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ONTARIO FIRST NATIONS
TECHNICAL SERVICES
CORPORATION

EXPLORING FIRST NATIONS HOUSING NEEDS AND SOLUTIONS IN ONTARIO:

PHASE ONE REPORT

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ACRONYM LIST

AANDC	Aboriginal Affairs and Northern Development Canada
AFN	Assembly of First Nations
AFNHIN	Atlantic First Nation Housing and Infrastructure Network
AOCC	All Ontario Chiefs Conference
CCoHI	Chiefs Committee on Housing and Infrastructure
CMHC	Canada Mortgage and Housing Corporation
COO	Chiefs of Ontario
FHS	First Nations Regional Health Survey
FNIGC	First Nations Information Governance Centre
FNMHF	First Nations Market Housing Fund
HASI	Home Adaptations for Seniors Independence Program
HIC	BC Housing and Infrastructure Council
INAC	Indian/Indigenous and Northern Affairs Canada
ISC	Indigenous Services Canada
MC	Memorandum to Cabinet
MLGs	Ministerial Loan Guarantees
NAN	Nishnawbe Aski Nation
NBC	National Building Code
NHS	National Health Survey
NIB	National Indian Brotherhood
O&M	Operations and Maintenance
OCAP	Ownership, Control, Access, and Possession
OFIFC	Ontario Federation of Indian Friendship Centres
OFNTSC	Ontario First Nations Technical Services Corporation
RCAP	Royal Commission on Aboriginal Peoples
RRAP	Residential Rehabilitation Assistance Program
TSAG	Technical Services Advisory Group Alberta



EXECUTIVE SUMMARY

The Ontario First Nations Technical Services Corporation (OFNTSC) is mandated to work with First Nation housing departments to develop capacity and policies to assist First Nations with the delivery of housing services for on-reserve residents. OFNTSC's Housing Service also delivers training workshops to assist in capacity building for First Nations. The following report looks into Ontario First Nations housing needs, the historical and contemporary federal on reserve housing policies, contemporary regional approaches to on reserve housing, and outlines next steps for OFNTSC to better deliver on reserve housing solutions.

First Nations are widely known to be the fastest growing demographic in Canada; however, the current demand for housing on reserve is not being met, and backlogs continue to grow. It has been estimated that \$30 billion is needed to close the gap in repairs and upgrades to homes and related infrastructure. Findings from the OFNTSC First Nation Housing and Infrastructure Gap Assessment 2010-2011, estimated that by 2029, a total of \$8.7 billion will be needed to address community infrastructure needs and that \$2.2 billion will be needed for housing needs alone. These figures are different, demonstrating that there is no definitive figure that exists at present to truly capture Ontario First Nations housing needs. Furthermore, housing "need" is not homogenous and rather is defined differently by different people. Further investigation will be required to not only update the data but also ensure greater scope of primary and secondary research through First Nation Community and Tribal Council information.

To meaningfully and appropriately determine the overall housing needs for Ontario First Nations, needs and solutions must be looked at holistically (linking to physical and mental health, operations and maintenance, water and wastewater etc.). OFNTSC is committed to improving the quality and accuracy of Ontario on reserve housing and infrastructure data and the following report lays the foundation for OFNTSC's ongoing efforts to build on existing data sources in order to dig deeper into the state of housing needs in Ontario. In light of Canada's National Housing and Related Infrastructure Strategy, an opportunity exists for OFNTSC to advocate for Ontario First Nations in order to assist in the development and delivery of on reserve community-driven housing solutions.

While the federal government has not lived up to their treaty obligations, their fiduciary obligation to First Nations, and their commitment to implement the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), the development of the National Housing and Related Infrastructure Strategy presents a welcomed opportunity to move forward with transformative change in on reserve housing. Innovative, culturally-appropriate solutions will be required, and indeed, exist in many First Nations communities at present. These solutions must be designed, constructed, and delivered by Indigenous communities and organizations consistent with the UN Declaration.



1.0 PURPOSE/INTRODUCTION

The housing crisis endemic to many First Nations reserves in Ontario is characterized by myriad factors including, but not limited to: long-term housing shortages, substandard living conditions (including overcrowding), lack of essential services (e.g. water, sewage, maintenance, and fire systems), pervasive poverty, lack of proper maintenance, lengthy bureaucratic processes stemming from the *Indian Act* legacy, and chronic underfunding. Geography also plays a role in the housing crisis, as many remote First Nations experience greater costs and limitations associated with transporting materials to their communities. It has been estimated that \$30 billion is needed to close the gap in repairs and upgrades to homes and related infrastructure.¹ First Nations are widely known to be the fastest growing demographic in Canada;² however, the current demand for housing on reserve is not being met, and backlogs continue to grow.

In light of ongoing developments in federal policy, in particular, the National Housing and Related Infrastructure Strategy, the following report intends to provide both a background and a current snapshot into the needs and potential solutions for First Nations housing in Ontario. This report shall act as ‘phase one’ in Ontario First Nations Technical Services Corporation’s (OFNTSC) ongoing efforts to develop capacity and policies to assist First Nations with the delivery of housing services for on-reserve First Nations. As such, Ontario First Nations leadership, housing technicians, and First Nations citizens concerned with the ongoing housing crisis and looking to develop change for the better represent the intended audience for this report.

It is a challenging task to determine what the overall housing needs are for Ontario First Nations. Housing needs and solutions must be looked at holistically (linking to physical and mental health, operations and maintenance, water and wastewater etc.), in order to meaningfully and appropriately determine the needs of Ontario First Nations. It will necessary to solicit responses from each of the 133 First Nations communities in Ontario based on their demographic context, new unit needs, replacement needs, decontamination needs, related infrastructure needs, financial gaps, and governance. OFNTSC is committed to improving the quality and accuracy of Ontario on reserve housing and infrastructure data and will be partnering with the Assembly of First Nations (AFN) to build on existing data sources in order to dig deeper into the state of housing needs in Ontario.

OFNTSC acknowledges and recognizes that as the rights holders, First Nations Chiefs, Councils, and communities have the jurisdiction and authority over housing and infrastructure; moreover, OFNTSC understands that Ontario on-reserve housing situations vary from community to community. Lastly, where data collection is concerned, OFNTSC adheres to the principle of First Nations ownership, control, access, and possession (OCAP).

¹ Jordan Press (2018). “Feds offer \$30 million in prize money in bid to help Indigenous Housing Crisis.” *Toronto Star*. August 7, 2018.

² Kristy Kirkup (2017). “Canada’s Indigenous population growing 4 times faster than rest of country.” *Global News*. October 25, 2017.



2.0 CONTEXT/BACKGROUND

From 1989 to 1995, the Chiefs of Ontario (COO) negotiated with Indigenous Affairs³ in response to plans for devolution. In the early 1990s, work began to transfer responsibilities from the Indian Inspection Unit to the Ontario First Nations Technical Services Corporation (OFNTSC). In February 1995, COO Chiefs in Assembly passed a resolution to cease operations of the Indian Inspector Unit and OFNTSC was officially incorporated as a non-profit corporation, thereby becoming the first organization of its kind serving First Nations in Ontario with a mandate for technical services which includes housing and infrastructure.

The following will provide the background into First Nations on-reserve housing policies and programs leading up to the announcement of the National Housing and Related Infrastructure Strategy (hereafter referred to as the ‘Strategy’)⁴ and will explore the series of domestic and international obligations to which Canada is bound, as they relate to First Nations housing.

The Government of Canada has been supporting on-reserve housing since 1960 by providing financial and other support to First Nations for safe and affordable on-reserve housing. Public calls for greater attention to on-reserve housing date back to the early 1970s, where the predecessor of the AFN, the National Indian Brotherhood (NIB), lamented the federal government’s housing and community building policies, lobbying for greater First Nations control. In 1992, the AFN asserted that housing is a federal responsibility which flows from the relationship with the federal Crown as created by section 91(24) of the *British North America Act, 1867*, and treaty agreements themselves, further stating that the federal government “must work jointly with First Nations to establish a forum for bilateral discussion to resolve issues relating to Aboriginal and treaty rights to housing.”⁵

First Nations control of housing policies remains an important objective to this day, as federal commitments to on-reserve housing have fallen short of achieving substantive change and have failed meaningfully co-develop solutions, instead preferring unilateral and market-based options to address the housing crisis. According to the Ontario Federation of Indian Friendship Centers (OFIFC), market-based approaches to on-reserve housing “rarely include Indigenous perspectives on community development and social responsibility,”⁶ and as a singular approach, will not work.

Today, the federal government provides on-reserve housing supports to First Nations through funding and programs offered by Indigenous Affairs and the Canada Mortgage and Housing Corporation (CMHC). The latter two entities perform different roles, as will be explained, and

³ For the purposes of this report, ‘Indigenous Affairs’ is used as a catch-all term to refer to Indian and Northern Affairs (INAC), Aboriginal Affairs and Northern Development (AANDC), Indigenous and Northern Affairs (INAC). The current government department responsible for First Nations housing is the Department of Indigenous Services (referred in this report as ISC).

⁴ The National Housing and Related Infrastructure Strategy will be examined in more depth in Section 5.0: Federal Government Policy Directions.

⁵ Government of Canada. Royal Commission on Aboriginal Peoples. Report. Volume 3, Gathering Strength, Ottawa: Minister of Supply and Services Canada, 1996.

⁶ Ontario Federation of Indigenous Friendship Centres (2018). “Response to the National Housing Strategy.” Ontario Federation of Indigenous Friendship Centres. 15.



according to a 2015 Standing Senate Committee report, “tend to operate in silos.”⁷ Current housing programming forces communities to plan based on year-over-year federal fiscal cycles driven by Indigenous Affairs and CMHC, in effect preventing First Nations from managing housing and infrastructure on a long-term, multi-year delivery and funding approach.

Further, the Standing Senate Committee reported that there exists a lack of agreement and understanding of who bears responsibility for housing on reserve:

*...there is no agreement on the respective roles and responsibilities of each of these players with regard to providing housing... in many communities there is some ambiguity about responsibility for the maintenance of housing; it is unclear whether this responsibility falls primarily on the individuals who live in the housing unit, the First Nations’ leadership, or the federal government. This lack of clarity about responsibility for housing leads to... a situation where the housing shortage continues to grow, and the current housing stock continues to deteriorate.*⁸

The confusion noted in the above quote should not come as much of a surprise, as the patchwork of policies, processes, and programs that characterize federal on-reserve housing (as detailed below) are at best, confusing and at worst, demonstrably ineffective at ameliorating the First Nations housing crisis that has persisted for decades.

The Royal Commission on Aboriginal Peoples (RCAP), 1996, found that the federal government had consistently failed to recognize housing and community services as a matter of basic need, and indeed, a ‘right’ for First Nations:

*Not only have governments failed to create the circumstances for Aboriginal people to become economically self-reliant and meet their own housing needs, but the federal government has not provided assistance to the same degree as to other Canadians. First, specific needs of Aboriginal people, whether on- or off-reserve, were recognized only in 1974, more than two decades after social housing programs began in Canada in 1949. Second, First Nations people on-reserve have not enjoyed the same degree of support in relation to need as other Canadians.*⁹

Following the release of RCAP, the federal government allocated \$20 million to on-reserve housing and moved to partner with the AFN and CMHC to explore private sector investment, linkages with economic development, and alternative approaches to governance. This approach is similar to the current National Strategy approach, which was developed without adequate involvement of First Nations and will be described in later sections.

On Reserve Housing: Policies, Programs, and Funding Mechanisms

Indigenous Affairs supports the construction, renovation, management, and the maintenance of new homes, providing housing through three programs and initiatives: capital allocations for

⁷ Standing Senate Committee on Aboriginal Peoples. (2015). On-Reserve Housing and Infrastructure: Recommendations for Change. Senate Committees Directorate. Government of Canada. 8.

⁸ Ibid, 35.

⁹ Government of Canada. Royal Commission on Aboriginal Peoples. Report. Volume 3, Gathering Strength, Ottawa: Minister of Supply and Services Canada, 1996.

First Nations who opted-in to the 1996 On Reserve Housing Policy; the Income Assistance Program; and the Ministerial Loan Guarantee program. CMHC delivers specific housing programs to fund the construction, renovation, and management of social housing, and provides capacity development training to First Nations to assist with design, building, inspection, management, and maintenance of on-reserve housing. The following provides a brief overview of how this complex web of programs and policies operates.

1996 On Reserve Housing Policy

Prior to the development of the 1996 On Reserve Housing Policy, federal policy was to provide a Housing Subsidy Program which provided proposal-based subsidies for home construction and renovation. When the 1996 On Reserve Housing Policy came into effect, First Nations were given the choice to opt-in or stick with the Housing Subsidy Program. The 1996 Policy stated that on reserve housing is a shared responsibility between the federal government and First Nations. Those who chose to opt-in were offered annual funding based on population and geographic location (remote/urban), whereby the funds could be used for construction, renovation, insurance, housing manager salary, and a wide range of other housing-related activities. In return, First Nations were required to develop housing policies, programs, and multi-year plans.¹⁰

Income Assistance Program

Indigenous Affairs supports low-income on-reserve First Nations to assist with rent, utilities, and other costs related to shelter. Under this model, individuals receive varied supports depending on factors including the amount of rent, family size, and provincial shelter allowance caps.

Ministerial Loan Guarantee Program

To assist First Nations in accessing loans to finance housing on reserve, Ministerial Loan Guarantees (MLGs) may be issued to First Nations as a means to address risks to lenders posed by Section 89(1) of the *Indian Act*. MLGs can be used to secure loans for the purpose of construction, acquisition, or renovation of on reserve housing projects. As reported in 2015, almost one-third of on reserve housing in Canada is financed through MLGs.¹¹

Canada Mortgage and Housing Corporation

In addition to capacity development training, CMHC provides funding to First Nations communities primarily through four programs: (1) the Loan Insurance Program On-Reserve with MLG, which helps band councils or First Nation members on reserve access financing to build, purchase, and renovate homes or rental properties; (2) the On-Reserve Non-Profit Housing Program, which helps First Nation communities build, purchase and renovate affordable rental housing on reserve; (3) the Residential Rehabilitation Assistance Program (RRAP) On-Reserve, which helps First Nations repair substandard homes to a minimum level of health and safety; and

¹⁰ James McKinnon, Julie DiCicco, and Zane Asyied (2016). “Atlantic First Nations Needs Assessment: Analysis of Findings.” Atlantic Policy Congress of First Nations Chiefs Secretariat. 19.

¹¹ Standing Senate Committee on Aboriginal Peoples. (2015): 9.

(4) the Home Adaptations for Seniors Independence Program (HASI) On-Reserve, which helps First Nations and First Nation members pay for minor home adaptations to on-reserve housing to extend the time low-income seniors can live in their own homes independently.¹²

First Nations Market Housing Fund

First introduced in the 2003 Kelowna Accord, the First Nations Market Housing Fund (FNMHF) was established by the federal government in 2008. The FNMHF was developed to facilitate and broaden the range of housing options for residents of First Nations communities so that they may have the same housing choices and opportunities as people in non-First Nation communities. In particular, the FNMHF works to improve access and facilitate financing for market-based housing in First Nations communities. These loans, however, must be guaranteed by the First Nation, and can thus be problematic for communities with debt and limited resources who cannot act as insurers whilst carrying their own debt loads.

The FNMHF does not itself provide loans, rather it: (1) Supports arrangements between FNs and lenders; (2) respects the communal nature of reserve land (as land is held by the Crown, and thus lenders cannot use communal land as security, the FNMHF attracts lenders by offsetting the security issue while preserving the communal nature of the land); and (3) increases capacity of FNs through capacity development programs which target financial management, governance, or other issues which may need strengthening or improvement in order to meet the FNMHF's Credit Enhancement criteria.

Issues of land rights stemming from the *Indian Act* pose significant challenges to homeownership and market-based housing. Due to the communal nature of reserve land, a First Nation needs to guarantee the housing loans of its members. If a borrower defaults on an eligible loan, the lender will seek compensation from the First Nation; should the First Nation not honour their obligation as a guarantor, the lender is able to turn to FNMHF “for compensation up to the amount of Credit Enhancement accumulated by the lender for loans made in the community.”¹³

Canada's Obligations and Binding International Agreements

The right to housing for all Indigenous peoples is rooted in a number of international covenants and in Canada's fiduciary obligations to First Nations, as well as through Section 35 of the *Constitution Act, 1982*. In particular, the *International Covenant on Economic, Social, and Cultural Rights*, which was adopted by the United Nations General Assembly in 1966, the *Universal Declaration of Human Rights*, adopted in 1948, and the International Labour Organization, each express social and economic rights including a right to housing.¹⁴

The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) is perhaps the most compelling international covenant insofar as in 2016, Canada committed to its

¹² McKinnon et al., (2016): 20.

¹³ First Nations Market Housing Fund. “Annual Report 2017: Our Homes, our way.” FNMHF. (2017): 104.

¹⁴ Vink, Cassandra (2017). “Policy Options Paper for an Urban and Rural Indigenous Housing Strategy.” Canadian Housing and Renewal Association. 9.

“full implementation” in Canadian law and policy “without qualification.”¹⁵ With respect to housing, the UN Declaration states:

Article 21: Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the area of education, employment vocational training and retraining, housing, sanitation, health and social security; and

Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining [...] housing and other economic and social programmes through their own institutions.

The UN Declaration asserts that self-determination, in the manner described above, will enable Indigenous people to maintain and strengthen their institutions, cultures, and traditions, and is thus of critical importance when discussing the issue of on reserve housing: the time to speak about the UN Declaration in general terms has passed.

While the Government of Canada has historically held the position that housing was provided for as a matter of social policy, and thus not a universal entitlement nor treaty or Aboriginal right,¹⁶ this appears to have changed with the 2017 National Housing and Related Infrastructure Strategy which purports to recognize housing as a human right.

3.0 EXISTING DATA/EVIDENCE

As described earlier in this report, the data which exists at present does not provide the full picture of Ontario First Nations housing and related infrastructure needs, nor do available costing numbers exist. Despite this, the following section presents the data currently available with respect to on reserve housing in Ontario.

OFNTSC Needs Analysis

In 2010, COO mandated OFNTSC, through resolution, to undertake a First Nation Housing and Infrastructure Gap Assessment (also known as First Nation Needs Analysis) study that focused on evaluating community infrastructure needs related to housing, linear structures, water and wastewater treatment facilities, community buildings, access roads, power supplies, and operations and maintenance. The purpose of the study was to begin to determine needs and quantify current and future facility costs in First Nation communities. Various past studies commissioned did not assess the full scope of needs in Ontario. OFNTSC managed two rounds of detailed engineering assessments on the state of water and wastewater treatment facilities.

¹⁵ Bennett, Carolyn (2017) “Intervention from the Floor on the 10th Anniversary of the United Nations Declaration on the Rights of Indigenous Peoples.” Speech. United Nations Permanent Forum on Indigenous Issues 16th Session. New York City: United Nations General Assembly Hall. April 25, 2017.

¹⁶ Standing Senate Committee on Aboriginal Peoples. (2015): 36.

The engineering studies, conducted in 2002 and 2005, have identified estimated costs of \$192,000,000 in the forty-one (41) First Nations assessed.¹⁷

Findings from the OFNTSC First Nation Housing and Infrastructure Gap Assessment 2010-2011, estimated that by 2029, a total of \$8.7 billion will be needed to address community infrastructure needs and that \$2.2 billion will be needed for housing needs alone. Data for this study was generated using population projections from INAC (used in National Engineering Assessments); historical costs for water and wastewater treatment plants from INAC capital projects (\$6500 per person for water treatment plants and \$4500 for wastewater treatment plants; new or refurbished every 20 Years); building construction recommendations from capital funding studies (limited number of capital planning studies submitted to OFNTSC for review). Although the study provided a preliminary overview of the capital and housing needs in Ontario, further investigation will be required to not only update the data but also ensure greater scope of primary and secondary research through First Nation Community and Tribal Council information. See **Table 1** for a summary of findings from the 2010-2011 needs analysis.

Table 1: Summary Findings First Nation Needs Analysis 2011

Housing	\$ 2,180,648,813
Buildings	\$ 2,498,276,412
Water/Wastewater Treatment Plants	\$ 2,060,751,690
Linear Structures	\$ 1,928,236,521
GRAND TOTALS	\$ 8,667,913,436

Housing needs data was updated in 2015 revealing that in the year 2015, \$2 billion was needed to build an estimated 6,000 homes and that \$276 million was needed for renovations.¹⁸

The First Nations Regional Health Survey

The National First Nations Regional Health Survey (FHS) is a First Nations Information Governance Centre (FNIGC) and AFN research initiative that focuses on collecting information on reserve and in northern First Nation communities across Canada about health and well-being all in an effort to control their own data.¹⁹ COO collaborates with FNIGC to complete regional reports related to the health and well-being of Ontario First Nations. The First Nations Regional

¹⁷ As reported in an OFNTSC First Nation Needs Analysis presentation to Chiefs of Ontario at the Annual Conference, July 2011. National Engineering Assessments of water and wastewater facilities across Canada was completed in 2010.

¹⁸ Data collected from 80 communities through surveys in 2010 and 2015 (combined) and an inflation rate was applied.

¹⁹ First Nations Information Governance Centre (2018). "First Nations Regional Health Survey."

Health Survey (Phase 2: 2010) Ontario Region began in 2008 and was completed in the fall of 2010, involving twenty-four (24) First Nation communities across Ontario. The final report published in 2012 reported key findings in housing including:

- 65.2% of First Nations reported that their home was in need of some type of repair with 31% reporting a need for major repair;
- Almost 50% of First Nations surveyed reported mould and mildew present in their home; and
- 31% of First Nations consider their water supply not safe to drink.²⁰

The report further indicated household occupancy density (average number of persons per house), which was 3.6 compared to 2.5 occupants per house in Canada.²¹

AFN Forum Winnipeg, Manitoba

Following the federal government's commitment to support and reform housing and infrastructure delivery in First Nation communities, the AFN through the Chiefs Committee on Housing and Infrastructure (CCoHI) and their respective technicians convened a forum on November 1-3, 2016 in Winnipeg, Manitoba. The purpose of the forum was to bring together First Nation and federal government housing and infrastructure professionals to begin discussions on reforming housing and infrastructure. The final report concluded that the delegates recognized significant gaps and deficits in infrastructure. Further, it noted that a redesign of current delivery systems is required and must be controlled by First Nations. The forum focused on four main areas including Funding and Finance, Skills and Capacity, Governance and Delivery, and Innovations.²²

Under funding and finance, delegates indicated that funding models need to be flexible, comprehensive and responsive to First Nation needs and that models will be developed by and for First Nations. Models and future systems must include considerations for financial instruments and tools, leveraging, partnerships, First Nation led institutions, capacity, skills and government funding commitments.

For skills and capacity, the delegates identified a link between the First Nation community and technical services organizations (such as Tribal Councils) and that future strategies include these organizations. Knowledge sharing and networking were also highlighted as key areas.

The delegates concluded that governance and delivery systems need to be local, regional and national and be without political interference. The roles of OFNTSC and Technical Services Advisory Group Alberta (TSAG) were positively highlighted as examples of Indigenous-led organizations that can play a key role in housing governance and delivery.

The innovations focus provided opportunities to discuss other areas such as insurance, a First Nations national bank, and increasing buying power through First Nation community

²⁰ First Nations Information Governance Centre (2018). "First Nations Regional Health Survey." 22-25.

²¹ Ibid, 25.

²² Assembly of First Nations. (2016). *National Housing and Infrastructure Forum: Meeting Report*.

collaborations.

The Winnipeg forum substantiated the need to make fundamental changes in housing and infrastructure delivery. The main areas of Funding and Finance, Skills and Capacity, Governance and Delivery, and Innovations provided the focus needed to have deep conversations on how to move forward. The forum served as an impetus for future forums and regional engagements for which to build on.

Standing Senate Committee on Aboriginal Peoples, 2015

The 2015 Standing Senate Committee on Aboriginal Peoples concluded overall that First Nation communities face a severe housing shortage, overcrowding, housing in need of major repairs, and faced continued “barriers in implementing innovative solutions to meeting housing needs.”²³ Persistent pressures on First Nations identified include the 2% departmental escalator funding cap, inflation, remoteness, and population growth on reserve.²⁴

A notable finding of the Senate Committee regards building code compliance. Under section 81 of the *Indian Act*, First Nations are provided bylaw making authority for the regulation of the construction, repair and use of buildings, whether owned by the band or by individual members of the band. The report found, however, that only a handful of First Nations have enacted housing-related bylaws under this provision.²⁵ Bylaws calling for building code compliance are necessary if a community wants to put in place a system of housing inspections during the construction phase and without such bylaws, the report found that “inspectors appear to have no authority to shut down a site or to force contractors to address construction deficiencies that breach the National Building Code or other housing standards.”²⁶

The Senate report also argued that there is a need to: clarify roles and responsibilities where they apply to the patchwork of policies and programs for on reserve housing; apply flexibility to address the diversity of communities; and support capacity at the local level for building and managing housing.

Evaluation of On Reserve Housing, 2016

Indigenous Affairs evaluation of On-Reserve Housing, 2016, reported that First Nations on reserve housing is in a state where health and well-being can be compromised, and that government programs and policies have been ineffective.²⁷ The report further indicated that the current reactive approaches to housing do not foster the necessary capacity for First Nations to be self-determining. The evaluation observed that:

- INAC’s role in on-reserve housing has been ineffective. Given housing conditions have not materially improved over time, it is clear that the approach undertaken by Indigenous

²³ Standing Senate Committee on Aboriginal Peoples. (2015): 1.

²⁴ Ibid, 28.

²⁵ Ibid, 23.

²⁶ Ibid, 23.

²⁷ Indigenous and Northern Affairs Canada. (2016). Evaluation of On-Reserve Housing 2016. Evaluation, Performance Measurement, and Review Branch Audit and Evaluation Sector.



Affairs since 1996, and its program activities relative to the stated objectives are misaligned.

- Housing conditions have seen limited long-term improvement, suggesting a need to provide more strategic support to First Nation-driven long-term capacity development and governance, in addition to ongoing support for construction and repair.²⁸

Evaluation of First Nation Market Housing Fund, 2012

Indigenous Affairs produced an evaluation of the FNMHF in 2012 which found that while there is potential for the Fund to address housing needs in the long-term, in the short-term, “there should be no reasonable expectation that credit enhancement itself will necessarily reduce reliance on federal funding for housing on reserve.”²⁹ First Nations lacking in financial management capacity and economic resources are in an even weaker position insofar as the requirements for credit enhancement may preclude them from pursuing financing options.

The evaluation also found that while some bands receive funding specifically allocated to housing, “in most cases, federal funding included in capital grants is managed by band councils and thus, housing decisions may compete with other priorities such as road repairs, water treatment, and other infrastructure needs. As a result of insufficient financing, many bands take out a new Section 95 loan, continuing the cycle of reliance on outside assistance.”³⁰

The evaluation addressed the issue of overcrowded houses on reserve, stating that they have been proven to deteriorate at a faster rate than houses that are not overcrowded: the result of this is that “demand for housing and population growth is outstripping the speed with which new houses can be built and existing ones repaired.”³¹

According to the evaluation, key to addressing on reserve housing needs is capacity development, governance, and community and individual interest in homeownership: “capacity development is essential to addressing housing need and potentially facilitating homeownership...” and it is thus “of critical importance that capacity development would comprise a key element of housing policy development.”³²

Other Reports

Several other reports support the claim that on reserve physical housing in First Nation communities and the associated delivery systems are in dire need of attention. The 2016 Canadian census found that 42% of First Nations dwelling conditions are in need of regular repair, 27% are in need of major repairs, and 31% are in need of minor repairs.³³ A report in May 2018 from the Indigenous Caucus of the Canadian Housing and Renewal Association noted that some 118,500 Indigenous households (18.3%), lived in ‘core housing need,’ meaning they lived

²⁸ Ibid, 39.

²⁹ Indigenous and Northern Affairs Canada. “First Nations Market Housing Fund: Evaluation of the Broader Policy Implications for Housing On-Reserve.” Evaluation, Performance Measurement, and Review Branch Audit and Evaluation Sector. (2012): v.

³⁰ Ibid, 15.

³¹ Ibid, 15.

³² Ibid, 36.

³³ Statistics Canada (2016). Aboriginal Peoples Highlight Tables, 2016.

in homes that stretched them financially, required extensive repairs, or were too small for their families.³⁴

Vink (2017) pointed to the reality that many First Nations live in housing that does not consider cultural needs,³⁵ and that attention to culture and traditional housing approaches must be considered in the development of the National Housing and Related Infrastructure Strategy.

The Nishnawbe Aski Nation (NAN) Amber Fire Safety Campaign arose from the all too common occurrence of fatal house fires and the chronic lack of firefighting services that is experienced in Northern Ontario First Nations communities in addition to the housing crisis. According to a 2007 CMHC report, First Nations people are 10 times more likely to die in a house fire than the rest of Canada.³⁶ The federal government stopped tracking on reserve fire fatalities in 2010, and it is therefore imperative that fire safety be considered and implemented as part of a housing strategy.

4.0 INVESTMENTS IN ONTARIO

The federal government provides funding for on reserve housing through ISC and CMHC. Each agency is decentralized with funding flowing through regional offices.

Indigenous Services Canada

The 1996 On Reserve Housing Policy was developed by Indian and Northern Affairs as way for First Nations to gain greater control and flexibility over housing programs and was based on four elements:

- First Nation control (community-based housing programs)
- First Nation expertise (capacity development)
- Shared responsibility (shelter charges and ownership options)
- Better access to private capital (debt financing)

In Ontario, 20 First Nation communities who did not opt into the 1996 policy continue to receive allocation funding through regional offices. ISC Ontario Region provides approximately \$23 million towards housing each year through minor capital funding but does not track where the funding gets allocated as this is at the discretion of the First Nation.

In the 2010 Evaluation of Indigenous Affairs On Reserve Housing Support, housing expenditures were tabled from 1996-2008. See **Table 2** for a breakdown of Indigenous Affairs' housing expenditures. A substantial increase in funding was made in 2005.

The evaluation concluded that despite modest improvements to rates of new units built, lots serviced, and units repaired, the existing housing stock on-reserve was determined to be

³⁴ Jordan Press (2018). *Toronto Star*.

³⁵ Vink (2017): 6.

³⁶ Nishnawbe Aski Nation (2017). "Amber's Fire Safety Campaign – Update Report." Nishnawbe Aski Nation.

deteriorating more quickly than housing off reserve. Further, rates of overcrowding were found to be six times greater than non-Indigenous Canadians, as of 2006.

Table 2: INAC Housing Expenditures 1996-2011

Year	Total INAC funds spent on on-reserve housing 000's
1996-1997	\$161,000
1997-1998	\$166,000
1998-1999	\$ 198,000
1999-2000	\$169,000
2000-2001	\$ 175,000
2001-2002	\$153, 180
2002-2003	\$164,170
2003-2004	\$136, 784
2004-2005	\$136, 317
2005-2006	\$165, 155
2006-2007	\$254, 526
2007-2008	\$155,000
2008-2009	\$117,000
2009-2010	\$150,000 ⁸
2010-2011	\$150,000

Following Budget 2005, in Canada's Economic Action Plan, the federal government committed \$400 million over two years to support on reserve housing. The funding was dedicated to new social housing projects, remediation of existing social housing stock, and to other housing activities through programming from CMHC and Indigenous Affairs.

Budget 2016 provided \$416.6 million over two years to improve on-reserve housing conditions, reduce overcrowding, and increase health and safety. This was in addition to about \$143 million annually provided by the department to First Nations to support a range of housing needs.

Federal Budget 2017 and Budget 2018 propose dedicated funding of \$600 million over three years to support First Nation housing on reserve as part of a Housing Strategy that is being developed with First Nations.

Ontario Region

In Ontario, ISC funding provided \$139 million from federal budget years 2016-2019 for on reserve housing and was allocated to the areas of 'Immediate Needs' (multi-units, renovations, lot servicing), 'Capacity Development' (governance, management and maintenance), and 'Innovation' (for projects such as housing authorities, alternative financing models and mentoring). See **Table 3** for a summary of Indigenous Services Canada Ontario Region housing allocations. These special funding initiatives are project/proposal based where First Nation communities must meet minimum criteria. Most communities in Ontario were provided funding under at least one of the areas of focus.

Table 3: Summary of Indigenous Services Canada Ontario Region Housing Allocations 2016/17 and 2018/19

Summary Fiscal Year 2016/17 and 2017/18						
		2016/2017 Approved	2017/2018 Approved	2018/2019 Approved	Total Approved	Total # of units Approved
Immediate needs	Multi-units	\$48,710,319.00	\$ 7,324,817.33	\$ 35,994,165.00	\$ 92,029,301.33	537
	Renovations/additions	\$ 4,092,080.00	\$ 9,964,981.00	\$ -	\$ 14,057,061.00	726
	Lot servicing	\$ 8,359,709.00	\$ 47,500.00	\$ -	\$ 8,407,209.00	171
	First Nation Housing Initiative	\$ -	\$ 15,000,000.00	\$ -	\$ 15,000,000.00	60
Capacity developme	Governance	\$ 1,833,511.00	\$ 31,600.00	\$ 114,323.00	\$ 1,979,434.00	0
	Management	\$ 3,507,997.00	\$ 57,200.00	\$ -	\$ 3,565,197.00	0
	Maintenance	\$ 844,929.00	\$ 20,100.00	\$ 645,710.00	\$ 1,510,739.00	0
Innovation	Housing Authority	\$ 1,299,197.00	\$ -	\$ -	\$ 1,299,197.00	0
	Alternative financing models	\$ 782,750.00	\$ -	\$ -	\$ 782,750.00	0
	Mentoring	\$ 133,600.00	\$ -	\$ 343,212.00	\$ 476,812.00	0
	Aggregation of housing service delivery*	\$ 150,854.00	\$ -	\$ 30,500.00	\$ 181,354.00	0
	Total	\$69,714,946.00	\$ 32,446,198.33	\$ 37,127,910.00	\$139,289,054.33	1494

Shelter Allowance

ISC provides funding under their Shelter Allowance program which is a social program providing income assistance to First Nation communities on reserve for basic needs including food, clothing, and shelter. Shelter allowance under the income assistance program is based on financial need and eligibility set by the provinces.³⁷

In 2017-18, Ontario was provided \$43 million in funding towards shelter allowance.

CMHC Ontario

Federal budgets provide funding for on-reserve housing programs through CMHC under their regular On-Reserve Nonprofit Housing Program (Section 95) and renovation programs.

The Ontario budget for regular program funding in 2015-2016 was approximately \$28 million, for the building (Section 95) and renovating 362 housing units. Funding increased in the next two years to approximately \$40 million in each year building and renovating 518 housing units under the On-Reserve Nonprofit Housing Program (Section 95) and renovation programs. See **Table 4** for CMHC's Ontario Region funding commitments since 2008.³⁸

As reported by the AFN, in spite of First Nations opposition, CMHC made a unilateral decision to change its delivery service and awarded a national contract to a single service provider, 'OZHI First Nations Professional Services' to provide technical services under CMHC's on-reserve

³⁷ Aboriginal Affairs and Northern Development Canada. "Evaluation of Shelter Allowance as it Relates to On-Reserve Housing." Evaluation, Performance Measurement, and Review Branch, Audit and Evaluation Sector.

³⁸ Data obtained from CMHC First Nations Housing (Ontario) by email August 16, 2018.

non-profit housing programs.³⁹ As a result, many technical service providers in Ontario lost a revenue stream where they made great strides in obtaining the certifications required for performing these services. Further, client First Nation communities lost the ‘local presence’ that they once had in place with their technical service provider. Currently, Chiefs and First Nations across Canada continue to advocate that CMHC revert the provision of technical services back to regional organizations.

Table 4: CMHC First Nations Housing (Ontario) Funding Commitments 2008-2019

CMHC Ontario Commitments - Regular						
	On-Reserve Housing		Renovation Programs		Shelter Enhancement	
Fiscal Year	Contributions (Millions)	Number of Units	Contributions (Millions)	Number of Units	Contributions	Number of Units
2008-2009	\$28.26	187	\$3.04	239	\$887,812	26
2009-2010	\$20.90	144	\$10.76	773	\$85,000	24
2010-2011	\$28.20	132	\$10.79	837	\$144,843	29
2011-2012	\$28.37	150	\$2.84	202	\$95,240	30
2012-2013	\$20.23	80	\$2.76	205	\$250,890	35
2013-2014	\$19.34	78	\$3.07	223	\$70,000	10
2014-2015	\$22.34	106	\$2.95	214	\$0	0
2015-2016	\$23.88	126	\$2.99	219	\$22,790	9
2016-2017	36.85	179	3.27	81		
2017-2018*	36.84	170	3.30	88		
2018-2019**	36.80	146	0	84		
Total	\$302.01	1498	\$45.77	3165	\$668,763.00	137

*Planned as of 2017 **Projected

Special Initiatives Funding						
	On-Reserve Housing		Renovation Programs		Shelter Enhancement	
Fiscal Year	Contributions (Millions)	Number of Units	Contributions (Millions)	Number of Units	Contributions	Number of Units
2016-2017	\$12.30	754	\$2.95	214	\$0.00	0
2017-2018	\$5.14	216	\$2.99	219	\$2.35	13
Total	\$17.44	970	\$39.20	2912	\$2.35	137

First Nations Market Housing Fund

In their 2017 Annual Report, the First Nations Market Housing Fund (FNMHF) noted they are partnered with 65 Ontario First Nations. Of these, 9 First Nations are participating in the assessment process; 38 First Nations have been approved for credit enhancement and capacity development; and that 10 First Nations have been approved for strictly capacity building. Capacity development, according to FNMHF, “is critical to establish and sustain a market-based

³⁹ Assembly of First Nations (2018). “AFN Update: Housing and Infrastructure Review of Indigenous Services Canada CMHC On-Reserve Programs and Technical Service Providers.”

housing system.”⁴⁰

FNMHF cited an overall \$293 million in approved credit for Ontario First Nations, 2,554 potential home loans, and 100 fund-backed home loans. FNMHF is anticipating increased demand for capacity development services from those already approved, in addition to the First Nations who may decide to apply and participate. The fund also cited that increasing demand is putting pressure on costs for capacity development services.⁴¹

5.0 FEDERAL GOVERNMENT POLICY DIRECTIONS

Since their 2015 election victory, the Trudeau Liberals has repeatedly stated that “no relationship is more important” to the Government of Canada than that with Indigenous peoples.⁴² With respect to housing and infrastructure, at the 2016 AFN Annual General Assembly in Niagara Falls, Indigenous Affairs Minister Carolyn Bennett implored First Nations to ‘think outside the box,’ ‘be bold,’ and think of institution building. The federal government is currently developing an ‘Indigenous Rights and Recognition Framework,’ with the intended purpose to “move beyond the *Indian Act*,” and as a part of this framework, are seeking to further devolve program and service delivery to First Nations in the spirit of reconciliation and self-determination. Much criticism exists on the methods and approaches being undertaken by the federal government with respect to the Rights and Recognition Framework; however, this report will not delve into those debates.⁴³

As discussed in Section 4.0, Budget 2016 proposed \$416.6 million over two years to ISC to address immediate housing needs (Ontario’s share for fiscal year 2016-17 was \$61.9 million) and \$137.7 million over two years to CMHC to support housing renovation and retrofitting.⁴⁴ Spending from the Liberals’ first budget in 2016 has, as of the end of March, paid for the construction and renovation of 8,786 homes, the government said, with work underway on 5,178 units.⁴⁵ Budgets 2017 and 2018 set aside a further \$600 million for First Nations housing over three years.⁴⁶ In spite of the funding announced in Budget 2016, and in subsequent federal budgets, as a matter of fiscal policy, the 2% funding cap remains in place (despite increasing inflation and the Consumer Price Index), which is clearly not in keeping with the growing and changing demographics of First Nations populations in both Ontario and in Canada more broadly.

ISC Minister, Jane Philpott has stated that government funding alone cannot surmount the scale of the housing crisis, suggesting that federal spending rules can get in the way, and that going along with business as usual is not going to close the housing gap quickly.⁴⁷ To this end, on August 7, 2018, the federal government announced a contest with a \$30 million prize offered to Indigenous communities to develop concepts to fund housing projects that can be replicated, that

⁴⁰ First Nations Market Housing Fund (2017): 12.

⁴¹ Ibid, 12.

⁴² Prime Minister’s Office (2017). “Statement by the Prime Minister on National Aboriginal Day.” June 21, 2017.

⁴³ For more information on analysis of the federal ‘Rights and Recognition Framework,’ see Yellowhead Institute reports.

⁴⁴ Government of Canada (2016). “Budget 2016: Growing the Middle Class.” Ministry of Finance.

⁴⁵ Press (2018). *Toronto Star*.

⁴⁶ Government of Canada (2018). “Budget 2018: Equality and Growth: A Strong Middle Class.”

⁴⁷ Press (2018). *Toronto Star*.

bring back traditional Indigenous building styles and techniques, and that can create an economic boost for communities that could be sourcing materials locally or providing job training to young people.⁴⁸ Key to the contest is to draw in private sector builders to help finance the construction and repair of homes on reserve. This contest has been widely panned by commentators and First Nations who claim that it will not benefit First Nations who lack the capacity to develop proposals, and that it represents another example of the federal government skirting their fiduciary obligation to deliver housing to on reserve First Nations.

On November 22, 2017, the federal government released Canada’s National Housing and Related Infrastructure Strategy, an ambitious \$40 billion plan to help ensure access to needs-based, affordable housing. Indigenous peoples are identified as ‘vulnerable’ in the Strategy, and while according to the OFIFC, this categorization reflects the lived circumstances of many Indigenous people, it does not account for the “strength, diversity, and resilience” of Indigenous communities, institutions and infrastructure. Vulnerability, the OFIFC continues, “exists in Indigenous communities as a result of colonial policies aimed at destroying the fabric of Indigenous families and culture.”⁴⁹ This notwithstanding, as stated earlier, the Strategy is significant insofar as it reflects a departure from former federal on-reserve housing policy in the acknowledgement of housing as a human right.

As per AFN Resolutions,⁵⁰ the AFN Chiefs Committee on Housing and Infrastructure (CCoHI) is working in partnership with First Nations and the Government of Canada on the development of the Strategy. According to the AFN, ISC will be presenting a Memorandum to Cabinet (MC) related to an Indigenous Housing Strategy that includes three separate strategies including First Nations, Inuit and Métis. The AFN is also a participant of the joint Working Group (which includes the AFN, the Chiefs Committee on Housing and Infrastructure (CCoHI), ISC, CMHC, and Health Canada) which has co-developed a Policy Reform Framework (the ‘Framework’) towards a First Nations Housing and Infrastructure Strategy. The Framework was introduced at the 2018 AFN Annual General Assembly as a ‘working document,’ and can be found in **Appendix A**. The final version of the Framework is expected to be added to the ISC MC as an appendix to further inform the impending policy change.

The AFN is currently developing a data collection exercise (August to October 2018) that will seek to acquire actual housing statistics in addition to operations and maintenance (O&M), infrastructure, and human resources capacity (trained housing managers, housing inspectors etc.) statistics. OFNTSC is a full participant in the various housing and infrastructure AFN committees, and is fully committed to working in partnership to advance First Nations housing and infrastructure goals and aspirations.

As housing and infrastructure must be holistically, identifying the linkages to critical infrastructure, O&M, physical and mental health, and safe drinking water, among other items, the following provides a brief update on federal policy direction with respect to operations and

⁴⁸ Ibid.

⁴⁹ Ontario Federation of Indian Friendship Centres. (2017): 13.

⁵⁰ AFN Resolution 98/2016, *Support the Development of a First Nations National Housing and Infrastructure Strategy*, and AFN Resolution 27/2017, *Development of First Nations Housing and Infrastructure Strategy*.

maintenance and safe drinking water.

Operations and Maintenance

The 2018 AFN Housing and Infrastructure Update on ISC O&M Policy states that current policy is outdated, inadequate, and does not provide sufficient funding for First Nations to protect and prolong the life of their community assets.⁵¹ The federal government only funds a portion of the estimated costs for the O&M of on-reserve community infrastructure such as buildings, roads and bridges, etc.

The AFN is currently working with ISC to identify options for the co-development of a new O&M Policy Framework and formula that will reflect new infrastructure technologies as well as economic and environmental factors that will contribute to addressing the socio-economic gap in First Nations. A Joint Work Plan has been co-developed, and the AFN is seeking funding to support the work ahead. A draft report will be developed identifying concerns, challenges, and recommendations on the development of a new O&M Policy Framework.⁵²

Safe Drinking Water for First Nations

In accordance with AFN Resolution 88/2017,⁵³ the AFN is proposing the establishment of a joint Working Group comprised of AFN, CCoHI and Regional Technicians, federal representatives, legal counsel for AFN and the federal government, and other experts, as necessary to co-develop a draft framework for new legislation and a framework for a First Nations Water Commission that is respectful of First Nations inherent rights and Indigenous laws, and meets the spirit and intent of the UN Declaration.

6.0 REGIONAL DIRECTIONS

Ontario

In June 2005, at the All Ontario Chiefs Conference (AOCC) held at Eagle Lake First Nation, the Ontario Chiefs-in-Assembly passed resolution 05/34 which refers to the “Strategic Planning for Housing Capacity Development Initiative.” The resolution provided the mandate to advance a self-determining housing strategy related to developing housing authorities in Ontario. The strategies were to be developed and implemented through pilot communities with the support of the Steering Committee on Housing and OFNTSC. Funding was sought and was subsequently turned down, deeming the project closed.

COO Resolution 08/07 re-established the mandate to pursue an Ontario Regional Housing Strategic Plan as a joint COO-OFNTSC initiative. A strategic plan was to be presented to the Political Confederacy at a Steering committee on Housing meeting in August 2016 and suggested that the strategy be presented at the Chiefs in Assembly later that year. But, attempts to address housing at that assembly and later assemblies were defeated due to other priorities.

⁵¹ Assembly of First Nations (2018). “Update on O&M Policy.”

⁵² Ibid.

⁵³ AFN Resolution 88/2017, First Nations led Engagement Process for Safe Drinking Water Legislation



COO Resolution 09/49 provided the mandate to put in place an Ontario First Nations Housing Commission that would lead in the development of partnerships and strategies for housing in Ontario. A business plan was to be presented to the Chiefs in Assembly within six months of the resolution's adoption; however, to date, the Commission has yet to be established.

Presently, OFNTSC is working with the Ontario Chiefs Committee on Innovative Housing to begin initial discussions on moving forward with the development of an Ontario-wide housing and related infrastructure strategy pursuant to past AOCC resolutions, current priorities, and in alignment with ongoing federal processes.

Regional initiatives are also underway in Ontario. NAN, in particular, is undergoing a grassroots housing needs assessment in partnership with Ryerson University as part of a broader housing strategy. Rather than focusing on metrics which are typically used to assess housing 'need,' NAN is developing a unique set of metrics, per community, which are 'people-focused' and examine how to meet the needs of the people who need housing. This bottom-up approach has relied on significant engagement with communities, including sessions with elders, youth, leadership, and the broader community. The need to change how communities identify with housing while acknowledging that housing need is felt differently by different people within a community is a core tenant of NAN's housing strategy. NAN's strategy is community driven, long-term focused, and shifts the discussion from understanding housing needs and evaluating federal programs with federal metrics towards evaluating how one feels in their home, and building an understanding of housing need from there.

Quebec

Following the AFN forum in Winnipeg 2016, Quebec has committed to moving towards care and control of housing and infrastructure delivery. Taking the streams developed at the AFN forum in Winnipeg, (Funding and Finance, Skills and Capacity and Governance and Delivery), Quebec is developing a strategy closely related to their data and their participation on the Regional Tripartite Housing Committee. After sessions with housing professionals, Quebec's strategy will first focus on Capacity and Skills that will support a regional institution. The engagement sessions supported the main components to be developed over a two year period and will include skills and capacity at all levels with innovation, more funds and financing options with innovation, and more First Nation autonomy with innovation.⁵⁴

Alberta

Alberta Chiefs have committed to developing a regional housing and related infrastructure strategy. Through sessions coordinated through Technical Services Advisory Group, they will pursue future engagements with Alberta First Nations and develop self-determining housing and infrastructure delivery frameworks based on the AFN focus areas of Funding and Finance, Skills and Capacity and Governance and Delivery.

⁵⁴ Presentation to The Special Chiefs Assembly of the AFNQL, May 17, 2018.



Saskatchewan

The Federation of Saskatchewan Independent Nations and the Prince Albert Grand Council have provided forums for leadership and housing, health and education professionals. Sessions focused on the four areas discussed at the Winnipeg forum. Saskatchewan is moving towards community-driven strategies that will lead to self-determining housing delivery.⁵⁵

British Columbia

British Columbia developed a Housing and Infrastructure Council (HIC) in 2018 to work towards the creation of a First Nations-controlled Housing & Infrastructure Authority. The BC First Nations Housing and Infrastructure authority will represent a wholesale transfer of program management and service delivery, partially in response to the federal government's directive to transfer authority and control of Indigenous programs to Indigenous organizations. The HIC is creating an overarching delivery model that will include all BC First Nations, although some elements may allow communities to opt-in (e.g., market housing, financing), and has undertaken extensive engagement to ensure the delivery model reflects the needs of BC First Nations. According to the HIC, the most probable outcome is that the transfer happens will occur incrementally with the target to begin transfer by March 2019.⁵⁶

Atlantic Region

Atlantic First Nation Housing and Infrastructure Network (AFNHIN) was created in June 2006 to provide quality advice and strategic direction and advocacy in the areas of housing, water, wastewater, and emergency response planning. According to the Atlantic Policy Congress of First Nations Chiefs Secretariat, by 2027, it is envisioned that with respect to housing and infrastructure, Atlantic First Nations will have control of decision making, planning and opportunities linked to housing marked by economic prosperity and employment, sustainability, and with a holistic focus that links to health, closes the backlog, depoliticizes housing, and strong capacity to meet growing future needs.⁵⁷

7.0 CONCLUSION

While the federal government has not lived up to their treaty obligations, their fiduciary obligation to First Nations, and their commitment to implement the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), the development of the National Housing and Related Infrastructure Strategy presents a welcomed opportunity to move forward with transformative change in on reserve housing. Innovative, culturally-appropriate solutions will be required, and indeed, exist in many First Nations communities at present. These solutions must be designed, constructed, and delivered by Indigenous communities and organizations consistent with the UN Declaration.

⁵⁵ FSIN. (2017). Executive Report. The Foundation of Our Homes Engagement Forum. Saskatoon.

⁵⁶ First Nations Housing and Infrastructure Council BC (2018). "Resources."

⁵⁷ Atlantic Policy Congress of First Nations Chiefs Secretariat (No Date). "Atlantic Regional Update: AFN National Housing & Infrastructure Forum."

First Nations are the fastest growing segment of the Canadian population, and therefore, it is imperative that not only are current housing needs assessed, but also anticipated future needs. This is especially important when considering demographics and population projections for First Nations in Ontario.

The importance of linking housing and infrastructure outcomes to health, social, and economic outcomes cannot be overstated. As stated in the 2015 Standing Senate Committee on Aboriginal Peoples, a “one size fits all approach” will not work for First Nations, rather, local needs should determine housing priorities. Housing is only one step, and the infrastructure and maintenance associated with proper housing must be an intrinsic part of determining housing priorities. The housing crisis experienced in Canada, and in Ontario, demands holistic solutions which encompass everything that from housing, infrastructure, maintenance, and asset management, to water and wastewater, as these key issues can affect education attainment and economic opportunities. Future work related to housing and infrastructure must consider the needs of elders, those with disabilities, and the mental and physical health of First Nations.

OFNTSC is committed to working with First Nations, the AFN, and the federal government to help eliminate the housing crisis, and as this report details, there is much work to be done. This report is but one step in OFNTSC’s efforts to move towards developing a meaningful and accurate assessment of the needs of Ontario First Nations with respect to housing and infrastructure. The following section details OFNTSC’s recommendations and maps out the next steps that will be critical to achieving substantive and transformative change for on reserve housing.

8.0 RECOMMENDATIONS/NEXT STEPS

This report represents ‘phase one’ in OFNTSC’s ongoing commitment to assist First Nations with the delivery of on reserve housing and infrastructure needs. ‘Phase two’ will see OFNTSC leverage the planned data collection efforts of AFN to identify and collect a more fulsome picture of the needs and aspirations of First Nations in Ontario and nationally.

In the short term, OFNTSC will advance the following key strategic priorities:

1. Data collection exercise:

- a. Work with AFN on their data collection initiative (occurring August 2018 - October 2018) to better identify the housing and related infrastructure needs of Ontario First Nations, as part of the ongoing National Strategy on Housing and Related Infrastructure;
- b. Refresh OFNTSC’s existing data (most recent to 2015) with the data collected from the AFN data collection exercise, analyze, and report back to Ontario First Nations.

2. Advance Regional Housing and Infrastructure Strategy

- a. Partner and continue to work with the Ontario Chiefs, Tribal Councils, and First Nations housing technicians, in addition to the Chiefs Committee on Innovative



Housing to advance a regional Housing and Infrastructure Strategy.

In the medium to long-term, OFNTSC is committed to the following ongoing priorities:

1. On Reserve Housing Policy and Capacity Development

- a. Develop capacity and policies to assist First Nations with the delivery of housing services for on reserve First Nations;
- b. Monitor federal policies and report back to Ontario First Nations on progress, changes, and relevant information.
- c. Review existing service delivery models and propose governance models that will empower communities and First Nation organizations to play a lead role in the future of housing delivery systems.



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10.0 APPENDIX A: AFN HOUSING & INFRASTRUCTURE FRAMEWORK

DRAFT FOR DISCUSSION PURPOSES ONLY

DRAFT 10 Year First Nations National Housing and related Infrastructure Strategy

Co-Development Team

The Assembly of First Nations (AFN) is mandated pursuant to AFN Resolution 27/2017, *Development of a First Nations National Housing and Infrastructure Strategy*, to jointly develop, with the Chiefs Committee on Housing and Infrastructure (CCoHI) and the federal government, a Terms of Reference for the establishment of a joint Working Group that will develop a First Nations National Housing and related Infrastructure Strategy, which will include housing both on- and off-reserve.

A Joint Working Group with representatives from the AFN, CCoHI, Indigenous Services Canada (ISC), Canada Mortgage and Housing Corporation (CMHC) and Employment and Social Development Canada (ESDC) co-developed the Draft Strategy for discussion purposes.

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July 4, 2018

1. VISION

- 1.1 Responsive innovative housing governance systems that support First Nations transition to care, control and management of housing and related infrastructure.¹

2. PURPOSE OF THE STRATEGY

- 2.1 To have a First Nations housing and related infrastructure strategy developed by First Nations for First Nations to ensure the strategy is based on First Nations perspectives and respects Aboriginal and Treaty rights. The Strategy is written in collaboration with the federal government in order to harmonize with government priorities.
- 2.2 The Strategy builds the environment and lays out a road map for the research, design and implementation of new housing systems that will lead to a complete federal government withdrawal and a full transfer of authority from the federal government to First Nations care, control and management over housing and related infrastructure.
- 2.3 The Strategy provides a long-term approach for First Nations housing and related infrastructure on-reserve as well as housing for First Nations who live in urban, rural, and northern areas.
- 2.4 The Strategy implements the AFN Resolutions passed by Chiefs-in-Assembly that support and promote the transfer of authority over housing and related infrastructure to First Nations care, control and management.
- 2.5 The Strategy is a significant step towards the federal government's goal that design and delivery of housing and related infrastructure services be led by Indigenous peoples for Indigenous peoples.
- 2.6 The Strategy draws from and builds on the feedback from engagement with First Nations and national forums with First Nations, the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UN Declaration), the [2015 Senate Report On-reserve Housing and Infrastructure Recommendations for Change](#) and other sources.

¹ Related infrastructure refers to the infrastructure associated with the construction of residences which are public utilities: connection to drinking water, sanitary sewer, storm sewer, and street lighting (excluding water and wastewater treatment facilities).

There are, in general, 3 types of development in First Nations communities:

- a) urban (with paving, curbstones and underground storm drainage network);
- b) semi-urban (without street paving nor curbstones and with storm drainage ditches);
- c) rural (individual installations of water supply and waste water treatment).



The UN Declaration states the importance of housing in Article 21, “Indigenous peoples have the right, without discrimination, to the improvement of...housing.” Article 23 states that “Indigenous peoples have the right to determine and develop priorities and strategies for exercising [that] right.”

- 2.7** The Strategy is part of a broader initiative of First Nations care, control and management of housing and related infrastructure that includes the following building blocks:
- 1) The Policy Reform Framework Towards a First Nations Housing and Infrastructure Strategy (December 2017)
 - 2) Strategic Plan with short, medium and long-term goals and objective (Fall/Winter 2018)
 - 3) Regional Strategies and Plans (currently underway and on-going)

3. BACKGROUND

- 3.1** The legacy of colonization has removed the opportunity for First Nations to meet their housing needs and has prevented them from accessing necessary financial instruments, developing capacity, and establishing appropriate housing governance systems, which has left them almost solely dependent on government programs. First Nations leadership has had the optics of control while being excluded from significant decision-making authority. As a result housing has become the cause of conflict and disruption in many First Nations.
- 3.2** Government programs and policies have failed to provide sustainable long term positive housing outcomes and have led to persistent substandard living conditions with negative impacts on health, education, economic development, and child welfare, etc. These substandard living conditions are felt more deeply by First Nations women and girls, seniors, youth, homeless, people with disabilities and First Nations people in the north.
- 3.3** First Nations housing delivery has been measured by how well it fulfills the government financial and program priorities rather than how well it addresses First Nations housing needs. As a result, there is an urgent need for improved housing and living conditions to better suit the First Nations populations across Canada.
- 3.4** First Nations housing has been delivered in fragmented ways across federal, provincial, municipal and territorial jurisdictions. This has caused a separation between on and off reserve housing delivery leaving many First Nations people to fall through the gaps. First Nations are changing the direction of housing and related infrastructure services from dependency-based to self-determined and governed by First Nations.



4. GUIDING PRINCIPLES

- 4.1 The Strategy is guided solely by the aim of ensuring that all First Nations members living in or away from their First Nations will have access to housing that suits their needs.
- 4.2 The transition to First Nations care, control and management of housing and related infrastructure will:
- a) Respect regional approaches and treaty implications
 - b) Be transparent and accountable
 - c) Account for economic considerations and geographic locations
 - d) Respect cultural differences
 - e) Include a holistic approach to housing that is inclusive of all generations and all aspects of life
 - f) Have respect for individual First Nations' level of readiness and capacity
 - g) Align with community needs
 - h) Be based on feedback from First Nations engagement
 - i) Be First Nations led

5. TRANSITION PROCESS

- 5.1 The transition process from federal housing and infrastructure programming to First Nations care, control and management of housing and related infrastructure requires dedicated financial resources to implement the Strategy that include designing, developing and implementing regional and local strategies and plans.
- 5.2 An on-going commitment from the federal government and First Nations is required to support the transition process.
- 5.3 The transition process will rely on continued engagement with First Nations and leadership. During the transition period negotiations between First Nations and the federal government will respect a government to government relationship.

The Chiefs Committee on Housing and Infrastructure (CCoHI), through the AFN, will provide guidance on how the transition process will be implemented. The advice and guidance provided will respect other First Nations organizations and regional partners to implement their own processes.

- 5.4 Engagement with First Nations will inform short, medium, and long-term transition milestones that will respond to regional variances.
- 5.5 The Strategy will be reviewed in accordance with an evaluation process as outlined in the Strategic Plan.



6. GOALS AND ACTIONS

- 6.1** The Strategy has themes with supporting goals and actions related to: Governance and Delivery; Funding and Finance; Skills and Capacity and First Nations Information Sessions. These actions will be undertaken concurrently.

GOVERNANCE AND DELIVERY

- 6.2** The process of transitioning care, control and management to First Nations will not be a “devolution” of existing government programs and services. It will result in the creation of new systems, new housing institutions and new ways to deliver housing services to First Nations people.

- 6.3** Goal: Establish a First Nations Housing Policy and Research Institute. Its primary functions will be to design new housing delivery options and governance systems, develop new financing options and mechanisms and to function as a research centre and archive for housing information, tools, and best practices.

- a) Action: Develop a business case for the Housing Policy and Research Institute and acquire sufficient funding.
- b) Action: Staff the policy institute with experts in the appropriate fields.
- c) Action: Establish the mandate of a First Nations Housing Policy and Research Institute.

- 6.4** Goal: Establish national and regional housing and related infrastructure delivery frameworks to assist in the design of governance models that are independent from political influence.

- a) Action: Research existing international Indigenous housing and infrastructure models to support the design of governance housing systems.
- b) Action: Develop strong governance systems, through engagement with First Nations that can respond to cultural variances and regional needs and priorities.
- c) Action: Determine the relationship through engagement, between First Nations leadership and housing governance systems.

- 6.5** Goal: Coordinate housing governance delivery systems across all jurisdictions to better serve First Nations members living away from their community in urban, rural and northern areas.

- a) Action: Build relationships between First Nations and existing Indigenous housing service delivery agents for off-reserve housing.
- b) Action: Determine the role of First Nations, Indigenous housing service providers, federal, provincial, territorial and municipal governments on providing housing and related infrastructure delivery. In order to build a system where First Nations people no longer fall through the gaps between jurisdictions.



FUNDING AND FINANCE

- 6.6** First Nations must be in control of funding in order to address their needs and priorities. Funding and financing for a variety of different First Nations housing falls along a continuum of need, for example, shelters, social housing, housing for disabled community members, seniors' housing, rental units and rent to own, market based and private home ownership.

As a result of the new housing approach there is a need to access new financial instruments and additional government funding if First Nations are to improve housing and living conditions for people living in or away from their First Nation and to close the current housing and related infrastructure gap.

This will require:

- a) a financial commitment by all levels of government and innovative approaches;
 - b) identifying effective ways to leverage investments and finding new ways to finance housing;
 - c) increasing First Nations and individual First Nations peoples' financial commitment to their homes;
 - d) exploring the potential economic benefits of housing and related infrastructure including identifying revenue generating opportunities; and
 - e) research private sector investments.
- 6.7** Goal: The transition will require sufficient, sustainable and predictable funding to support First Nations and First Nations organizations to undertake the care, control and management of housing and related infrastructure.
- a) Action: Acquire funding for local, regional and national First Nations organizations to levels comparable to government and other relevant counterparts.
 - b) Action: Fund the implementation of the strategy. Results of national and regional studies will determine funding levels required.
- 6.8** Goal: Ensure the new First Nations driven housing systems have funding that is adequate, predictable and long-term that is geared to satisfying First Nations housing needs.
- a) Action: Identify funding needs, collect consistent and standardized data and review and analyze existing data in order to provide a comprehensive picture of housing and related infrastructure needs in First Nations.
 - b) Action: Secure funding to address the backlog of new units and related infrastructure, and renovation of existing units which includes different types of housing such as shelters and supportive care homes.
 - c) Action: Acquire dedicated funding for housing manager positions in First Nations.
 - d) Action: Reduce the competition for funds and proposal driven approaches for individual First Nations.



- e) Action: Develop new approaches to allocation of funds to regions and First Nations.
 - f) Action: Fund proper planning and sound management of housing programs.
 - g) Action: Adopt stronger service delivery models where program delivery is streamlined and simplified.
- 6.9** Goal: Develop ways to leverage government housing and related infrastructure investments to enhance financial opportunities.
- a) Action: Evaluate current financial mechanisms and tools that support housing and infrastructure.
 - b) Action: Explore and develop other appropriate financial tools such as revolving housing loan funds.
- 6.10** Goal: Identify and develop new financial mechanisms for housing delivery.
- a) Action: Develop ways to leverage First Nations' own source revenues to enhance financial opportunities for housing.
 - b) Action: Develop revenue-generating opportunities and ways to leverage funding to finance housing ventures.
 - c) Action: Develop ways to increase individual First Nations people's financial commitment to their homes.
 - d) Action: The Policy Institute will research ways for First Nations members to have access to home financing alternatives.
- 6.11** Goal: Maximize funding for housing delivery systems across all jurisdictions to better serve First Nations members living away from their local First Nation in urban, rural and northern areas.
- a) Action: Investigate and evaluate the funding mechanisms and accountability frameworks currently existing between Indigenous and other housing service providers and federal, provincial, and municipal governments.
 - b) Action: Determine the funding and financing roles of First Nations, Indigenous and other housing service providers, federal, provincial, territorial and municipal governments for housing and related infrastructure delivery.

SKILLS AND CAPACITY

- 6.12** The transition from federal control to First Nations care, control and management of housing and related infrastructure requires investments in skills and capacity as well as the flexibility to direct where and how the funding can be used to better support home occupants, housing and related infrastructure personnel, and First Nations organizations who serve them.
- 6.13** Goal: First Nations have the skills and capacity to exercise their responsibility, care, control and management over housing and related infrastructure.



- a) Action: Conduct a skills and capacity analysis on the needs at the local, regional and national level for managers, leadership, administration, housing management, community members, technical trades, and professionals.
- b) Action: Analyze current gaps and develop strategies to improve skills and capacity.
- c) Action: Establish and/or restore adequate capacity for Tribal Councils and technical service providers to deliver technical services to First Nations for the care, control and management of housing and related infrastructure.
- d) Action: Provide more access to relevant training and professional certification for housing and related infrastructure professionals.

FIRST NATIONS INFORMATION SESSIONS

6.14 First Nations fall along a continuum where some First Nations are ready to take on care, control and management of housing and infrastructure while other First Nations may want to first address the issues of the legacy of federal programs and clarify their treaty relationships.

6.15 Goal: Hold information sessions with First Nations leadership, communities, technical experts, regional organizations, and under-represented groups, etc., on strategic considerations of what incremental steps can be taken now, during and after transition.

- a) Action: Support regions on continued communications and information sessions on the goal and objectives of this Strategy.
- b) Action: Hold information sessions with urban, rural and northern Indigenous Housing Service Providers, provinces, territories and municipalities to coordinate services for housing.

7. RESULTS

The transition of care, control and management to First Nations organizations and housing service providers is expected to contribute to a greater range of housing choice for First Nations, including supportive housing, social housing, rental housing, and home-ownership. This will lead to improved housing conditions for First Nations, and create sustainable and healthy First Nations.

