



**Name of Policy: Right to Housing**

**Policy Adoption Date:** *SLSC Annual General Meeting, North Vancouver, BC, June 7, 2019.*

**Mission and Mandate:** St. Leonard's Society of Canada is a membership-based, charitable organization dedicated to community safety. The mission of SLSC is to promote a humane and informed justice policy and responsible leadership to foster safe communities. It:

- a. Endorses evidence-based approaches to criminal and social justice;
- b. Conducts research and develops policy;
- c. Supports its member affiliates; and
- d. Advances collaborative relationships and communication among individuals and organizations dedicated to social justice.

**Purpose of SLSC Policies:** Policies of SLSC are developed in collaboration with affiliate agencies, SLSC's Board of Directors and members, and are ratified at the Annual General Meeting with the express purposes of:

- Identifying criminal justice and related issues relevant to its membership;
- Reflecting SLSC organizational values and social justice goals;
- Articulating SLSC approaches, practices and standards to achieve these goals; and
- Ensuring the good governance of SLSC on matters of legal, administrative and organizational relevance.

**Background:**

SLSC has long recognized challenges in accessing housing for people who are discharged from Community-based Residential Facilities (CBRFs), substantiated by various housing-related research projects undertaken over the course of the past decade. In November 2017, the Government of Canada released its first National Housing Strategy (NHS), depicting a “transformative vision for housing” for all Canadians. In June 2018, the Government announced a redesigned homelessness strategy, *Reaching Home*, as part of the NHS. The updated strategy aims to reinforce its community-based approach, working with communities to adopt a Housing First approach. In the NHS, the Government stated its “plan to build a more equal Canada for all”, and while the NHS introduces bold changes and a human rights-based approach, there are no explicit considerations in the strategy for people who have been in conflict with the law. Individual cities and provinces, however, have been addressing homelessness and affordable housing in a variety of ways for several years, and the NHS has the opportunity to learn from the outcomes and recommendations which have developed as a result.

The Canadian Observatory on Homelessness (COH) has recently established various standards to define the scope of homelessness in Canada. The definition that is best suited to residents of CBRFs is *provisional accommodation* (i.e. accommodation that is either temporary or lacks security).<sup>1</sup> Current reports from SLSC's affiliates suggest that residents of CBRFs have an average length of stay between 5 months to one year – qualifying it as temporary accommodation. Consequently, community corrections

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<sup>1</sup> Gaetz, S., et al. (2012). [Canadian Definition of Homelessness](#). Toronto: Canadian Observatory on Homelessness Press.

clients merit inclusion as a sub-set of the homeless population considered to be ‘at risk’ within broader Federal policies that pertain to housing and homelessness.

The COH has also investigated issues related to homelessness for Indigenous Peoples.<sup>2</sup> Recognizing the increased awareness of the disproportionate number of Indigenous Peoples within Canadian prisons, it is important that the intersection between the homelessness of Indigenous Peoples and their experience of incarceration also be considered as part of the NHS.

A Right to Housing approach has been pursued by leading experts on homelessness in Canada.<sup>3</sup> Recent amendments to the National Housing Strategy Act via Bill C-97 (Budget Implementation Act, 2019) make a strong and clear commitment to housing as a fundamental human right, and add a rights-based accountability model.<sup>4</sup> Implementing such an approach does not, however, mean that individuals can claim an immediate right to be provided with adequate housing. Instead, the approach calls for housing strategies to ensure that “the measures being taken are sufficient to realize the right for every individual in the shortest possible time in accordance with the maximum of available resources.”<sup>5</sup>

The language in the NHS – i.e. “a more equal Canada for all” – and the housing-related challenges experienced by residents and staff of CBRFs, merit consideration for how people who have experienced incarceration can be included in the policy development process. This policy will serve to guide SLSC’s activities to encourage responsible leadership that will foster safe communities through informed and humane national housing policies.

#### **Issues/Scope:**

Research establishing the relationship between homelessness and the criminal justice system is growing; however, the relationship is rarely explored from a post-incarceration perspective. SLSC’s research indicates that for people exiting CBRFs, securing housing is often the greatest challenge – substantiated by other studies.<sup>6</sup> This is often for a myriad reasons, namely, a lack of available, affordable, and/or supportive housing options (particularly challenging for people requiring medication compliance support); waitlists; restrictions for individuals with a criminal record; and, problems which persist beyond warrant expiry when Correctional Service of Canada is no longer mandated to provide care.

SLSC’s research findings reflect other studies which estimate that 30% of people who have experienced incarceration are at risk of homelessness.<sup>7</sup> Additionally, those who have difficulties obtaining housing are at a greater risk to return to prison than individuals who have stable accommodations. While denying housing to potential tenants based on their criminal record is a prohibited ground for

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<sup>2</sup> Thistle, J. A. (2017). [Indigenous Definition of Homelessness in Canada](#). Toronto: Canadian Observatory on Homelessness Press.

<sup>3</sup> Farha, L. et al. (2018). [Open Letter on the Right to Housing](#).

<sup>4</sup> For more information see: The Right to Housing Campaign. (May 2019). [The Right to Housing in Canada and the National Housing Strategy Act: Backgrounder and Fact Sheet](#).

<sup>5</sup> UN Committee on Economic, Social and Cultural Rights. (1991). [CESCR General Comment No. 4: The Right to Adequate Housing](#). Office of the High Commissioner for Human Rights.

<sup>6</sup> Griffiths, C., Dandurand, Y., & Murdoch, D. (2007). [The Social Reintegration of Offenders and Crime Prevention](#). Ottawa: National Crime Prevention Centre.

<sup>7</sup> Zorzi, R., Scott, S., Doherty, D., Engman, A., Lauzon, C., McGuire, M., & Ward, J. (2006). [Housing Options Upon Discharge from Correctional Facilities](#). Toronto: Canada Mortgage and Housing Corporation.

discrimination in Canada, such differential treatment is difficult to prove, and people regularly experience exclusion without further justification.<sup>8</sup>

Research findings on homelessness and criminal justice system involvement, combined with the experience of SLSC's affiliates, prompted SLSC to address community corrections-related housing challenges through additional research on second stage housing for people exiting CBRFs. SLSC has highlighted challenges related to the lack of housing options for residents of CBRFs, compounded by complexities in the application processes for (often limited) housing options. In the past, SLSC has called for a national housing strategy to streamline the system of care by incorporating a more efficient mechanism for people transitioning out of CBRFs to access housing. Presently, the NHS represents an opportunity to address these concerns and generate inclusive dialogue for justice-involved persons.

Canada can take lessons from cities (e.g. Medicine Hat, AB, Hamilton, ON), provinces (e.g. Alberta) and other countries (e.g. Finland) that are demonstrating best practices in resolving homelessness. Finland, long recognized for its humane and effective correctional system, conceptualizes homelessness "as a housing problem and a violation of fundamental rights, both solvable, and not as an inevitable social problem resulting from personal issues."<sup>9</sup> Finland provides housing unconditionally in apartments that are scattered throughout the community and additionally offers supported housing that provides on-site services for people who require specialized assistance according to their needs. Finland has found that its rates of homelessness continue to decrease significantly, virtually ending street homelessness. Ultimately, supported housing has resulted in reduced costs to social services.

#### **Resolutions:**

Given the ongoing difficulties that paroled people have to find and maintain housing after their release from Community-based Residential Facilities, and, the growing momentum to end homelessness in Canada, be it resolved that St. Leonard's Society of Canada:

- Affirms that all people in Canada should have access to safe, affordable, accessible and permanent housing; and, that a person's involvement with the criminal justice system should not preclude or impede the attainment of safe and secure housing;
- Supports practices that identify and address the intersection of homelessness and criminal justice in order to reduce the bidirectional relationship i.e. the 'revolving door';
- Advocates for promising practices that demonstrate long-term, successful integration outcomes for people who have experienced incarceration, including cross-sectoral/ministerial work, adequate and affordable treatment facilities and housing options, and practices that ensure individuals are not released from institutional care into homelessness; and,
- Supports a Right to Housing approach for all Canadians.

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<sup>8</sup> Ontario Human Rights Commission (no date). [Housing Discrimination and the Individual](#). Toronto: Ontario Human Rights Commission.

<sup>9</sup> Paddison, L. (2019). [How Finland Solves Homelessness](#). The Huffington Post.

## Additional information

### SLSC Reports/Publications:

- St. Leonard's Society of Canada. (2010). [Community Connections: The Key to Community Corrections for Individuals with Mental Health Disorders](#). Ottawa: St. Leonard's Society of Canada.
- St. Leonard's Society of Canada. (2012). [Homes for the Hard to House: A Model for Effective Second Stage Housing](#). Ottawa: St. Leonard's Society of Canada;
- St. Leonard's Society of Canada. (2014). [Testing the 'Hard to House' \(H2H\) Model](#). Ottawa: St. Leonard's Society of Canada.
- St. Leonard's Society of Canada. (2018). [Unpacking 'Bold' Changes: What it Really Means to Create Opportunities for All Canadians](#). Ottawa: Canadian Observatory on Homelessness Press.

### External Reports/Publications:

- Canadian Alliance to End Homeless. (2019) [20,000 Homes: Beginning the End of Homelessness in Canada](#). Canadian Alliance to End Homeless.
- Canadian Alliance to End Homelessness. (2018). [Putting the Priority on Homelessness and the Right to Housing. When it comes to preventing and ending homelessness in Canada, housing rights matter!](#) Calgary: Canadian Alliance to End Homelessness.
- Canadian Observatory on Homelessness. (2017). [Addressing Chronic Homelessness](#). Toronto: Canadian Observatory on Homelessness Press.
- Employment and Social Development Canada. (2018). [Final Report of the Advisory Committee on Homelessness on the Homelessness Partnering Strategy](#). Toronto: Employment and Social Development Canada.
- Employment and Social Development Canada. (2018). [Reaching Home: Canada's Homelessness Strategy](#). Toronto: Employment and Social Development Canada.
- Farha, L. (2018). [Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context](#). United Nations: Office of the High Commissioner.
- Gaetz, S., Barr, C., Friesen, A., Harris, B., Hill, C., Kovacs-Burns, K., Pauly, B., Pearce, B., Turner, & A., Marsolais, A. (2012). [Canadian Definition of Homelessness](#). Toronto: Canadian Observatory on Homelessness Press.
- The Government of Canada. (2017). [Canada's National Housing Strategy: A Place to Call Home](#).
- Griffiths, C., Dandurand, Y., & Murdoch, D. (2007). [The Social Reintegration of Offenders and Crime Prevention](#). Ottawa: National Crime Prevention Centre.
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- Thistle, J. A. (2017). [\*Indigenous Definition of Homelessness in Canada\*](#). Toronto: Canadian Observatory on Homelessness Press.
- UN Committee on Economic, Social and Cultural Rights. (1991). [\*CESCR General Comment No. 4: The Right to Adequate Housing\*](#). Office of the High Commissioner for Human Rights.
- Willis, M. (2018). [\*Supported housing for prisoners returning to the community: A review of the literature\*](#). Canberra: Australian Institute of Criminology.
- Zorzi, R., Scott, S., Doherty, D., Engman, A., Lauzon, C., McGuire, M., & Ward, J. (2006). [\*Housing Options Upon Discharge from Correctional Facilities\*](#). Toronto: Canada Mortgage and Housing Corporation.
- For more information on municipal and provincial strategies, see:
  - The Alberta Secretariat for Action on Homelessness. (2008). [\*A Plan for Alberta: Ending Homelessness in 10 Years\*](#). Alberta: Government of Alberta.
  - Medicine Hat Community Housing Society. (2015). [\*At Home in Medicine Hat: Our Plan to End Homelessness\*](#). Medicine Hat: Medicine Hat Community Housing Society.
  - Medicine Hat Community Housing Society. (2015). [\*Homeless & Housing Development: The Plan to End Homelessness\*](#). Medicine Hat: Medicine Hat Community Housing Society.