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PRESENTATION TO LAW AMENDMENTS COMMITTEE ON BILL 222 - HOUSING SUPPLY AND SERVICES
ACT

NOVEMBER 1, 2022

I want to start by providing a bit of context that I'm sure is familiar to all of you by now. As of December 31, 2021 there were 5,950 applicants on the wait list for public housing; about 3000 of those are seniors. As of September of this year, more than 690 people were experiencing homelessness in HRM. That is more than double the number from this time last year and a 550% increase since 2019.

That is the context for this legislative sitting. And, to the extent that anyone is paying attention, I think it is fair to say that they have been waiting to see the government bring forward a bold and urgent vision for addressing the housing crisis. Instead, we have this.

As written, the Housing Supply and Services Act sets no clear goals or targets. It provides no insight into how the government plans to tackle the current and growing crisis of housing affordability in the province.

We have proposed a number of amendments to this bill that would sharpen the focus on the necessary provision of affordable housing with clear goals of eliminating homelessness in Nova Scotia and affirming housing as a human right.

The United Nations International Covenant on Economic, Social and Cultural Rights, which Canada has signed on to, recognizes housing as a human right. The right to housing is defined as the right to live in a home in peace, security and dignity, and includes security of tenure, availability of services, affordability, accessibility, appropriate location and cultural adequacy.

As introduced, the purpose of this Act is to "improve and increase the housing stock of the Province". We would suggest that the government's role in housing must be clearly focused on improving and increasing the **affordable** housing stock in the province.

Bill 222 as written does not include a definition of affordability. Definitions of housing affordability that use market price as a basis are not meaningful, particularly if Nova Scotia does not implement a permanent system of rent control. Affordability has to be understood in terms of what people can actually afford to pay. The accepted definition of "affordable housing" we have included in our amendments is housing that costs no more than 30% of a household's total income before taxes, including utilities.

For a single person receiving Income Assistance the standard household rate is \$686 a month. That would mean that their rent and utilities would need to be no more than \$205.80 a month. According to the Canadian Mortgage and Housing Association, the median rent for a bachelor apartment in Halifax in 2021 was \$895 a month.

This is why government must have a clear goal of increasing non-market housing which includes public housing, non-profit housing and cooperative housing.

The United Nations Committee on Economic, Social and Cultural Rights has been clear that governments must regulate business in order to prevent investments having any negative impacts on the right to housing, including by preventing any privatization of public or social housing that would reduce the capacity of the government to ensure the right to adequate housing.

One way that government can do this is by exercising a right of first refusal to purchase properties when they are listed for sale. Part one, clause 7, sub 2 seems to suggest this possibility but again, is not clear about the ultimate goal. It is possible here for the government to commit specifically to increasing non-market housing and ensuring no net loss of affordable housing.

There is no shortage of evidence-based solutions to the housing crisis. Prince Edward Island has committed in legislation to eliminate homelessness by 2025. Montreal is using a right of first refusal to address the loss of affordable rentals. Vancouver requires developers to have relocation plans in place before new builds are able to displace existing tenants. These things are all possible in Nova Scotia.

As members of this committee and members of the legislation you have the power and the responsibility to amend this bill so that it can put forward some hope to the many people who are currently struggling to find and maintain adequate, affordable housing in this province.

Thank you,

Joanne Hussey
Community Legal Worker
Dalhousie Legal Aid Service



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This bill speaks to the Minister selecting an Advisory Board. As the Bill exists, the Minister is not obligated to rely on board members' recommendations and would maintain full autonomy to make decisions as they see fit. I am here today to express my concern that not only would the Minister not be bound by any recommendations from the board, but that there is no mention of required qualifications of its members. Who does the province intend to include in such a board and what qualifies these individuals to provide recommendations on issues of affordable housing? The bill, as it exists, provides no clarity on these points.

A board member should be legislatively required to have relevant experience or expertise to qualify for board participation. I suggest they be required to have strong understanding of both the history and current state of public housing in Nova Scotia, as well as a working knowledge of poverty and its many intersections. Ideally, such a board would include first-voice perspectives, and in the absence of first-voice representation, at the very least, representation of those with expert experience working in the non-profit housing sector.

Countless Nova Scotians have worked tirelessly for decades in the non-profit housing sector. These individuals have expert knowledge in this field, and such experts should be included in decision- and policymaking as it relates to public, non-profit, and cooperative housing. What qualifies this government to not only oversee, but to manage all aspects of public housing in Nova Scotia without first legislating a requirement to consult with those who access such housing as well as this sectors' housing experts?

Public housing is one of the more obvious ways that government is visible in communities, and it is the focus of a substantial portion of this Bill. This is in stark contrast to the overall thrust of the Bill which is to move decision-making behind closed doors. The public has a right to know what decisions are being made on their behalf and why. The amendments we have put forward include the requirement for the Minister and the Advisory Board to report to the Legislature. Public housing, like all public services, should be managed in public.

Furthermore, the Bill states members of such a board are to “act honestly and in good faith, with a view to the best interests of the Agency.” I would challenge this and recommend an amendment be made to reflect the true nature and intention of affordable housing in Nova Scotia, which, with respect, is not “the best interests of the Agency”, but the best interests of those they serve – the tenants.

Thank you,
Katie Brousseau
Community Legal Worker
Dalhousie Legal Aid Service

Suggested Amendments to Bill 222 - Housing Supply & Services Act

Clause 2

Amend to “The purpose of this Act is to **recognize that the right to adequate housing is a fundamental right affirmed in international law**, to improve and increase the **affordable** housing stock of the Province and, without limiting the generality of the foregoing, includes”

Clause 2

- a. Increasing and preserving the supply of **affordable** housing

Add as (b):

Exercising first right of refusal to purchase property, including land and built structures, for use as **affordable** housing;

Clause 3

Add as (b):

“**Affordable housing**” means housing that costs no more than 30% of a household’s total income before taxes, including utilities.

Add as 7:

The Minister must, to carry out the purpose of this Act,

- a. Recognize that the right to adequate housing is a fundamental human right affirmed in international law;
- b. Take progressive action to realize the right to housing within a reasonable time;
- c. Recognize the importance of publicly-owned and other non-market housing, and commit to increasing the overall share of such housing; and
- d. Set and publicly report annually on specific timelines and targets.

Amend 7 (2):

“An acquisition or disposal of any estate or interest in real property that exceeds 25 acres in a single transaction must be approved by the Governor in Council **with the goal of ensuring no net loss of affordable housing.**”

Add 7(2):

- a. The Minister shall table a report and supporting documents on decisions related to subsection 7(2) in the Assembly if the Assembly is then sitting or, where the Assembly is not then sitting, within 15 days of its next sitting.
- b. In cases where transactions are approved under 7(2) and include purpose-built rental housing; buildings with rental units above commercial spaces; multiple conversion dwellings with five or more units; or non-profit social and co-op housing applicants must provide the Minister with a Tenant Relocation Plan. At minimum this plan must include the following components:
 - i. A letter sent by the applicant to all tenants outlining the proposed project and expected timeline;
 - ii. A mandatory meeting at the outset of the project with tenants and applicant;
 - iii. Plans for ongoing communication regarding the progress of the development and tenant relocation process at key milestones;
 - iv. Financial compensation provided based on length of tenancy, which can take the form of free rent, a lump sum payment, or a combination of both;
 - v. Arrangement at the choice of the applicant for an insured moving company or a flat rate payout for moving expenses;
 - vi. Assistance finding new accommodations;
 - vii. Existing tenants shall be provided Right of First Refusal to move back into the new building with a 20% discount off starting market rents, or at the new non-market rents in circumstances when the replacement unit is social housing;
 - viii. Interim and Final Tenant Relocation Report
- c. Tenant Relocation Plans for approved transactions must be made publicly available in accessible formats.

Clause 10(1)

Add (a):

Any committee or council established by the Minister under 10(1) must include non-profit housing organizations, non-profit housing service providers, and individuals with lived experience of homelessness or housing insecurity.

Add (b):

By March 31st each year, any committee or council established by the Minister under 10(1) must provide an annual report to be tabled in the Assembly if the Assembly is then sitting or, where the Assembly is not then sitting, within 15 of its next sitting.

Clause 21

Amend (a):

“Maintain, manage and operate safe, accessible and suitable affordable housing accommodations for low-income households in the Province”

Amend (c):

Replace “subsidized” with “affordable”

Clause 22 (1)

Amend (g):

“Delivering public housing programs consistent with the recognition that the right to adequate housing is a fundamental human right affirmed in international law”

Clause 27 (1)

Add (a):

The Advisory Board established under clause 26 must include non-profit housing organizations, non-profit housing service providers, and individuals with lived experience of homelessness or housing insecurity.

Add (b):

By March 31st each year, the Advisory Board established under clause 26 must provide an annual report to be tabled in the Assembly if the Assembly is then sitting or, where the Assembly is not then sitting, within 15 of its next sitting.