



CCPA

CANADIAN CENTRE
for POLICY ALTERNATIVES
NOVA SCOTIA OFFICE

**CCPA-NS Submission to Law Amendments on Bill 222: Housing Supply and Services Act
November 1st, 2022**

As we outlined in our Housing for All¹ report a year and a half ago, many Nova Scotians are currently without any place to call their own, living on the streets, in their cars, in stairwells, couch surfing, or staying in shelters. The numbers from recent homelessness counts are alarming – 727 in HRM², 483 in the Eastern Zone³, and 40 reported in Amherst⁴.

Many others are in housing or accommodations they cannot afford or are not safe, adequate, or properly maintained. Recently-released census data show that 35% of renters in the province are spending at least 30% of their before-tax income on housing costs (48,205 renter households), an underestimation given the temporary covid-related relief benefits people were receiving in 2020. The Census also shows that province-wide, only 11% of tenants are living in subsidized housing, such as public housing, or in receipt of rent supplements⁵.

For other Nova Scotians, there is a lack of accessible housing that accommodates their needs to live barrier-free in the community like everyone else. Instead, persons with disabilities continue to be confined in institutions.

As housing becomes even more unaffordable in areas close to employment, services, and amenities, it also pushes many out of their communities, isolating them.

We know the impact homelessness and housing insecurity has—leading to increased stress, social exclusion, illness, and disease. It is also expensive, requiring emergency and patchwork responses for entirely preventable situations. These situations are primarily created by government design, whether because of inadequate income assistance, low minimum wage, or lack of control over the cost of housing, as well as decades of underinvestment in non-market housing and in tenant supports.

This Act must state that the current social housing units in the province are preserved, ensuring no loss of existing, public housing stock. An increase in overall supply is also needed, but the type of housing makes a difference. This government should ensure its investments produce as much public, non-profit, and co-op rental housing as possible. Further, this housing must be affordable; 80% of median market rent is not affordable for low-income or even moderate-income households, especially in our province, with some of the lowest incomes and increasingly high costs, including rent. Non-market housing is the only solution for ensuring affordability for those for whom the market will never serve because developers cannot make a profit off tenants whose incomes are so low. Subsidizing those profits is not the answer.



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One of the critical causes of homelessness and the lack of affordable housing is government's lack of commitment to protecting and advancing housing as a human right. This Act should explicitly state that "Everyone has the right to have access to adequate housing," that it commits to "further the progressive realization of the right to adequate housing," and further, that it will develop measures to:

- End and further prevent homelessness,
- Prohibit forced evictions,
- Address discrimination,
- Focus on the most vulnerable and marginalized groups,
- Ensure security of tenure for all,
- Guarantee that everyone's housing is adequate, meaning affordable, safe, accessible, located near services and not near polluted areas, and responds to cultural needs for building community.

Importantly, having an Act that enshrines this right in place would allow for accountability currently not present in the province. The Act would require regular reports to the legislature and a provincial Housing Council that would include Lived Experts and community housing providers. The reports would outline what measures and progress has been made to prevent and eliminate homelessness and ensure housing for all. The Province would also appoint a Housing Advocate, who would also be a member of the Council, and who would be responsible for assessing and making concrete recommendations in response to systemic problems brought forward by people experiencing homelessness or marginalized tenants in Nova Scotia, as well as organizations in the sector. The Housing Advocate could also convene a review panel to hold hearings.

The Act must be accompanied by a Housing Strategy, which sets as its goal to prevent and eliminate homelessness and core housing need over a ten-year period.

In contrast, what is being planned in this Act further consolidates power, removing local decision-making, and includes no protections for low-income tenants.

Indeed, as a matter of principle, housing policies must ensure that those most impacted are involved in its design and delivery. The involvement of tenants in rental housing is extremely limited in the province and should be addressed by supporting tenant associations. In addition, the government must prioritize the participation of community-based housing providers for their experience and expertise. Co-operative housing is also a model to be supported; they are democratic, providing voting and participation rights.



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To summarize: to realize housing as a human right will require addressing the roots of the crisis before us, four of which are:

- First, over the last twenty-five years plus, there has been very little non-market (public, social, co-operative) affordable housing built because of a lack of funding and leadership. This means the government must come to terms with the scale and scope of the crisis before us and the level of investment required to address it.

-Second, the affordable housing that we have had has been neglected or lost to private for-profit developers and financiers. The housing crisis is marked by gentrification and displacement, fueled by the financialization of the housing market. The financialization of housing⁶ “occurs when housing is allowed to be treated as a commodity – a vehicle for wealth and investment rather than a social good.” Enacting policies to address this issue, including effective rent controls and support for tenants’ rights, is required.

-The third root of our housing and homelessness crises is the gaps in our social safety net that have left many Nova Scotians living in deep poverty, whether because the income supports provided to them by the government are intentionally below the poverty line or because labour laws including the regulated minimum wage leave people without sufficient income. On the other side of the equation, people are struggling because the cost of other essentials needed to live and work, including food, rent, utilities, child care, health care, transportation, is taking up more of household budgets, with little government action to address those costs.

Fourth, it is critical to understand how the housing crisis affects populations differently to develop responsive policy and ensure that access is universal. It is also vital to take urgent action to address the lack of housing options for people with disabilities. The government is violating rights every day that people with disabilities have no option but to live in institutions. What about addressing the legacy of colonialism, racism, and enslavement?

This Act is short-sighted and will do little to address the causes of the housing crisis because the approach remains rooted in one that privileges housing as a commodity, which is the approach that has gotten us here in the first place. This approach privileges those who have the resources to profit from housing at the expense of Nova Scotians’ right to access affordable, accessible housing. It is time for the government to show its commitment to this right by incorporating it into this legislation.

Submitted by Catherine Leviten-Reid, PhD, and Christine Saulnier, PhD, Co-Chairs of the Housing for All Working Group. Dr. Leviten-Reid is a CCPA-NS Research Associate and Associate Professor, Community Economic Development, Cape Breton University as well as Lead of the Community-University Housing Research Lab at CBU. Dr. Saulnier is Director of CCPA-NS.



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¹ The Housing for All Working Group. 2021. *Keys To A Housing Secure Future For All Nova Scotians*. (Halifax: CCPA-NS). <https://policyalternatives.ca/publications/reports/keys-housing-secure-future-all-nova-scotians>

² Affordable Housing Association of Nova Scotia. 2022. HRM Homelessness Statistics. <https://www.ahans.ca/hrm-homelessness-statistics>

³ Roy, L., Leviten-Reid, C., Digou, M., Gyorfi, M., MacQueen, J., & Gotell, C. 2022. *Service-Based Homelessness Count 2021, Counting those Experiencing Homelessness in Eastern Nova Scotia*. https://www.endhomelessnesstoday.ca/images/Report_-_Service-Based_Homelessness_Count_for_Eastern_Nova_Scotia_2021.pdf

⁴ Ramesar, V. October 3, 2022. *Town of Amherst votes to help finance emergency shelter*. <https://www.cbc.ca/news/canada/nova-scotia/town-of-amherst-passes-motion-to-help-finance-an-emergency-shelter-1.6603505>

⁵ Statistics Canada. 2022. (table). Census Profile. 2021 Census of Population. Statistics Canada Catalogue no. 98-316-X2021001. Ottawa. Released October 26, 2022.

<https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/index.cfm?Lang=E> (accessed October 31, 2022).

⁶ Farha, L. 2020. UN Special Rapporteur on the Right to Housing. <http://www.unhousingrapp.org/>



NSCSW

NOVA SCOTIA
COLLEGE OF
SOCIAL WORKERS

Submission to Law Amendments Committee – Bill 222

Date submitted: November 1, 2022

Who We Are

The Nova Scotia College of Social Workers (NSCSW) exists to serve and protect Nova Scotians by effectively regulating the profession of social work. We work in solidarity with Nova Scotians to advocate for policies that improve social conditions, challenge injustice and value diversity.

Learn more about the College at nscsw.org/about.

Housing is a Right

Social workers across Nova Scotia are committed to **ensuring housing is a right and recognizing that housing is health**. Stress from housing insecurity has a significant impact on our physical, mental and social health, leading to premature death, chronic illness and social exclusion. Ensuring that everyone has a housing-secure future is critical for our clients' health and our collective community's well-being.

Proposed Amendments to the Housing Supply and Services Act

Section 2

(2) The purpose of this Act is to improve and increase the **(add) affordable** housing stock of the province and, without limiting the generality of the foregoing, includes

Add to this

- (a) ensuring everyone has the right to access adequate housing;**
- (b) increasing and preserving the supply of affordable housing (add) to end and further prevent homelessness;**

Strike

- (b) promoting more adequate and affordable housing for vulnerable persons and groups;**

Replace with

- (c) ensuring that everyone's housing is adequate, affordable, safe, accessible including proximity to necessary services, and responsive to cultural needs for building community;**

Add

- (d) developing, delivering, and supporting programs related to housing (add) for the purposes of prohibiting forced evictions, addressing discrimination, focusing on the most vulnerable and marginalized groups and ensuring security of tenure for all;**



NSCSW

Suite 700 1888 Brunswick St
Halifax, Nova Scotia
B3J 3J8

Phone: (902) 429 – 7799
Fax: (902) 429 -7650
www.nscsw.org



Section 3

Add

"Housing for All Council" means an accountability body that reports directly to the Legislative Assembly;

Section 10

Strike

- (1) The Minister may establish any committee or council the Minister considers necessary or advisable to act in an advisory capacity with respect to any of the policies, programs, services or other matters under the administration of the Minister.

Replace with

- (1) The Minister will establish a Provincial Housing for All Council, independent of the Minister, which must ~~include~~ community-based provider representatives and tenant representatives and ~~no more than one~~ for-profit developer or business interest.
- (2) The Housing for All Council will serve as the key accountability body that reports directly to the Legislative Assembly annually about progress on non-market affordable housing and measures to implement the right to housing.

Poverty is A Political Choice

Poverty is a political choice, and eliminating it requires that social justice and human rights are central to the ways in which we implement and measure human development. **Housing is crucial to the elimination of poverty.** Current political choices have allowed for the financialization of the affordable housing market, a lack of protection for tenants and low wages and social assistance rates which deny a meaningful quality of life for too many Nova Scotians.

Reducing Inequality

To be successful ensuring that housing is human a right there must be a clear focus on rising inequality. In 2018 the top 10% of incomes in Nova Scotia grew to 16.3 times the income share of the bottom 10%, growing from 11.1 in 1988 (see figure 1). Rising inequality and the continued class divide between the rich and the poor has allowed the voices of the most vulnerable to go unnoticed, has eroded trust, and has increased anxiety and illness for all. This lack of trust appears to be growing. Engage Nova Scotia recently produced data demonstrating **only 27.1% of Nova Scotians trust the provincial government.** This erodes the social solidarity required to tackle large issues such as housing and pits Nova Scotians against one another, fighting for resources perceived to be scarce rather than working together in solidarity towards the common good.



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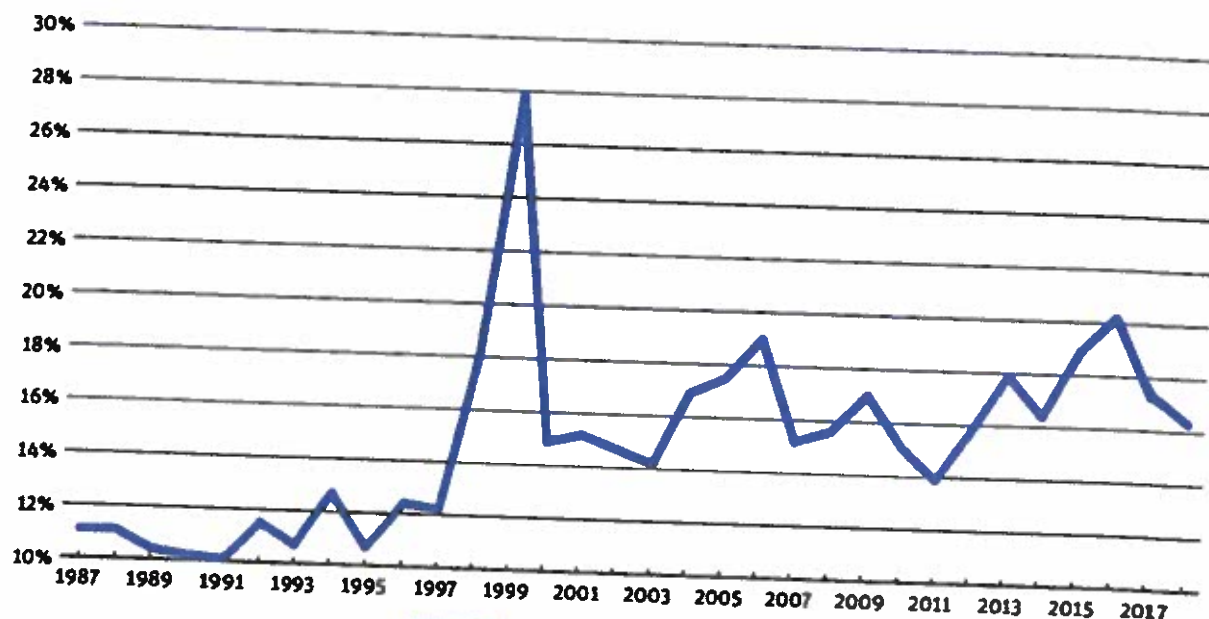


Figure 1- From *Creating the future we all deserve; A social policy framework for Nova Scotia*

Call to Action

Social workers are calling for the democratization of housing in order to ensure that it is treated as a right.

Our democracy is struggling. We've witnessed the rising influence of corporations and business organizations in politics, alongside the declining power of labour unions and the weakening of equality-seeking civil society organizations and progressive think tanks and research institutes. We've seen cuts in social programs and community spaces that provide much of the glue for social cohesion, and the growing time crunch that leaves little time for community engagement. **Citizens are increasingly disillusioned with their governments.**

The form our political system takes makes a difference for social policy. Governments need to consider the potential social impact of each policy they introduce — particularly, the impact on the most vulnerable members of society. Policy decisions might make sound fiscal sense and help the government achieve its economic policy goals but may also have disastrous effects on social well-being in the longer-term. **Providing the Minister of Housing all the power to make policy without considering whether they are maintaining or deepening systemic oppression will lead to greater inequality.**

The Housing Supply and Services Act must ensure that housing is a right, and must ensure that a *Housing for All Council* can operate as a human rights oversight institution and follows the UN Paris Principles for Human Rights Institution to ensure functional and formal independence.



Suite 700 1888 Brunswick St
Halifax, Nova Scotia
B3J 3J8

Phone: (902) 429 – 7799
Fax: (902) 429 -7650
www.nscsw.org



DALHOUSIE LEGAL AID
SERVICE

5746 Russell Street

Halifax, NS B3K 3B5

Phone: (902) 423-8105

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



**DALHOUSIE LEGAL AID
SERVICE**

5746 Russell Street

Halifax, NS B3K 3B5

Phone: (902) 423-8105

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.

Bill #222
Housing Supply and Services Act

**CHANGES RECOMMENDED TO THE
LAW AMENDMENTS COMMITTEE**

PAGE 1, Clause 2 -

(a) delete “improve and increase the housing stock of the Province” in line 1 and substitute “recognize that the right to adequate housing is a fundamental right affirmed in international law and to improve and increase the affordable housing stock of the Province”;

(b) add “affordable” after “of” in paragraph (a);

(c) add after paragraph (a) the following paragraph:

(b) exercising right of first refusal to purchase property, including land and built structures, for use as affordable housing;

PAGE 1, Clause 3 - add after paragraph (a) the following paragraph:

(b) “affordable housing” means housing that costs no more than 30% of a household’s total income before taxes, including utilities;

PAGE 2 - add after Clause 6 the following Clause:

7 The Minister shall, 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.

PAGE 3, subclause 7(2) - delete and substitute the following subclauses:

(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.

(3) Where a transaction is approved under subsection (2) and includes purpose-built rental housing, buildings with rental units above commercial spaces, multiple conversion dwellings with five or more units or non-profit social and cooperative housing, the parties to the transaction must provide the Minister with a tenant relocation plan.

(4) A tenant relocation plan under subsection (3) must include:

- (a) a letter sent by the parties to all tenants outlining the proposed project and expected timeline;
 - (b) a mandatory meeting at the outset of the project with the parties and tenants;
 - (c) a plan for ongoing communication regarding the progress of the development and the tenant relocation process at key milestones;
 - (d) financial compensation provided based on length of tenancy, which may take the form of free rent, a lump sum payment or a combination of both;
 - (e) arrangement at the choice of the tenant for an insured moving company or a flat rate payout for moving expenses;
 - (f) assistance finding new accommodations;
 - (g) a right of first refusal for existing tenants to move back into the new building or buildings with a 20% discount off starting market rents, or at the new non-market rents in circumstances where the replacement unit is social housing; and
 - (h) an interim and final tenant relocation report.
- (5) A tenant relocation plan must be made publicly available in an accessible format.

PAGE 3, Clause 10 - add after subclause (1) the following subclauses:

- (2) Any committee or council established by the Minister under subsection (1) must include non-profit housing organizations, non-profit housing service providers and individuals with lived experience of homelessness or housing insecurity.
- (3) By March 31st of each year, any committee or council established by the Minister under subsection (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 days of its next sitting.

PAGE 6, Clause 21 -

- (a) add “, accessible” immediately after “safe” in paragraph (a);
- (b) delete “subsidized” in paragraph (a) and substitute “affordable”; and
- (c) delete “subsidized” in paragraph (c) and substitute “affordable”.

PAGE 7, paragraph 22(1)(g) - delete and substitute the following paragraph:

- (g) delivering public housing programs consistent with the recognition that the right to adequate housing is a fundamental human right affirmed in international law;

PAGE 8, subclause 27(1) - add “, and must include representatives from non-profit housing organizations, non-profit housing service providers and individuals with lived experience of homelessness or housing insecurity” immediately after “Council”.

PAGE 8, Clause 27 - add immediately after subclause (2) the following subclause:

(3) By March 31st of each year, the Advisory Board 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 days of its next sitting.

RENUMBER, RELETTER AND ADJUST CROSS-REFERENCES ACCORDINGLY.
