contact: Anwar Jaffi, Senior Research Officer, Research and Information Section, City of Toronto Planning and Development Department, Toronto, Canada.

Housing Alzheimer's Disease at Home

Life Spaces: Gender, Household, Employment
Edited by Caroline Andrew and Beth Moore Milroy. 1989, $16.95, 222 pages. Published by University of British Columbia Press, 303-6453 Memorial Road, Vancouver, B.C. V6T 1W5

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TORONTO: NO MEAN CITY
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Presses de l'Université du Québec

LANDLORD/TENANT RIGHTS IN ONTARIO
by Ron McInnes 1984
International Self-Counsel Press Ltd.

LA FORMATION DES ESPACES RESIDENTIELS: LE SYSTEME DE PRODUCTION DE L'HABITAT URBAIN DANS LES ANNEES SOIXANTE-DIX AU QUEBEC
par Gérard Divay & Marcel Gaudreau 1984
Presses de l'Université du Québec

TOWNS & VILLAGES IN CANADA: THE IMPORTANCE OF BEING UNIMPORTANT
by G. Hodge/Mohammad A. Quadeer 1983
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The above-listed books are available for review. Reviewers who kindly volunteer their services get to keep the book. Interested individuals are asked to contact: Heather Lang-Runtz, Editor, Canadian Housing, P.O. Box 3312, Station D, Ottawa, Ontario K1P 6H8.
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How Canada's Aboriginal People Approach the Concept of “Rights”

For most North Americans, the notion of rights arose in Europe. It came from tyranny, from people fighting for freedom and for human dignity. Discussions today, however, focus on individual rights inherited from Europe. They ignore other aspects of the problem, which are a reality in Canada.

When aboriginal people talk about human rights, we have a different perspective. We realize that not everyone in the community can build a house. Not everyone can hunt and trap. Not everyone can act, tell stories, or teach others what he or she knows. But each one of us, in our own way, has a place in our society that contributes to the survival of the whole nation.

This way of looking at the world does not mean that artists do not get housed or that leaders merely lead. It means each person gives to society, and each recognizes the place and rights of others within society. These rights do not come from another person. They come from whatever we are given as natural human beings.

Too often, those who discuss human rights are comfortable in the enjoyment of their own rights. Too often, they have not had the experience of not having rights. The question they ask is: Now that we’ve taken rights away from people, what do we give back? On what basis, under what conditions do we give back? For Native peoples, such questions make little sense.

Europeans developed international law in the 16th century. This law is very young and depends on exploitation of the world’s resources. Therefore, when we discuss international law or housing rights, we use new ideas that are perhaps environmentally unsound.

In contrast, aboriginal concepts are very old. We see housing, for example, as a God-given right and community as something to be shared. But housing and community are not the only things we share as human beings. We share other things as well — our music, our art, and even our spiritual development.

HOUSING IS NOT A COMMODITY. For us, it is not a question of having money to buy a house, nor does it concern the quality of housing that money can buy. The problem is access to resources. If people have no money, can the community access resources to build homes? Housing should be something that we can produce for one another by using available resources to their maximum. Some people have access to these resources. Others do not.

In this respect, we cannot ignore that Canada is a colonizing nation. Canadian rights began with settlers from Europe, and government speaks to the people from the colonial perspective. People have fought to change that viewpoint. In the 1800s, labour unions recognized that rights come with power. French Canadians have recognized this, and the poor are beginning to recognize it today. Those who do not have rights must struggle for them. The colonial perspective must eventually disappear.

Today, the only rights that exist are those that people had the power to win. Section 35 of the Canadian Charter of Rights and Freedoms talks about the existing aboriginal right. I understand that I have this right, but I still do not know what it is. Is it the right to discuss human rights without having the right to participate in defining them? Should Native people give Canada the right to resources from the land? Canada has assumed it owns the land, but that is not necessarily the case. The land question remains unresolved.

We see rights as more encompassing than the individual rights that came to Canada from Europe. We believe in the right of a commu-
nity to define itself and to manage its resources for the benefit of the people. We believe in our right to manage our resources and environment because we know that otherwise none of us will survive.

If the aboriginal people are a part of humanity, our philosophy has a right to exist alongside the philosophies of others. To criticize and be criticized, yes. But still the right to be who we are. Our philosophy may be neither democratic or liberal, but it is a philosophy that defines and is defined by the people. Our philosophy is a philosophy that is rooted in the culture of the people, and it is a philosophy that is rooted in the rights of the people.

The Charter of Rights and Freedoms defines aboriginals as Indian, Inuit, and Metis people. Yet, Canada has interpreted Indian to mean only those registered under the Indian Act and living on reserves. Indians living off a reserve do not have these rights. The problem is not the law itself but how the law is interpreted and carried out. The focus of government policy is not the aboriginal right of the Indian people. It is how the government can cut back on the money spent on Indian people.

As Canada and every colonizing nation are finding out, colonialism is an extremely expensive proposition. But policy is the most dangerous mechanism for human rights because governments make policies behind closed doors. Since 1969, the government has secretly carried out a policy to move Indian people gradually into the mainstream of society. If we become a minority or ethnic group, we become a domestic problem in international law. We therefore lose our avenues of rights, qu'allons-nous leur redonner? Sur quel fondement et dans quelles conditions allons-nous leur redonner ces droits?» Pour les peuples autochtones, ces questions n'ont pas tellement de sens.

Les Européens ont établi le droit international au XVIe siècle. Ce droit est relativement jeune et repose sur l'exploitation des ressources mondiales. Par conséquent, lorsque nous discutons du droit international ou du droit au logement, nous avons recours à des concepts nouveaux qui sont peut-être peu valables compte tenu de l'environnement réel.

Par contre, les concepts autochtones sont très anciens. Nous considérons, par exemple, que le logement est un droit conféré par Dieu et que la communauté est quelque chose qui doit être partagé. Mais le logement et la communauté ne sont pas les seules choses que nous partageons à titre d'êtres humains. Nous partageons également notre musique, notre art et même notre cheminement spirituel.

LE LOGEMENT N'EST PAS UNE VALEURE MARCHANDE.

Pour nous, ce n'est pas une question d'avoir de l'argent pour acheter une maison, ni une question de la qualité de logement qu'on peut obtenir avec de l'argent. Le problème se situe au niveau de l'accès aux ressources. Si les gens n'ont pas d'argent, la communauté peut-elle avoir accès à des ressources pour construire des maisons? Le logement devrait être quelque chose que nous pouvons produire l'un pour l'autre en tirant pleinement profit des ressources disponibles. Certains gens ont accès à ces ressources, d'autres non.

À cet égard, nous ne pouvons ignorer que le Canada est une nation colonialiste. Les droits au Canada ont commencé avec l'arrivée des colons d'Europe et le gouvernement s'adresse à la population selon une perspective colonialiste. Les gens ont lutté pour changer cette perspective. Au cours des années 1800, les syndicats de travailleurs ont reconnu que les droits viennent avec le pouvoir. Les Canadiens français ont reconnu ce fait et les pauvres commençaient à le reconnaître aujourd'hui. Ceux et celles qui sont dépossédés de leurs droits doivent lutter pour les reconquérir. Cette perspective colonialiste doit éventuellement disparaître.

Aujourd'hui, les seuls droits qui existent sont ceux que les peuples ont eu le pouvoir d'acquérir. L'article 35 de la Charte canadienne des droits et libertés stipule que les autochtones ont des droits. Je sais que j'ai des droits, mais quels sont-ils? Est-ce le droit de disputer des droits de la personne sans pouvoir participer à leur définition? Les autochtones devraient ils céder au Canada le droit aux ressources de la terre? Le Canada a assumé qu'il était propriétaire de la terre, mais ce n'est pas nécessairement le cas. La question de la propriété de la terre n'a pas encore été réglée.

Pour nous, les droits englobent beaucoup plus que les droits individuels qui sont venus de l'Europe. Nous croyons qu'une communauté a le droit de se définir et de gérer ses ressources pour le bénéfice de ses membres. Nous croyons que nous avons le droit de gérer nos ressources et notre environnement parce que nous savons qu'autrement nous ne pourrons survivre.

Si les peuples autochtones font partie de l'humanité, notre philosophie a le droit d'exister avec celle des autres. Nous avons le droit de critiques et d'être critiques. Mais nous avons tout de même le droit d'être ce que nous sommes. Notre philosophie n'est peut-être pas démocratique ou libérale au sens où nous utilisons ces mots aujourd'hui. Mais, à mesure que les philosophies autochtones se font connaître sur la scène internationale, le débat sur les droits de la personne devient de plus en plus clair. Un peu partout, les groupes autochtones apprennent à exprimer leur philosophie dans le langage et le contexte du monde contemporain.
to struggle for aboriginal rights through the international courts. The aboriginal people are a reality. We are always here. We try out Canadian mechanisms that do not necessarily work for us. When we make efforts in social housing, for example, racism comes into play. Do people want an Indian woman in the same apartment building or an Indian family next door? Increasingly, Native people are finding that doors are closing all over the place.

For us, the debate on housing rights is academic because it does not face our reality. Our struggle is similar to every other minority group in the sense that we are fighting for something. But our struggle is different in the sense that we have our own philosophy. The housing rights debate stresses individual rights. We stress the community, and so there is no room for our philosophy in the debate on housing rights.

Rosalee Tizya is Executive Director of and the self-government co-ordinator for the United Native Nations. The UNN is a B.C.-wide aboriginal organization, established in 1969, representing a wide-ranging aboriginal population living off reserve, mainly in B.C.’s urban areas. Originally from Old Crow, Yukon, Tizya was educated at UBC, and has been active in major native political actions for about 20 years. These activities include the Mackenzie Valley Pipeline debate and B.C. and Yukon land claims issues.
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