

# HOUSING ON FIRST NATION RESERVES: **Challenges and Successes**



Interim Report of the Standing  
Senate Committee  
on Aboriginal Peoples

**February 2015**

The Honourable Dennis Patterson, Chair  
The Honourable Lillian Dyck, Deputy Chair

Cover Top Photo: Tarps cover leaky roofs in Tsartlip First Nation on Vancouver Island.

Cover Bottom Photo: G'WIGWAAMNAANIIN" (Building Homes & Building Skills) pilot project for housing and infrastructure in Atikameksheng Anishnawbek in Ontario.

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(Committee Business — Senate — 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session)

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**MEMBERSHIP**

**THE STANDING SENATE COMMITTEE ON ABORIGINAL PEOPLES**

**41<sup>th</sup> Parliament, 2<sup>nd</sup> Session**

(October 16, 2013 - )

The Honourable Dennis Glen Patterson

*Chair*

The Honourable Lillian Eva Dyck

*Deputy Chair*

and

The Honourable Senators:

Lynn Beyak

\*James S. Cowan (or Joan Fraser)

\*Claude Carignan (or Yonah Martin)

Tobias C. Jr. Enverga

Sandra Lovelace Nicholas

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*Other Senators who have participated in this study:*

The Honourable Senators Salma Ataullahjan, Douglas Black, Pierre-Hugues Boisvenu, Andrée Champagne, P.C., Jane Cordy, Don Meredith, Jim Munson, Bob Runciman, John D. Wallace and Charlie Watt.

*Committee Clerk:*

Marcy Zlotnick

*Analysts from the Parliamentary Information and  
Research Service of the Library of Parliament:*

Julie Cool and Martha Butler

## ORDER OF REFERENCE

Extract from the *Journals of the Senate* of Tuesday, February 25, 2014:

The Honourable Senator Patterson moved, seconded by the Honourable Senator Bellemare:

That the Standing Senate Committee Aboriginal Peoples be authorized to examine and report on challenges and potential solutions relating to First Nations infrastructure on reserves, including, but not limited to:

- (a) housing;
- (b) community infrastructure (such as water and wastewater treatment, schools and other community buildings); and
- (c) innovative opportunities for financing and more effective collaborative strategies;

That the papers and evidence received and taken and work accomplished by the committee during the Second Session of the Forty-first Parliament, as part of its study on the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Metis peoples and on other matters generally relating to the Aboriginal Peoples of Canada, as authorized by the Senate on November 21, 2013, form part of the papers and evidence received and taken for the purposes of this study; and

That the committee submit its final report no later than December 31, 2015 and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

After debate,

The question being put on the motion, it was adopted.

Gary W. O'Brien

*Clerk of the Senate*

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## FOREWORD

When this Committee undertook to examine the issues surrounding infrastructure on reserve, it decided to begin with a focus on housing, because housing is essential to the well-being of individuals, families, and communities. A house is more than a building – it is a home. However too many First Nations people across the country live in housing which is woefully inadequate, and still others face barriers which prevent them from having the full range of housing choices available off-reserve. The importance of this situation compelled the Committee to look at the issues surrounding housing in depth at the outset of its infrastructure study.

What the Committee has heard and seen about housing has been compelling. The poor quality of housing and the overcrowding in many communities is a distressing situation. At the same time, the Committee has been inspired by the innovative approaches taken by creative individuals in so many communities across the country. Indeed, innovation has been where big strides have been made by First Nations - in financing mechanisms, land use, and building materials.

As it visited First Nation communities, the Committee made a commitment to tell it as it is. As part of this commitment, the Committee will ensure that communities struggling with serious housing shortfalls and deteriorating housing stocks see their realities and challenges reflected in this interim report. The Committee will also ensure that communities benefiting from economic development that are in a position to build better quality housing and infrastructure see their realities and challenges reflected as well. This interim report captures these two ends of the housing spectrum, and all that falls between them.

The Committee wants to do justice to the testimony it has heard in an accurate and balanced way, and to develop recommendations which are well thought-out and result in significant change. It had been our intention to propose recommendations in this interim report, however the Committee is continuing to hear important testimony on housing as it continues its infrastructure study. To make recommendations at this time would be premature.

This report documents what we heard, and identifies the important issues that witnesses raised with us. What we heard and saw in communities will inform our continued deliberation. In our final report, we intend to propose significant recommendations rooted in an accurate understanding of the housing and infrastructure challenges facing First Nations communities.

The Committee thanks all the witnesses who took the time to share their stories, challenges, and innovative ideas during hearings and site visits. It particularly wants to thank the communities it visited across the country. The Committee was moved by the warm welcome it received. The leaders of these communities took the time to meet with us, to take us around their communities, and to be open and honest about their hopes and fears. That same welcome was extended by the people who opened the doors of their homes to us so that we might see first-hand the ongoing challenges that they face. You have placed your trust in us. We are thankful, and we recommit ourselves to putting forth significant recommendations in our final report which will reflect what you have told us. May our voices be united in seeking creative solutions to ensure that First Nations people live in houses that they can be proud to call their home.

## COMMITTEE MANDATE AND PROCESS

Housing and related infrastructure are key to the economic and social well-being of First Nation communities. Recognizing this, the Committee agreed to undertake a study examining these issues in two phases; the first phase focuses on housing on reserve. Acknowledging that sound infrastructure is essential to good quality housing, the second phase of the Committee's study focuses on community infrastructure, including roads, bridges, water and sewer systems, schools and community buildings. The Committee will explore innovative financing options to meet housing and infrastructure needs.

During the housing phase of the study, the Committee held 21 meetings in Ottawa and one day of public hearings in Thunder Bay. It heard from over 40 individuals and organizations including First Nation communities, national and regional Aboriginal organizations, tribal councils, and technical services groups from across the country. The Committee also heard from a range of federal departments and agencies.

The Committee believed that it must visit First Nation communities to better understand housing challenges on reserves across Canada, by discussing these challenges and successes with the individuals most directly involved. The Committee travelled to 16 First Nation communities in Nova Scotia, Quebec, Ontario and British Columbia, and took this opportunity to speak with community leaders; including chiefs and council; housing managers; and administrative staff; as well as individual community members. The Committee was impressed by the dedication of so many First Nations people across the country working tirelessly to ensure that their communities benefit from the highest possible standard of housing. Some people – such as Garland Moses, Housing Manager for Ojibways of the Pic River First Nation; Roxanne Harper of Turtle Island Associates Inc.; Keith Maracle of the First Nations National Building Officers' Association; and many others – have dedicated their entire careers to this end. These individuals have provided crucial insights into the challenges they have faced and overcome, and their contributions have been essential to this report.

In this interim report, we lay out what we have heard and seen so far. We identify the challenges that were brought to our attention – and these are significant. We highlight the innovative practices that have helped some First Nations meet the housing needs of their communities in exemplary ways.

## INTRODUCTION

The Committee visited many First Nation communities in this study of First Nations housing on reserve. Witnesses across the country outlined the crisis in housing in many First Nation communities in Canada, even referring to the situation as a state of emergency.<sup>1</sup> Shawn (A-in-chut) Atleo, then National Chief of the Assembly of First Nations, described the situation as follows:

Substandard and deplorable housing conditions in First Nations are a persistent and growing phenomenon. Current housing programs do not meet the increased demand for new housing units, brought on by the higher than average population growth, overcrowding, the outstanding and current effects of flooding, and deteriorating units as a result of poor construction and impacts from mould.<sup>2</sup>

There was unanimous agreement among witnesses, including departmental officials, that there is a significant housing shortage in First Nation communities, and that the existing stock of housing in many communities is in deplorable condition. It is not an exaggeration to suggest that, in many First Nation communities, the housing situation is in a state of crisis.

In deciding to undertake this study, the Committee was aware that many parties have done important work documenting and researching the challenges that many First Nation communities face with respect to housing on reserve. Some of this work includes that of the Royal Commission on Aboriginal Peoples, the Assembly of First Nations, the Office of the Auditor General of Canada, and the House of Commons Standing Committee on Aboriginal Affairs and Northern Development in its 1992 report entitled *A Time for Action*, as well as its 2007 follow-up.<sup>3</sup> Although the Royal Commission expressed optimism in 1996 that it would be “possible and desirable to achieve adequate housing for Aboriginal people in ten years”<sup>4</sup> and the 2007 report tabled in the House of Commons called for “an accelerated, co-ordinated, comprehensive ten year Housing Action Plan to address and remedy the critical shortage of adequate, suitable, affordable housing affecting Aboriginal people on- and off-reserve and in the North” the Committee notes with regret that there is still a very serious housing situation in most First Nation communities. Many of the challenges identified in these reports are ongoing: overcrowding, substandard housing, lack of clarity about who is responsible to provide and pay for the housing<sup>5</sup>, and mould contamination. At the same time, some of the avenues for moving forward have borne fruit. Economic development in First Nation communities, and expanded home ownership options have resulted in good quality housing in some

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<sup>1</sup> Les Louttit, Deputy Grand Chief, Nishnawbe Aski First Nation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 8, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 15 September 2014, p. 8:107.

<sup>2</sup> Shawn (A-in-chut) Atleo, National Chief, Assembly of First Nations, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 11 February 2014, p. 3:112.

<sup>3</sup> The Standing Committee on Aboriginal Affairs and Northern Development, [Seventh Report](#), 39th Parliament, 1st Session, 2007.

<sup>4</sup> Canada, Royal Commission on Aboriginal Peoples, Report of the Royal Commission on Aboriginal Peoples, *Gathering Strength*, 1996, Vol. 3, Chapter 4, p. 377.

<sup>5</sup> Canada, Royal Commission on Aboriginal Peoples, Report of the Royal Commission on Aboriginal Peoples, *Gathering Strength*, 1996, Vol. 3, Chapter 4, p. 374.

First Nation communities. When he appeared before the Committee, then National Chief of the Assembly of First Nations, Shawn (A-in-chut) Atleo, told the Committee:

I think it's incredibly inspiring, on the one hand, to see the resilience of our people wherever I travel, of those that I spend time with and meet, but I think that now is a time to raise understanding about the overwhelming needs that face our people... I think most Canadians aren't necessarily aware of the conditions that we're describing, about homes having three or four families and relying on a wood stove or diesel generator and about basic community infrastructure being lacking or inefficient due to inadequate capital and operations and maintenance funding.”<sup>6</sup>

Having travelled across the country to see first-hand the housing situation in a variety of First Nation communities, the Committee joins Chief Atleo in commending First Nations people for their resilience and dedication. Chiefs and council, housing authorities, and housing managers across the country are working hard to keep up with the demand for housing while maintaining their existing housing stock. However, in many cases it is too difficult to keep up with the growing demand for new housing and the rapid deterioration of existing housing. The Committee also saw some shocking examples of poorly constructed housing that was falling apart, of homes with missing windows, leaky roofs, or filled with mould. Throughout the country, there are homes where 16 or 17 people live in a small, three-bedroom house, often in great disrepair. There are communities where people move back into condemned buildings because there is nowhere else for them to go. There are entire families living in small trailers. The situation is not one which is fitting of a wealthy country like Canada.

While acknowledging and highlighting this reality, the Committee also points out that there are some First Nation communities which have found innovative solutions to the housing needs of their communities. There are First Nations that have been very successful in using and developing financing tools such as revolving loan funds to finance housing, communities that have facilitated a vibrant housing market on reserve, and communities that have experimented with innovative building design. There are leaders in First Nations housing across the country who are dedicated to finding solutions to ensure that all First Nations people have a safe place to call home. These success stories need to be celebrated and shared. This report highlights these successes, even as it highlights the ongoing challenges.

This Committee set out to find concrete, practical and innovative solutions to address housing on reserves. That work continues. We are not finished with this study. We continue to hear evidence from First Nations on what is not working and on creative ideas regarding how to make things work. Our final report will contain strong recommendations which will reflect what we have heard and seen. We remain committed to that.

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<sup>6</sup> Shawn (A-in-chut) Atleo, National Chief, Assembly of First Nations, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 11 February 2014, p. 3:111.

## THE CURRENT STATE OF HOUSING ON RESERVES

For some time now, interested parties have signalled their concerns with what they describe as a growing crisis in housing on reserve. James Anaya, then-Special Rapporteur on the Rights of Indigenous Peoples, noted in July 2014 that housing in First Nation communities “has reached a crisis level.”<sup>7</sup> Reports of the Royal Commission on Aboriginal Peoples, the Assembly of First Nations and the Office of the Auditor General of Canada have highlighted a range of concerns, including a shortage of units and overcrowding; mould contamination; and a high proportion of homes in need of major repair. The large areas of overlap between this report and the findings in the final report of the Royal Commission on Aboriginal Peoples, released in 1996, highlight that we have known for a long time that there are serious problems with housing on reserve.

Although there is a great diversity of housing situations and conditions across the country, and some First Nation communities enjoy the benefits of good quality, well-constructed homes, the housing conditions for many communities continues to worsen, and the shortage of housing continues to grow.<sup>8</sup>

### A. Statistical portrait of on-reserve housing

Most First Nation communities have a mix of band-owned homes, rental housing and privately-owned homes. In 2011, about 59 percent of units on reserve were comprised band-owned housing, 10 percent were rental housing, and 31 percent were privately owned.<sup>9</sup> In contrast, about 69 percent of non-Aboriginal Canadians were homeowners at that time.<sup>10</sup>

Housing in First Nation communities is generally evaluated with respect to availability and adequacy.<sup>11</sup> The availability of housing refers to the size of a community’s housing stock. Housing shortages and overcrowding can lead to serious health and safety problems. The federal government has identified a need to create more serviced housing lots to allow communities to increase their housing stock.<sup>12</sup> The adequacy of housing refers to housing condition and quality. In addition to overcrowding, many homes on reserves are in substandard condition and in need of major renovation or replacement to meet standards of adequacy.<sup>13</sup>

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<sup>7</sup> United Nations General Assembly, [Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya: The situation of indigenous peoples in Canada](#), 4 July 2014, p. 8.

<sup>8</sup> Assembly of First Nations, [Draft National First Nations Housing Strategy](#), July 2013, p.1.

<sup>9</sup> Canada Mortgage and Housing Corporation, [Housing Conditions of Aboriginal Households Living On-reserve, Canada, Provinces and Territories, 2011, 2006 and 2001](#).

<sup>10</sup> Statistics Canada, [Homeownership and Shelter Costs in Canada](#).

<sup>11</sup> See for example Aboriginal Affairs and Northern Development Canada (AANDC), [Summative Evaluation of the Capital Facilities and Maintenance Program](#), February 2010.

<sup>12</sup> Aboriginal Affairs and Northern Development Canada (AANDC), [Summative Evaluation of the Capital Facilities and Maintenance Program](#), February 2010, p. 14.

<sup>13</sup> Aboriginal Affairs and Northern Development Canada (AANDC), [Summative Evaluation of the Capital Facilities and Maintenance Program](#), February 2010, p. 14.

## B. Availability of housing on reserves

Although there is widespread agreement that there is a significant housing shortage on reserves, the precise magnitude of that shortage is unclear. In 2011, the Assembly of First Nations estimated the on-reserve housing shortage to be approximately 85,000 units.<sup>14</sup> While Aboriginal Affairs and Northern Development Canada's (AANDC) current estimate is considerably lower, at 35,000 to 40,000 units, it recognises that there is a great need for housing.<sup>15</sup>

In its 2011 Fall Status Report, the Office of the Auditor General of Canada found that federal investments have not kept pace with either the demand for new on-reserve housing or the need for major renovations to existing units.<sup>16</sup> The report also concluded that, despite substantial federal investments, the housing shortfall on reserves has worsened in the past several years. Further, because the Aboriginal population is growing substantially faster than the rest of the Canadian population, the need for more housing will likely continue to grow.<sup>17,18</sup> The Assembly of First Nations extrapolates that between 2010 and 2031, there will be a backlog of 130,000 housing units.<sup>19</sup>

Although the magnitude of the housing shortage is often measured at the national level, there are regional differences. In Quebec and Labrador, for example, investments in housing between 2006 and 2012 have begun to address the overcrowding situation in that region. Despite this, it is estimated that Quebec and Labrador require 9,400 new units and renovations to 5,000 units.<sup>20</sup> In Saskatchewan, data suggest that the shortage is growing. In 2013, there were 14,583 houses on reserves in Saskatchewan, with 374 houses completed in 2011-2012, and 90 houses torn down. The net increase was less than 2%, which was not enough to account for population growth in those communities<sup>21</sup>. Further, it is estimated the average number of residents per home in Saskatchewan First Nations is as high as 8.43.

## C. Adequacy of housing on reserves

The physical condition of a house includes its state of repair, plumbing, electricity, heating and exposure to contaminants, including mould. Statistics Canada reports on the adequacy of housing by

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<sup>14</sup> Assembly of First Nations, [Pre-Budget Submission, 2011](#), Submission to the House of Commons Standing Committee on Finance, 12 August 2011, p. 4.

<sup>15</sup> Karl Carisse, Senior Director, Innovation and Major Policy Transformation Directorate, Aboriginal Affairs and Northern Development Canada, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 1, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 26 November 2013, p. 1:32.

<sup>16</sup> Office of the Auditor General of Canada, "Chapter 4—Programs for First Nations on Reserves," *2011 June Status Report of the Auditor General of Canada*.

<sup>17</sup> Statistics Canada (2011); and AANDC, "[Aboriginal Demographics from the 2011 National Household Survey](#)," *Research and Statistics*.

<sup>18</sup> Auditor General of Canada, "[Chapter 4: Programs for First Nations on Reserves](#)," *Status Report of the Auditor General of Canada – 2011*, s. 4.35.

<sup>19</sup> Assembly of First Nations, [Draft National First Nations Housing Strategy](#), July 2013, p.1.

<sup>20</sup> Madeleine Paul, Chief, Eagle Village First Nation, Quebec, Assembly of First Nations, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 11 February 2014, p. 3:103.

<sup>21</sup> Comparing data from the [2011](#) and [2012 Registered Indian Population by Residence and Gender: Summary Statistics](#), the registered Indian population in Saskatchewan grew by 2.9% over this period.

determining the proportion of homes “in need of major repairs.”<sup>22</sup> AANDC defines a house as adequate if it does not require major renovations or replacement and has basic plumbing including hot and cold running water, inside toilets, and baths or showers.<sup>23</sup>

According to Statistics Canada, a dwelling “in need of “major repairs” is one that, “in the judgement of the respondent, requires major repairs to such things as defective plumbing or electrical wiring, and/or structural repairs to walls, floors or ceilings, etc.”<sup>24</sup> In 2006, about 44 percent of people living on reserves lived in homes that in their judgement required major repairs, compared to 7 per cent of the non-Aboriginal population. This represented an increase over the 1996 level of 36 per cent of on-reserve homes in need of major repair.

With respect to AANDC’s tracking of housing adequacy, First Nations report their data to AANDC, and these reports are recorded in a database. A 2008 evaluation of AANDC’s On-Reserve Housing Policy states that the definition of adequacy was changed in 2004-2005, resulting in “a substantial jump in the number of houses that were considered adequate.”<sup>25</sup> In AANDC’s 2012-2013 Departmental Performance Report, 82 percent of First Nations housing was deemed adequate.<sup>26</sup>

#### **D. Legal framework**

Section 91(24) of the *Constitution Act, 1867* assigns legislative authority over “Indians and lands reserved for the Indians” to the federal government. The *Indian Act*, which regulates much of the operation of most First Nation communities, was enacted pursuant to this power, and AANDC administers the Act.

Land tenure in First Nation communities differs from that in the rest of Canada in some important ways. Under the *Indian Act*, reserve lands are held by the Crown “for the use and benefit of the respective bands for which they were set apart.” “Ownership” of lands on reserves is therefore distinct from the fee simple title that characterizes ownership of lands off-reserve. Section 89 of the Act restricts the seizure of reserve lands, meaning that while Canadians living off-reserve can use their land as collateral when obtaining a mortgage, First Nations people on reserve cannot securitize their mortgages due to this restriction. As a result, many financial institutions are reluctant to grant traditional mortgages for on-reserve properties. Furthermore, sections 24 and 28 of the Act operate together to prohibit the transfer of reserve lands to any entity other than the band or band members.<sup>27</sup> This can limit the market for on-reserve housing.

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<sup>22</sup> Statistics Canada, [Aboriginal Peoples in Canada in 2006: Inuit, Métis and First Nations, 2006 Census](#), Catalogue no. 97-558-XIE.

<sup>23</sup> AANDC, [Community Infrastructure and Housing Annual Report - Form Instructions](#), DCI Number/Fiscal Year: 41701 (2014-2015).

<sup>24</sup> Statistics Canada, [Aboriginal Peoples in Canada in 2006: Inuit, Métis and First Nations, 2006 Census](#), Catalogue no. 97-558-XIE, p. 47, Table 22.

<sup>25</sup> AANDC, Evaluation, Performance Measurement and Review Branch, Audit and Evaluation Sector, [Evaluation of the 1996 On-Reserve Housing Policy](#), Report, February 2008, p. 12, note 10.

<sup>26</sup> These results “are based on data self-reported by First Nations in the Housing DCI [Data Collection Instrument].” [Source: AANDC, [2012–13 Departmental Performance Report](#)]

<sup>27</sup> Jack Woodward, *Native Law*, Carswell, Toronto, 2013, p. 284.

Some First Nations individuals, communities, and organizations assert that housing engages treaty and human rights obligations. The treaty right to housing, such groups argue, imposes an obligation on the Crown to provide housing to First Nations people on reserve.<sup>28</sup> The federal government's position is that it provides housing support to First Nations as a policy decision, not out of any legislative or treaty obligations.<sup>29</sup>

International human rights instruments may also have housing implications. For example, Article 23 of the *United Nations Declaration on the Rights of Indigenous Peoples* recognizes the right of Indigenous peoples to determine and develop priorities with respect to housing, and “as far as possible, to administer such programmes through their own institutions.”<sup>30</sup>

### **E. Federal funding and programs**

In the 1960s, what was then Indian and Northern Affairs Canada (INAC) implemented a housing program that provided subsidies to assist with home construction and renovation on reserves.<sup>31</sup> A 1982 evaluation of this program concluded that by then, the federal government's “role in the delivery of houses was ... residual.”<sup>32</sup> In 1996, the government developed the housing policy that is currently in place, known as the On-Reserve Housing Policy. Communities that choose not to opt in to the On-Reserve Housing Policy continue to operate under the 1960s subsidy program.

Today, the federal government provides on-reserve housing support to First Nation communities primarily through funding and programs offered by AANDC and by the Canada Mortgage and Housing Corporation (CMHC). The federal government's current annual investment to address housing needs on reserve is an estimated \$303 million a year: \$146 million through AANDC and \$157 million through CMHC.<sup>33</sup> An average of 1,750 new residential units are built and more than 3,100 existing units are renovated on reserves every year, through a combination of First Nations' own investments and federal funding. While AANDC and CMHC play different roles in relation to housing on reserve, the Committee observed that they seem to operate in silos.

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<sup>28</sup> Glenn Hudson, Chief, Peguis First Nation, Manitoba, Assembly of First Nations, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 11 February 2014.

<sup>29</sup> Office of the Auditor General of Canada, “Chapter 4—Programs for First Nations on reserves,” *2011 June Status Report of the Auditor General of Canada*.

<sup>30</sup> United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples: resolution/adopted by the General Assembly*, October 2, 2007, A/RES/61/295, accessed December 29, 2014 at <http://www.unhcr.org/refworld/docid/471355a82.html>.

<sup>31</sup> AANDC, Evaluation, Performance Measurement and Review Branch, Audit and Evaluation Sector, *Evaluation of the 1996 On-Reserve Housing Policy*, February 2008, p. 4.

<sup>32</sup> AANDC, Evaluation, Performance Measurement and Review Branch, Audit and Evaluation Sector, *Evaluation of the 1996 On-Reserve Housing Policy*, February 2008, p. 4.

<sup>33</sup> Karl Carisse, Senior Director, Innovation and Major Policy Transformation Directorate, Aboriginal Affairs and Northern Development Canada, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 1, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, November 26, 2013, p.1:18; Debra Darke, Vice-President, Regional Operations and Assisted Housing, Canada Mortgage and Housing Corporation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 1, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, November 26, 2013, p. 1:25.

## 1. Aboriginal Affairs and Northern Development Canada

AANDC provides support for on-reserve housing primarily through three programs and initiatives: capital allocations for First Nations which opted into the 1996 On-Reserve Housing Policy, the Income Assistance Program, and the Ministerial Loan Guarantee Program.

The 1996 On-Reserve Housing Policy was introduced to provide First Nations with flexibility to target funding to the particular housing needs of their community. Departmental officials from AANDC told the Committee that “First Nations under this policy receive an annual capital allocation from the department based on a formula that takes into account population and remoteness. First Nations can use these funds for a range of housing needs, including construction, renovation, maintenance, insurance, capacity building, debt servicing, and the planning and management of their housing portfolio.”<sup>34</sup> Not all First Nations opted into the 1996 On-Reserve Housing Policy. The Committee heard that “in First Nations that have not opted into this policy, which includes those in British Columbia as well as a few in Ontario, funding operates on a subsidy basis. First Nations submit proposals to Aboriginal Affairs and, based on priority, subsidies between \$20,000 and \$40,000 are released for specific construction or renovation projects.”<sup>35</sup>

For low-income individuals on reserve, AANDC provides the Income Assistance Program. This program currently provides \$125 million annually to assist recipients with rent, utilities and other costs related to shelter.<sup>36</sup> Individuals receive varying amounts of support under this program, depending on their rent payments, the size of their family unit and the maximum shelter allowance payable in their province or territory of residence.

The third housing program that AANDC administers is the Ministerial Loan Guarantee Program. This program is intended to address the restriction on the seizure of reserve lands under section 89(1) of the *Indian Act*. A Ministerial Loan Guarantee (MLG) acts as “government-backed security for loans issued on reserve.”<sup>37</sup> The current guarantee authority limit is \$2.2 billion, of which \$1.82 billion is currently issued; almost one third of on-reserve housing is currently financed through a Ministerial Loan Guarantee.<sup>38</sup>

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<sup>34</sup> Karl Carisse, Senior Director, Innovation and Major Policy Transformation Directorate, Aboriginal Affairs and Northern Development Canada, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 1, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 26 November 2013, p. 1:19.

<sup>35</sup> Karl Carisse, Senior Director, Innovation and Major Policy Transformation Directorate, Aboriginal Affairs and Northern Development Canada, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No.1, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 26 November 2013, p. 1:20.

<sup>36</sup> Karl Carisse, Senior Director, Innovation and Major Policy Transformation Directorate, Aboriginal Affairs and Northern Development Canada, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 1, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 26 November 2013, p. 1:19.

<sup>37</sup> Karl Carisse, Senior Director, Innovation and Major Policy Transformation Directorate, Aboriginal Affairs and Northern Development Canada, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 1, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 26 November 2013, p. 1:20.

<sup>38</sup> Karl Carisse, Senior Director, Innovation and Major Policy Transformation Directorate, Aboriginal Affairs and Northern Development Canada, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 1, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 26 November 2013, p. 1:20.

In addition to these three programs, AANDC supports on-reserve housing through one-time funding initiatives. Specifically, between 2009-2010 and 2010-2011, \$400 million was allocated to help address overcrowding and disrepair in First Nations housing under Canada's Economic Action Plan.<sup>39</sup>

## 2. Canada Mortgage and Housing Corporation

AANDC and CMHC play somewhat different roles in their support of on-reserve housing. While AANDC operates at the community level by funding housing-related infrastructure and capacity development, CMHC delivers specific housing programs to fund the construction, renovation, and management of social housing.<sup>40</sup> CMHC also provides capacity development and training tools to assist First Nations with the design, building, inspection, management and maintenance of housing on reserves.<sup>41</sup>



**Photo: CMHC provides support for new affordable housing units on reserve (Membertou First Nation, Nova Scotia).**

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<sup>39</sup> Karl Carisse, Senior Director, Innovation and Major Policy Transformation Directorate, Aboriginal Affairs and Northern Development Canada, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 1, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 26 November 2013, p. 1:18.

<sup>40</sup> Debra Darke, Vice-President, Regional Operations and Assisted Housing, Canada Mortgage and Housing Corporation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 1, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 26 November 2013, p. 1:25.

<sup>41</sup> Debra Darke, Vice-President, Regional Operations and Assisted Housing, Canada Mortgage and Housing Corporation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 1, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 26 November 2013, p. 1:26.

CMHC provides housing assistance to First Nation communities primarily through the following programs:

- The Loan Insurance Program On-Reserve with Ministerial Loan Guarantee (Section 10) helps band councils or First Nation members on reserve access financing to build, purchase and/or renovate single-family homes or residential rental properties.<sup>42</sup>
- The On-Reserve Non-Profit Housing Program (Section 95) helps First Nation communities build, purchase and renovate affordable rental housing on reserve.<sup>43</sup> According to CMHC, this program supported the construction of 469 new non-profit housing units and provided ongoing subsidies for about 29,300 households on reserve in 2012-2013.<sup>44</sup>
- The Residential Rehabilitation Assistance Program (RRAP) On-Reserve helps First Nations and First Nation members to repair substandard homes to a minimum level of health and safety.<sup>45</sup> In 2012-13, RRAP supported the repair of 1,144 homes on reserves.<sup>46</sup>
- The Home Adaptations for Seniors Independence Program (HASI) On-Reserve 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.<sup>47</sup>

### 3. Health Canada

Although its role in First Nations housing is much more circumscribed than that of AANDC or CMHC, Health Canada's First Nations and Inuit Health Branch delivers an environmental public health program in First Nation communities. According to Health Canada, the objective of this program is to "identify and prevent environmental public health risks that could impact the health of First Nations community residents and to recommend corrective action to reduce these risks."<sup>48</sup> Among other issues, the environmental public health program addresses mould in homes and community buildings on reserve.

In 2009, Health Canada implemented a mould prevention campaign to help educate First Nations people on reserves about the risks associated with indoor mould. As part of this campaign, Health Canada developed four YouTube videos on how to recognize mould; practical methods for removing mould; practical methods for preventing mould; and education about the impacts of mould on air quality and health. The videos were viewed more than 100,000 times on Health Canada's YouTube page. It is fair to say that mould is still a significant challenge.

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<sup>42</sup> CMHC, [Loan Insurance Program On-Reserve with Ministerial Loan Guarantee \(Section 10\)](#).

<sup>43</sup> CMHC, [On-Reserve Non-Profit Housing Program \(Section 95\)](#).

<sup>44</sup> Debra Darke, Vice-President, Regional Operations and Assisted Housing, Canada Mortgage and Housing Corporation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 1, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 26 November 2013, p. 1:26.

<sup>45</sup> CMHC, [Residential Rehabilitation Assistance Program \(RRAP\) On-Reserve](#).

<sup>46</sup> Debra Darke, Vice-President, Regional Operations and Assisted Housing, Canada Mortgage and Housing Corporation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 1, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 26 November 2013, p. 1:26.

<sup>47</sup> CMHC, [Home Adaptations for Seniors Independence Program \(HASI\) – On-Reserve](#).

<sup>48</sup> Debra Gillis, Acting Director General, Interprofessional Advisory and Program Support, First Nations and Inuit Health Branch, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 4 February 2014, p. 3:42.

#### 4. First Nations Market Housing Fund

In addition to government funding, First Nation communities and individuals are expected to secure funding from other sources for their housing needs, including private sector loans. In 2007, the Government of Canada announced the \$300 million First Nations Market Housing Fund (FNMHF),<sup>49</sup> which was created to help First Nations people gain easier access to private lending for homeownership on reserve and settlement lands.

By December 2013, only 55 housing units had been built with the help of the First Nations Market Housing Fund.

The FNMHF now operates as an independent trust overseen by nine trustees chosen from First Nation communities, the private sector finance community and the federal government. CMHC manages FNMHF's day-to-day activities, under the oversight of the Trustees. The FNMHF provides two primary services to First Nation communities. The fund's Credit Enhancement Facility provides financial backing for housing loan guarantees, and its Capacity Development Program helps First Nation communities develop the policies and structures they need to be able to access the Credit Enhancement Facility.

When it was established in 2008, it was projected that the FNMHF would enable the construction of 25,000 homes over ten years.<sup>50</sup> Despite the stated commitment for an additional 3,700 homes, as of December 2013, the FNMHF had enabled the construction of only 55 homes.<sup>51</sup>

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<sup>49</sup> First Nations Market Housing Fund, [About the Fund](#).

<sup>50</sup> Ibid.

<sup>51</sup> John Beaucage, Chair of the Trustees, First Nations Market Housing Fund, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 2, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 10 December 2013, p. 2:54.

## HOUSING ON RESERVES - WHAT THE COMMITTEE HEARD

### A. Housing on reserves is marked by diversity

The housing stock in First Nation communities across the country is marked by diversity. The Committee has seen new neighbourhoods in First Nation communities which look very much like those off-reserve. But the Committee has also seen terrible living situations, with people living in condemned buildings, crowded into houses filled with mould, or living in old trailers. Consistently, the Committee heard that there is no one-size-fits-all solution to housing on reserve. Bob Howsam, Executive Director of the Ontario First Nations Technical Services Corporation, pointed out that each community faces unique challenges and opportunities, and that “[i]t’s dangerous to generalize the challenges and solutions.”<sup>52</sup> Solutions need to be tailored to specific communities, working with partners such as other levels of government, the banks, or other funding sources. This point was also made by Jason Cameron, Director, Aboriginal Banking, Ontario Regional Division at BMO Financial Group, who told the Committee that “I’m very hesitant to answer a generic solution without understanding the particular needs of a community...”<sup>53</sup> The Assembly of First Nations called for the creation of the National First Nations Housing Strategy, and the creation of a comprehensive approach that “includes all aspects of housing in a continuum from new investments in social housing, more affordable housing, and options for individual home ownership through appropriately funded programs that target those in need.”<sup>54</sup>

The site visits served to highlight the striking regional differences, in particular between remote, northern First Nation communities and those in the south. Communities which are only accessible by air, water, or winter road face particular challenges relating to their housing and infrastructure needs. Getting building supplies to these communities is time-consuming, often unreliable, and very expensive. This makes it challenging to build, renovate, or maintain housing. In addition, some of these communities have a difficult time accessing qualified building inspectors, or individuals in the trades and professions needed. Community members in remote locations are also almost exclusively reliant on their First Nation for housing, with limited alternative housing in nearby towns or cities available to mitigate a housing shortage on reserve.

These geographic considerations can also affect the economic development options available to First Nation communities, which in turn contribute to the housing stock on reserve. Among the communities visited by the Committee, the unemployment rates reported by community leaders varied between 4% and 85%. This variation has significant implications on the ability of individuals to pay for housing,

The Committee noted a strong correlation between the quality of housing and the economic situation of the First Nation community and its members. Where the community had own-source revenue, or high employment levels, the housing was much more likely to be very similar to what one would see in the rest of Canada.

<sup>52</sup> Bob Howsam, Executive Director of the Ontario First Nations Technical Services Corporation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 4, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 5 March 2014, p. 4:89.

<sup>53</sup> Jason Cameron, Director, Aboriginal Banking, Ontario Regional Division at BMO Financial Group, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 4, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 4 March 2014, p. 4:73.

<sup>54</sup> Shawn (A-in-chut) Atleo, National Chief, Assembly of First Nations, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 11 February 2014, p. 3:114.

and on the types of housing options they want and need. Communities which are closer to urban areas or along widely-travelled highways have greater opportunities for economic development and tend to have higher employment rates among their members. In communities where there is high unemployment, it is extremely difficult to facilitate private home ownership or to put in place a rental regime apart from using the shelter allowance portion of social assistance payments. In contrast, own-source revenues such as taxation, royalties, proceeds from business ventures and other economic interests provide a means of funding capital projects and obtaining financing. This revenue is sometimes used to supplement, manage, or maintain the housing stock. Communities which do not have their own sources of revenue are much more reliant on federal government funding to meet the housing needs of their members.

The proximity to other municipalities is also a factor which affects the ability of First Nations to meet the infrastructure needs of their residents. Some First Nation communities are adjacent to other municipalities and are able to share municipal infrastructure through municipal-type service agreements. The Committee met with several First Nations that have service agreements with neighbouring municipalities to share the costs of services such as water and wastewater services, solid waste removal, and fire protection. The Committee heard that communities which are more isolated are the sole providers and payers of these services to their residents.

The approaches to housing – such as the prevalence of privately-owned or band-owned housing - differs significantly among First Nation communities. Some communities have a long-standing practice of private home ownership, while in other communities, “only a small percentage of people ...are interested in home ownership.”<sup>55</sup> With respect to the former, a majority of members are able to purchase their homes with financing from a community’s revolving loan fund or by securing funding from a bank using the backing of the First Nations Market Housing Fund (FNMHF) or the Loan Insurance Program On-Reserve with Ministerial Loan Guarantee (Section 10).

In other communities, there is a deeply held belief that there is a treaty right to housing and that the federal government has a treaty obligation to support housing on reserves. In communities where there is little tradition or opportunity for private home ownership, most of the housing is band-owned and built using subsidies and programs available from the Department of Aboriginal Affairs and Northern Development Canada (AANDC) or the Canada Mortgage and Housing Corporation (CMHC). While acknowledging a continued need for a strong social housing sector, particularly in communities which do not have access to own-source revenue, witnesses also identified the growing role that market housing plays in First Nation communities. As Mr. Genereaux of the Prince Albert Grand Council told the Committee:

We have the working people there now who can afford their own houses. They will become the role models of the future. The people are going to look up to those working people and the way they look after their own

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<sup>55</sup> Vaughn Paul, Chief Executive Officer, First Nations of Alberta Technical Services Advisory Group, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 4, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 5 March 2014, p. 4:110.

houses. It's going to add a lot of inventory, especially with the First Nations Market Housing Fund that's come up and is growing.<sup>56</sup>

In addition to the diversity in housing tenure, the way that housing is managed differs from one community to the next. In some communities, housing is managed directly by chief and council. Other communities have established politically independent housing authorities, which can either be incorporated organizations with a politically independent board of directors or work like a government department, reporting to chief and council. Regardless of how they organize themselves, the Committee heard that First Nations governments are responsible for managing and maintaining very extensive housing and infrastructure portfolios, often with limited financial and human resources.

The practice of collecting a financial contribution toward housing, in the form of maintenance fees or rents, differs significantly between communities. The committee heard from a number of First Nation communities, such as Kitigan Zibi Anishinabeg, Membertou, Ojibways of the Pic River, Atikameksheng Anishnawbek, and Six Nations of the Grand River, who indicated that they have been involved in developing and implementing policies regarding rent on reserve. Collecting housing rents can provide a source of revenue that helps meet the costs of repairs, renovation and construction of new housing. Some communities oppose this practice, based on the conviction that First Nations have an entitlement to housing.<sup>57</sup> Other First Nations do not have a rental regime in place for housing within their communities because there is a lack of political support, insufficient staff resources to put in place and enforce a housing rental regime, or they lack a local economy which would provide the revenue base for charging rent.

Given the complex and diverse nature of issues facing individual reserves, witnesses emphasized the need for a menu of options which recognizes the unique challenges of individual communities. They further observed that this menu needs to address the needs of those who have the means and desire to build their own homes as well as the needs of those First Nations people and communities for whom this will remain out of reach for a number of reasons.

## **B. Housing shortages and overcrowding**

*It's a huge crisis out there. Tens if not hundreds of thousands of homes need to be built, and many homes that I've seen are in dire need of repair. You can see it. You can see it first-hand. At the end of the day, it is improving. Are we catching up to fill that gap? I don't think we are.*<sup>58</sup>

There was unanimous agreement among witnesses, including departmental officials, that there is a significant housing shortage in First Nation communities. The magnitude of that shortfall ranges from

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<sup>56</sup> Vincent Genereaux, Housing Advisor, Technical Services, Housing Department, Prince Albert Grand Council, Proceedings of the Standing Senate Committee on Aboriginal Peoples, Issue No.6, 2nd Session, 41st Parliament, 28 May 2014, p. 6:137.

<sup>57</sup> John Kiedrowski. *National Post*. "John Kiedrowski: Rents on reserves," October 20, 2014.

<sup>58</sup> Harry Willmot, Senior Manager, Aboriginal Market Development, RBC Royal Bank *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No.4, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 4 March 2014, p. 4:74.

an estimate of 35,000 to 40,000 provided by the Department of Aboriginal Affairs and Northern Development Canada (AANDC) to an estimate of 85,000 provided by the Assembly of First Nations.<sup>59</sup> Witnesses were united in pointing out that this housing shortage is exacerbated by population growth. The result is that there are long waiting lists for housing in many First Nation communities, and many people live in overcrowded situations.<sup>60</sup> Harold Calla, Executive Chair, First Nations Financial Management Board gave the Committee a sense of the magnitude of the financial cost of this housing deficit: “Regardless of which number you look at, the housing deficit is somewhere in the range of \$3 billion to \$5 billion.”<sup>61</sup>

There is widespread agreement among the witnesses who appeared before the Committee and the communities that the Committee visited that the housing shortages and the poor quality of much of the existing housing stock on reserve is a serious problem requiring urgent attention. Some witnesses, like Harry Willmot, Senior Manager, Aboriginal Market Development, RBC Royal Bank, called the current situation “a crisis”. Chiefs at a recent annual general assembly for the 49 First Nations from the Nishnawbe Aski Nation (NAN) adopted a resolution declaring a NAN-wide housing state of emergency.<sup>62</sup>

The numbers themselves, however, do not tell the story of the implications associated with the shortfall in housing units. Witnesses appearing before the Committee have told the story behind these numbers.

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<sup>59</sup> Shawn (A-in-chut) Atleo, National Chief, Assembly of First Nations, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 11 February 2014, p. 3:112.

<sup>60</sup> According to a 2011 evaluation conducted by the Department of Aboriginal Affairs and Northern Development Canada (Evaluation, Performance Measurement and Review Branch, Audit and Evaluation Sector, *Evaluation of INAC's On-Reserve Housing Support*, February 2011, p. 2), the proportion of houses which are “overcrowded” is six times higher than that of non-Aboriginal Canadians.

<sup>61</sup> Harold Calla, Executive Chair, First Nations Financial Management Board, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No.3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 29 January 2014, p. 3:9.

<sup>62</sup> Les Louttit, Deputy Grand Chief, Nishnawbe Aski First Nation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No.8, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 15 September 2014 p. 8:107.

The Committee saw examples of families living in condemned housing because there are no alternatives.<sup>63</sup> In Kasabonika Lake First Nation, the Committee heard that as many as fourteen, fifteen, and seventeen people live in a three-bedroom house because of ongoing housing shortages. In Siksika First Nation, there are sixteen people in a 1,100 square foot house. In Kitchenuhmaykoosib Inninuwug, three adults and four children are living in a two-bedroom trailer-type unit.



**Photo: Because of the shortage of housing, some people live in condemned buildings or trailers for extended periods of time. (Tsartlip First Nation, British Columbia)**

In Tsartlip First Nation, the Committee heard about a recent fire in a trailer where eight people had lived, resulting in the death of one person.

Overcrowding has significant effects on people and on the buildings in which they live. There are health consequences to overcrowding. The Committee has heard that overcrowding affects the ability of children to get the proper rest they need to succeed in school. Child welfare authorities threaten to apprehend children because they are not living in proper housing.<sup>64,65</sup> Chief Perry Bellegarde of the Federation of Saskatchewan Indian Nations provided a compelling list of the impacts of overcrowding:

Overcrowded and inadequate housing means the spread of communicable diseases and other negative impacts on health. It means the lack of space for children to play and study. It means the increased family tension that

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<sup>63</sup> The Committee saw examples of this in its site visit to Tsartlip First Nation, and heard about this in the testimony of Theresa Spence, Chief, Attawapiskat First Nation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No.8, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 15 September 2014, p. 8:75.

<sup>64</sup> Brief submitted by Kitchenuhmaykoosib Inninuwug, September 2014.

<sup>65</sup> Theresa Spence, Chief, Attawapiskat First Nation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 8, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 15 September 2014, p. 8:75.

overcrowding creates and the lack of safe alternatives for family members if they fear violence. Inadequate housing affects a range of human rights.<sup>66</sup>

The shortage of housing options for seniors on reserve is also intricately linked to the housing shortage. In the Indian Brook First Nation in Nova Scotia, community leaders emphasized how important it was to avoid sending seniors into care outside of their communities, particularly given the experience of so many of these same individuals with being sent out of their communities to residential schools. Several other communities in Ontario and British Columbia expressed similar concerns about their ability to provide care to their seniors.

The Committee has heard that the lack of seniors' housing means that some seniors continue to live in homes they cannot properly maintain, and in homes which might be too large for their current needs. Meanwhile, other families continue to be on a waiting list for housing in the community. This highlights the interrelatedness of housing with other social issues, such as care for seniors. Although the particular housing needs of seniors were not a specific focus of the Committee's work, the Committee flags it as an important issue for First Nations.

Overcrowding in remote communities often results in homelessness. Community leaders in Sandy Lake explained that homelessness in that community is distinct from homelessness in southern Canada. When an individual or family loses a home for whatever reason, family members take the displaced individuals into their homes. The displaced people end up moving between the homes of family members until a more permanent solution can be found, often waiting a very long time. When families are already living in homes that are too small for their needs, this type of situation can lead to serious overcrowding. At times, there is no alternative for families but to leave their communities. In remote communities, like Kitchenuhmaykoosib Inninuwug in north-western Ontario, the major reason why people leave for the urban centres is due to the shortage of housing.<sup>67</sup>

Overcrowding also causes the rapid deterioration of buildings due to overuse and moisture build-up. For example in Sandy Lake, where residents have been under a boil water advisory since 2002, community members often live in overcrowded homes, sometimes with large families living in homes built as single-person dwellings. The Committee heard that boiling water for so many people contributes to moisture in the home and eventual mould growth.

The housing shortage has implications for the ability of a community to move forward on economic development. The Committee has heard, for example, that "it is next to impossible to retain or lure skilled or professional workers to the community due to the shortage of housing."<sup>68</sup>

"I can talk to our members about economic development. Do you know how people answer me in my community? "You can't even put a roof over our heads so that our kids can be healthy." (Arnold Gardner, Chief, Eagle Lake First Nation)

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<sup>66</sup> Perry Bellegarde, Chief, Federation of Saskatchewan Indian Nations, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No.5, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 9 April 2014, p. 5:183.

<sup>67</sup> Brief submitted by Kitchenuhmaykoosib Inninuwug, September 2014.

<sup>68</sup> Brief submitted by Kitchenuhmaykoosib Inninuwug, September 2014.

### C. Housing in need of major repairs

The Committee saw that there is a significant housing shortage on reserve. What is equally troubling is the poor condition of the existing homes in many communities. It was clear in both the testimony and in the site visits to communities throughout Canada that housing on reserve is much more likely to be in a serious state of disrepair than in other communities. Harold Calla, Executive Chair, First Nations Financial Management Board provided the following calculation:

There are approximately 108,000 housing units on reserve, and a survey of on-reserve housing conditions indicated that 37 per cent of those units needed major repairs and 34 per cent needed minor repairs. If you do the quick math, it indicates that approximately 40,000 units needed major repairs and 37,000 needed minor repairs.<sup>69</sup>

The site visits to various communities allowed the Committee to see first-hand the state of housing in which many First Nations people live. The Committee visited homes in Sandy Lake First Nation where some residents are confronted with regular sewage troubles including backups that cause sewage to flow back into their toilets, bathtubs and sinks because of inadequate wastewater infrastructure. The Committee drove through communities where large numbers of homes had tarps on their roofs because there was not enough money to do the roofing repairs required to keep those homes dry until winter. In north-western Ontario, we saw boarded up windows which could not be replaced before the next shipment of building materials would make its way on winter roads.



**Photo: Mould in a bedroom shared by several children. (Sandy Lake First Nation, Ontario)**

Committee members visited homes where mould had made its way half-way up the walls – homes which were still inhabited by families with children and seniors. Chiefs who appeared before the Committee at its hearing in Thunder Bay expressed great frustration with being unable to address the

<sup>69</sup> Harold Calla, Executive Chair, First Nations Financial Management Board, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 29 January 2014, p. 3:9.

dire situations caused by inadequate housing. The testimony of Alex McDougall, Chief, Wasagamack First Nation is indicative of the situations faced by chiefs in many of these communities:

People in Wasagamack are living in conditions that place them at high risk for illnesses. We have members who are unable to move back home from the city due to the housing conditions in the community. The First Nation continues to receive letters from doctors, nurses and members seeking adequate housing and/or maintenance. The First Nation is not financially equipped to address and comply with these requests.<sup>70</sup>

The Committee has heard that housing on reserves deteriorates more quickly than housing off-reserve for a number of reasons, including the use of poor quality building materials, lack of information among residents about how to maintain the housing, overcrowding, and insufficient funds to address maintenance problems. Several witnesses pointed out that overcrowding was a major contributor to the rapid deterioration of housing and to the widespread problem of mould in First Nations housing.

A significant maintenance issue, which the Committee heard about, was the presence of mould in First Nations housing. Many witnesses identified mould as a critical issue in their communities. They attributed the mould growth to poor building materials, lack of drainage, overcrowding, lack of awareness among occupants about how to prevent mould, and inappropriate housing designs. All three communities the Committee visited in Atlantic Canada have had problems with mould in houses in their communities, which can be partly attributed to inappropriate housing design for existing soil conditions. The Committee also heard that building homes to higher standards contributes to the mould problem, as many homeowners do not understand the principles of proper ventilation or how to use HVAC systems to control humidity.<sup>71</sup>

Mould is a serious problem in Sandy Lake in northern Ontario. For a variety of reasons including inferior construction materials, overcrowding and a challenging climate, mould tends to grow in Sandy Lake homes as early as one to two years after they are built. Many homes have been condemned due to significant mould contamination, but the need for housing is so great that families – even some with young children – have chosen to move back into condemned homes.

In several communities, the Committee heard that people continue to live in mould-infested homes because there are no alternatives:

When you [have] a severe housing shortage situation and a family that needs a roof over their heads you make the choice to stay, you make do and hope things change in the future.<sup>72</sup>

<sup>70</sup> Alex McDougall, Chief, Wasagamack First Nation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 8, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 15 September 2014, p. 8:111.

<sup>71</sup>The Committee heard this concern in a number of the site visits in northern Ontario, and also in the written presentation received from Kitigan Zibi Anishinabeg in Quebec.

<sup>72</sup> Brief submitted by Kitchenuhmaykoosib Inninuwug, September 2014.

In his presentation to the Committee, the Auditor General of Canada noted that the relevant federal departments had not allocated additional funding to address mould; determined the magnitude of the problem; estimated the costs to remediate existing mould; completed most items in the strategy; or met the strategy's timelines. He concluded "that progress toward improving housing on reserves was not satisfactory."<sup>73</sup>

The condition of housing in First Nation communities also leads to more house fires and higher death rates in these fires. The fire death rate on reserve is ten times higher than in the rest of Canada.<sup>74</sup> A number of witnesses drew a link between overcrowding, the state of housing on reserve and the large numbers of fire deaths in First Nation communities. Witnesses also pointed out that more needs to be done to educate people on fire safety and to inspect buildings to ensure that they are safe. Richard Kent, Secretary and Treasurer of the Aboriginal Firefighters of Canada told the Committee:

I do fire investigations in my area, and it's very unfortunate when I come to my conclusion on how the fire started, that a basic home fire inspection beforehand would have stopped that fire. The fire would not have happened had we had someone to go in to do a basic home fire inspection.<sup>75</sup>

First Nations leaders across the country want to address the maintenance needs of homes in their communities, but many are constrained from doing so by their financial capacity. While they are pressured by residents to complete much-needed repairs, the costs related to ongoing maintenance of housing can be significant. For example, Roxanne Harper of Turtle Island Associates told the Committee that: "[w]hat First Nations very quickly began to struggle with wasn't the construction cost; it was the actual cost of managing the asset, making sure the home was insured, making sure the home was repaired, maintained and kept at a minimum standard."<sup>76</sup> Despite these ongoing needs, the Committee has consistently heard that there is simply not enough money to properly maintain the housing. Similarly, a 2011 report of the Auditor General found that federal funding has not kept pace with the need for renovations of existing units.<sup>77</sup>

Although often limited in what they can do by available financial resources, First Nations witnesses suggested that the collection of rent on reserve and tenant education are two of the ways that communities are trying to address the

"We're teaching people how to live in houses. Some of our First Nations will not give a key to their homeowners until they have gotten a certificate from us that says we have taught them everything about that house, including finances — how money works — before they move into that house. So we're very proud of that." (Frank Bighead, Prince Albert Grand Council)

<sup>73</sup> Michael Ferguson, Auditor General of Canada, Office of the Auditor General of Canada, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 5 February 2014, p. 3:68.

<sup>74</sup> Shawn (A-in-chut) Atleo, National Chief, Assembly of First Nations, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 11 February 2014, p. 3:112.

<sup>75</sup> Richard Kent, Secretary and Treasurer, Aboriginal Firefighters of Canada, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 12 February 2014, p. 3:147.

<sup>76</sup> Roxanne Harper, Vice-President, Turtle Island Associates Inc., *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 5, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 1 April 2014, p. 5:88.

<sup>77</sup> Auditor General of Canada, "[Chapter 4: Programs for First Nations on Reserves](#)," *2011 Status Report of the Auditor General of Canada to the House of Commons*, s. 4.39.

maintenance needs of their residents. The Committee heard that communities which collect rent are able to have some revenue to offset maintenance costs. Where there is no rental regime in place, occupants of the housing units do not contribute financially to the maintenance costs, thus exacerbating the budget shortfall for housing maintenance.<sup>78</sup>

Witnesses, such as prominent architect Douglas Cardinal, called for the flexibility to design culturally and geographically appropriate housing. Others called for housing which is less complicated to maintain. The Committee saw an innovative example of low-maintenance housing in Atikameksheng Anishnawbek, where the housing was specifically designed to facilitate living for people who are not accustomed to managing complex housing components such as HVAC systems.

**Observations raised by Committee members**

Committee members raised a number of observations based on what they saw in First Nations communities. Hailing from the north, Senator Sibbeston reminded the Committee that many people from the north have had to adapt to rapid change, including moving into prefabricated housing. He highlighted the need for accessible home maintenance programs which recognize this fact. Senator Greene Raine observed that the type of housing in northern and remote communities did not appear to take advantage of local materials and traditional building techniques. She highlighted opportunities to incorporate traditional and geographically-appropriate building practices to build safe, healthy and mould-free homes.

A number of witnesses also identified the need to educate residents on how to maintain their homes.<sup>79</sup> Chief Perry Bellegarde emphasized that “tenant education is an essential part of helping people get the sense that the house in which they live is not just a housing unit, but their home.”<sup>80</sup> Several witnesses spoke positively about a housing education program called My Home is My Teepee, a curriculum designed by educators in Alberta with funding from CMHC, which teaches children from kindergarten through to grade 12 about housing maintenance and the value of housing to a community and to family.<sup>81</sup>

**D. Building codes**

Some witnesses suggested that one of the reasons that housing on reserve is of poor quality is that there is a regulatory gap relating to the application of building codes on reserve. Testimony was mixed on how to move forward on this regulatory gap. Some witnesses suggested that there is a need for federal legislation, and others emphasized the need to build capacity and to consult widely with First Nations before introducing legislation.

Departmental officials advised the Committee that First Nations are responsible for compliance with all applicable building codes. Karl Carisse, Senior Director, Innovation and Major Policy Transformation Directorate at Aboriginal Affairs and Northern Development Canada maintains that

<sup>78</sup> Roxanne Harper, Vice-President, Turtle Island Associates Inc., *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 5, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 1 April 2014, p. 5:91.

<sup>79</sup> The Committee heard about the importance of tenant education from community leaders in Pic River First Nation, Atikameksheng Anishnawbek, Six Nations, *inter alia*.

<sup>80</sup> Perry Bellegarde, Chief, Federation of Saskatchewan Indian Nations, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 5, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 9 April 2014, p. 5:183.

<sup>81</sup> Chris Maracle, as an individual, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 5, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 2 April 2014, p. 5:127.

it is up to chief and council to ensure that housing is built to building code standards.<sup>82</sup> Debra Darke of the Canada Mortgage and Housing Corporation told the Committee that “the First Nation is the jurisdiction with authority. That means the First Nation is responsible for the enforcement of codes on reserve. They would be comparable to a municipality, in effect.”<sup>83</sup>

During the course of this study, a change was introduced regarding building code compliance for housing projects built with support from CMHC. Since 1 April 2014, First Nations have been required to submit certificates of code compliance to CMHC at a minimum of three stages of the building of a house.<sup>84</sup> The Committee has heard, however, that some communities do not have their own qualified staff to conduct these inspections. Although tribal councils are able to make qualified staff available to a number of communities, some witnesses expressed concern that recent reductions in federal support to tribal councils could negatively impact the ability to continue providing those services.<sup>85</sup>

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.” However, the committee heard that only a handful of First Nations have enacted housing-related bylaws under this provision. 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. The Committee was told that without such bylaws, “inspectors appear to have no authority to shut down a site or to force contractors to address construction deficiencies that breach the NBC [National Building Code] or other housing standards.”<sup>86</sup>

While a small minority of First Nation communities have enacted building codes, adopted their own housing and fire safety bylaws and begun to enforce inspections, many other First Nations do not see this as their role. John Kiedrowski of the First Nations National Building Officers Association (FNNBOA) reported that, based on their review of bylaws submitted by First Nations to the federal government, only 20 communities have adopted bylaws to ensure that their homes are being built to National Building Code standards.<sup>87</sup>

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<sup>82</sup> Karl Carisse, Senior Director, Innovation and Major Policy Transformation Directorate, Aboriginal Affairs and Northern Development Canada, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 1, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 26 November 2013, p. 1:33.

<sup>83</sup> Debra Darke, Vice-President, Regional Operations and Assisted Housing, Canada Mortgage and Housing Corporation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 1, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 26 November 2013, p. 1:34.

<sup>84</sup> John G. Paul, Executive Director, Atlantic Policy Congress of First Nations Chiefs Secretariat, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 6, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 13 May 2014, p. 6:89.

<sup>85</sup> Witnesses who raised this concern include Roxanne Harper, Vice-President, Turtle Island Associates, 1 April 2014; and Bob Howsam, Executive Director, Ontario First Nations Technical Services Corporation, 5 March 2014.

<sup>86</sup> John Kiedrowski, First Nations National Building Officers Association, *First Nations Housing and Building Crises: Management of the Change Process*, 30 March 2013, p. 4.

<sup>87</sup> John Kiedrowski, Project Manager, First Nations National Building Officers Association, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 2, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 3 December 2013, p. 2:8.

Vincent Genereaux of the Prince Albert Grand Council confirmed this observation:

At the practical level, however, few bylaws exist that require construction to comply with the National Building Code and fire codes, nor zoning and other bylaws, nor permits issued, to ensure homes are built to code.<sup>88</sup>

The Committee heard that one of the problems with the current system of code compliance is that some of the agreements for infrastructure funding require the contractor, engineer or architect to provide the inspectors for a project. Keith Maracle of the First Nations National Building Officers Association called this a situation of “the fox watching the chicken coop” --- one where the inspector has a built-in incentive to cooperate with the contractor in order to continue obtaining contracts.<sup>89</sup>

Even if a community had adopted building codes, the Committee heard that many communities do not have the capacity to enforce building codes,<sup>90</sup> as the testimony of Bob Howsam, Executive Director of the Ontario First Nations Technical Services Corporation indicates:

I would say the majority of communities... are challenged in the areas of internal capacity and access to certified professionals.<sup>91</sup>

Vincent Genereaux from the Prince Albert Grand Council told the Committee that the growth in the stock of privately owned and financed housing on reserves may place some pressure on First Nations to address the lack of building codes on reserves. He noted that Prince Albert Grand Council began to actively develop a model building permit strategy in response to the demands of lenders and homeowners in the growing home ownership program.<sup>92</sup>

In order to ensure that housing in First Nation communities adheres to the standards in force elsewhere in Canada, some witnesses, such as John Kiedrowski of the First Nations National Building Officers Association, called for national legislation which would establish building codes on reserve. Similarly, John de Hooge, on behalf of the Canadian Association of Fire Chiefs, recommended that “federal legislation... apply federal or provincial building and fire codes to First Nation communities.”<sup>93</sup>

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<sup>88</sup> Vincent Genereaux, Housing Advisor, Technical Services, Housing Department, Prince Albert Grand Council, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 6, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 27 May 2014, p. 6-117.

<sup>89</sup> Keith Maracle, Vice President, Government Relations, First Nations National Building Officers Association, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 2, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 3 December 2013, p. 2:14.

<sup>90</sup> This was raised in the testimony of Perry Bellegarde, Chief, Federation of Saskatchewan Indian Nations; Bob Howsam, Executive Director of the Ontario First Nations Technical Services Corporation; and Merv Buckle, Advisor, Meadow Lake Tribal Council, *inter alia*.

<sup>91</sup> Bob Howsam, Executive Director of the Ontario First Nations Technical Services Corporation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 4, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 5 March 2014, p. 4:90.

<sup>92</sup> Vincent Genereaux, Housing Advisor, Technical Services, Housing Department, Prince Albert Grand Council, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 6, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 27 May 2014, p. 6:125.

<sup>93</sup> John de Hooge, Fire Chief, Ottawa Fire Service, Canadian Association of Fire Chiefs, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 12 February 2014, p. 3:146.

Although not necessarily rejecting legislation mandating the application of building codes on reserves, several witnesses highlighted the importance of ensuring that the capacity and resources necessary to comply with and enforce those standards be in place. Witnesses suggested that there is a need to ensure that First Nation communities have the human resource capacity to enforce building codes, once these are in place. The Committee heard that “the majority of communities ... are challenged in the areas of internal capacity and access to certified professionals.”<sup>94</sup> The capacity issue is particularly acute for small and remote communities. Merv Buckle, Advisor, Meadow Lake Tribal Council, explained the challenge of enforcing building codes in remote communities:

It becomes cost-prohibitive, so do chiefs and councils want to build to the national building code? I would say all of them, of course. It becomes the logistics in a situation where you've got community for 400 kilometres from Meadow Lake, 600, 700 kilometres from Prince Albert and Saskatoon. That's the difficulty you face in having certified people come that can do those home inspections and that have the qualifications.<sup>95</sup>

The Committee heard that there is a great deal of diversity among First Nation communities regarding their building practices. Some communities, such as Membertou, have adopted their own building codes and claim that these exceed the National Building Code requirements. Some communities and tribal councils have developed the capacity to conduct inspections, while others do not have any capacity.

**Innovation in Building Standards: First Nations Sustainable Development Standard (FNSDS)**

Atikameksheng Anishnawbek in Ontario was selected for a housing partnership with the Assembly of First Nations (AFN) and the Holmes Group, created by celebrity home improvement expert Mike Holmes. The goal of the project was to build affordable and sustainable housing on reserve and to develop the First Nations Sustainable Development Standard (FNSDS) that is intended to be a model for First Nations and even third parties seeking to build affordable, high quality, energy efficient homes with little maintenance required for residents. The AFN will make the FNSDS, which is currently being translated into French, available to interested parties across the country. Atikameksheng Anishnawbek had adopted the Ontario Building Code for homes built in the community, but has now supplemented the code with elements from the FNSDS.

Witnesses appearing before the committee were consistent in the view that legislation should be developed in consultation with First Nations. Several witnesses emphasized the need for consultation with communities in finding a solution to the regulatory gap relating to building codes.

<sup>94</sup> Bob Howsam, Executive Director, Ontario First Nations Technical Services Corporation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 4, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 5 March 2014, p. 4:90.

<sup>95</sup> Merv Buckle, Advisor, Meadow Lake Tribal Council, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 5, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 9 April 2014, p. 5:193.

## **E. Delivery of funding through the Canada Mortgage and Housing Corporation and AANDC**

The On-Reserve Non-Profit Housing Program, also known as the Section 95 program, assists First Nations in the construction, purchase, rehabilitation and administration of suitable, adequate and affordable rental housing in First Nation communities. Through this program, CMHC provides a subsidy to assist First Nations with the financing and operation of rental housing projects over a period of 15 to 25 years.

The Committee heard that the way that funding is announced and disbursed in the On-Reserve Non-Profit Housing Program created significant hardships for communities; that reliance on an annual funding competition made it very difficult to do proper community planning; and that federal government funding support for ongoing maintenance was too low.

First Nation communities across the country told the Committee that the funding programs were challenging to administer. Witnesses complained that there are often long delays between the submission of an application for housing, and the announcement of funding. Delays in funding announcements can place enormous pressure on communities, since the allocated funds need to be spent within the fiscal year. The Committee has heard that this process makes it difficult to organize construction, particularly where the weather conditions make it almost impossible to start construction in the winter.

In addition to these delays in securing funding, witnesses across the country talked about funding announcements that are made in the early fall for homes which have to be built by the end of the fiscal year (March 31<sup>st</sup>). The challenge of building over the fall and winter are exacerbated by lags in funding created by the need to demonstrate that one phase is completed before receiving the funding for the next phase. The testimony of Stewart Breaker from Siksika First Nation provided a description of the challenges which the Committee heard about throughout the country:

Once you get the excavating done and the concrete, that's phase 1. You have to do all of them at the same time, get the CMHC inspector to come out, and they'll sign off on it and send it to CMHC. It will take four to six weeks to get the next funding for the next phase, which is the shell. That keeps going... So here you are, middle of winter, and you're only on phase 2. You have the shell up. You have vandalism and arson occurring, so how are you going to get all these units done at the same time?<sup>96</sup>

In some of the communities the Committee visited in Atlantic Canada, security guards were watching over construction sites because the time lags created by the funding process left unattended construction projects vulnerable to vandalism and arson. Some witnesses called for greater flexibility in the way that funding is allocated by CMHC for Section 95 housing, pointing out that government budget and funding commitments allowing for multi-year activities would allow communities to mobilize in one fiscal year and build in the next fiscal year.

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<sup>96</sup> Stewart Breaker, Service Area Manager, Siksika Housing Administration, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 6, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 28 May 2014, p. 6:162.

Some communities noted that having to apply for housing allocations on an annual basis makes long-term planning almost impossible. Some communities, for example Tsartlip First Nation, try to prepare comprehensive community plans that would allow for planning over several decades. The Committee heard that communities like Tsartlip want to incorporate housing in a wider planning process for the community, but that First Nations do not receive adequate funding for planning in their funding from AANDC.

Through the Section 95 Program, CMHC also subsidizes mortgage payments over a 15-to-25-year period. A portion of the mortgage is to be paid by the resident over that same period. While some communities have put in place efficient systems to collect the occupant's portion of the mortgage payment (which is collected as rent) on these homes for the period of the mortgage, others have not. At times, particularly in northern communities, rent is not collected because the cost of living is very high and utility costs take up a large portion of the shelter allowance payment. There is a realization that some people cannot afford to pay rent: As Roxanne Harper noted, it is almost impossible to ask the average Northerner "Can you also pay \$300 of rent on top of your \$500 hydro bill and your \$1,200 grocery bill?"<sup>97</sup> Since the mortgage payments for these homes still need to be made, the Committee was told that First Nations may sometimes dip into other Band funds to meet the mortgage obligations created by overdue rent collections. This creates a financial liability for the First Nation.

#### **F. The role of the shelter allowance portion of the Income Assistance Program**

The Committee has heard from several communities that the shelter allowance payments which are provided through the Income Assistance Program plays an important role in helping a community maintain its housing stock.

AANDC regional offices administer the Shelter Allowance in accordance with the eligibility criteria set by the provinces. Because provincial and territorial legislation requires that individuals who receive income assistance provide evidence of their shelter costs, such as receipts or rental agreements, to be eligible for the shelter allowance component, this same eligibility criteria is then placed on social assistance recipients living on reserve. In practice, according to AANDC, this requirement means that First Nations must establish a universal rental regime to qualify for Shelter Allowances if they have community members living in band housing.

Several witnesses who appeared before the Committee raised the issue of regional differences in the way in which this shelter allowance component is administered across the country. In some regions, such as Atlantic Canada, on-reserve Shelter Allowance is paid directly to the band as both the service provider and the landlord. In these communities, the shelter allowance is paid directly to the Social Assistance Department and then transferred to the Housing Department as the landlord. In Ontario, the shelter allowance is paid directly to the social assistance recipient, and is then collected

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<sup>97</sup> Roxanne Harper, Vice-President, Turtle Island Associates Inc., *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 5, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 1 April 2014, p. 5:88.

by the First Nation.<sup>98</sup> The Committee heard that in some regions, such as Manitoba and Saskatchewan, First Nation communities are not able to collect revenue from shelter allowances. The question of regional inconsistency in applying the shelter allowance policy was flagged by the Auditor General of Canada in 2003. At that time, it was estimated that the additional cost of fully applying the policy nationally would be between \$40 million to \$65 million a year.<sup>99</sup> Although current estimates for implementing a universal regime are not available, the testimony received from witnesses across the country is consistent with the conclusions of AANDC's 2010 evaluation of its Shelter Allowance program<sup>100</sup> that the funding has not kept pace with rising inflation and building costs. The evaluation reports that "[c]ommunities visited for the case studies are concerned that the high cost of utilities on reserve is draining Shelter Allowance funding and, as a result, First Nation communities struggle to meet their rent and mortgage payments."<sup>101</sup>

### G. Adequacy of federal funding to address housing needs

*Why there's not enough housing? The 2 percent cap has been there since 1996. The funding model doesn't keep up with the fastest-growing segment of the population... The funding model doesn't keep up with the need. It doesn't keep up with CPI or inflation.*<sup>102</sup>

Witnesses from across the country told the Committee that funding levels for housing through CMHC and AANDC were inadequate to address the magnitude of the housing shortage. Witnesses have pointed to a number of financial pressures which have contributed to this situation, including the 2% departmental escalator cap, inflation, the remoteness of many communities, and the population growth on reserve.<sup>103</sup>

The Committee has heard that CMHC Section 95 funding is an important source of financing for housing on reserve, yet only 546 units were committed under that program in 2013. Placed in the context of a housing shortage of 35 000 to 85 000 units, it is clear that that the funding from this program cannot possibly begin to address the housing needs on reserve.

Even without taking into consideration the impact of population growth on the increasing housing shortage, Harold Calla provided the following analysis outlining the inability of the current level of federal government funding to make a significant dent on the shortage of housing on reserve:

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<sup>98</sup> Department of Aboriginal Affairs and Northern Development Canada, Evaluation, Performance Measurement and Review Branch, Audit and Evaluation Sector, [Evaluation of Shelter Allowance as it Relates to On-Reserve Housing](#), 2010, revised 2011.

<sup>99</sup> Office of the Auditor General of Canada, "Chapter 6: Federal Government Support to First Nations – Housing on Reserve," *Report of the Auditor General of Canada – April 2003*, p. 20.

<sup>100</sup> Department of Aboriginal Affairs and Northern Development Canada, Evaluation, Performance Measurement and Review Branch, Audit and Evaluation Sector, [Evaluation of Shelter Allowance as it Relates to On-Reserve Housing](#), 2010, revised 2011.

<sup>101</sup> Ibid.

<sup>102</sup> Perry Bellegarde, Chief, Federation of Saskatchewan Indian Nations, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 5, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, April 9, 2014, p. 5:196.

<sup>103</sup> Harold Calla, Executive Chair, First Nations Financial Management Board, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 29 January 2014, p. 3:10.

AANDC reports that Government of Canada funding and the First Nations' own funding investment result in, on average, construction of about 1,750 new units a year and the renovations are about 3,100 units a year. At this rate it will take 23 years to address the AANDC estimate of the current housing shortage and 49 years to address the AFN's estimate. In addition, it would take 25 years to renovate the units that currently need repair.<sup>104</sup>

These stark numbers mean that either the federal government will have to significantly increase funding to address the housing shortage, or that alternative means of financing will need to be found. The Committee has heard witnesses speak to both options, and to a combination of these options. For example, Harold Calla suggested a number of ways to increase the amount of funding which could be made available to address the housing needs of First Nation communities, including securitizing annual federal funding,<sup>105</sup> working with First Nations to develop local economies, and examining “the fiscal financing relationship between Canada, the provinces and First Nations.”<sup>106</sup>

AANDC provides support for housing through its minor capital allocations. The funds allocated under this program need to cover renovations, housing, transportation, rehabilitation, septic and water systems, school additions, access roads, upgrades, restoration and new constructions, electrification, and waste management.<sup>107</sup> The Committee has heard that the funding received is insufficient to meet these needs, which forces First Nation communities to make difficult choices about how to distribute their minor capital allocations. First Nations apply the minor capital allocations to various housing-related needs – servicing lots for construction,<sup>108</sup> maintaining the existing housing stock, or building new homes – however, many witnesses explained that the low funding levels in the minor capital budget make it impossible for them to keep up with the demand for new housing, new lots, and required repairs.

The Committee has heard that, in some communities, federal government funding is supplemented by other forms of financing for housing, including a First Nation's own-source revenue and private home ownership. While private home ownership is a reality in some First Nation communities, there are many communities which are exclusively reliant on federal government funding programs through CMHC and AANDC for the construction and maintenance of housing. The Committee visited small, isolated communities where the unemployment rate was over 85%, and where there were few economic opportunities for residents. These communities do not have the same access to capital for private home ownership as some other communities the Committee visited, which had

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<sup>104</sup> Harold Calla, Executive Chair, First Nations Financial Management Board, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 29 January 2014, p. 3:9.

<sup>105</sup> When asked for clarification on what he meant by securitization, Harold Calla provided the following: “Securitization is a fancy way of saying we're going to borrow money, take the money that's provided annually and use it to service debt.”

<sup>106</sup> Harold Calla, Executive Chair, First Nations Financial Management Board, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 29 January 2014, p. 3:14.

<sup>107</sup> Chief Shining Turtle, Whitefish River First Nation, Chiefs of Ontario, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 5, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 2 April 2014, p. 5:115.

<sup>108</sup> Atikameksheng Anishnawbek, for example, noted that the funds it receives from AANDC for minor capital are generally used to service lots in preparation for home construction.

thriving business enterprises and unemployment rates as low as 4%. Given this reality, many communities will continue to be reliant on federal government funding for their housing.

Throughout the country, witnesses emphasized the need for a large federal investment in First Nation housing to address the shortage of housing and the maintenance of the existing housing stock:

The problem or overarching issue in addressing the on-reserve housing and infrastructure gaps is the fact that there is just not enough money. You can slice it and dice it however many times you want, but when you throw two dollars up and it lands on the table, unless there is divine intervention, it's still two dollars. Money is going to be needed to address this issue.<sup>109</sup>

Similarly, the Assembly of First Nations (AFN) called for “massive federal investment to eliminate the accumulated backlog.”<sup>110</sup>

## H. Facilitating home ownership options

*People want something different. They want to build a home that they can feel proud of. I think the difference is that pride of ownership; you can really see it.*<sup>111</sup>

The Committee heard that private home ownership on reserve can play an important role in beginning to address the housing shortage. John Beaucage, Chair of the Trustees, First Nations Market Housing Fund, described for the Committee how facilitating home ownership would allow the community to free up the existing, band-owned housing units for those who need it:

We are also very cognizant that there are a lot of people in our First Nation communities who are in need of housing assistance, and we've seen in one community, Wemindji, where people have moved out of socially assisted houses and moved into home ownership, thus letting those socially assisted houses be open for other people who are in need. If we can look at that for, say, 25,000 units across the country, that will open up a lot of social housing units for people who do need them. So it's a bit of a domino effect that we're looking at, and as we start building up our portfolio of housing units, it will only help.<sup>112</sup>

The Committee heard that there is a growing middle class among First Nations people, and that, in some communities, there appears to be a generational shift toward embracing the possibility of

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<sup>109</sup> Harold Calla, Executive Chair, First Nations Financial Management Board, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 29 January 2014, p. 3:10.

<sup>110</sup> Madeleine Paul, Chief, Eagle Village First Nation, Quebec, Assembly of First Nations, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 1 February 2014, p. 3:104.

<sup>111</sup> Harry Willmot, Senior Manager, Aboriginal Market Development, RBC Royal Bank *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 4, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 4 March 2014, p. 4:74.

<sup>112</sup> John Beaucage, Chair of the Trustees, First Nations Market Housing Fund, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 2, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 10 December 2013, p. 2:53.

private home ownership. Stewart Breaker, Service Area Manager, Siksika Housing Administration suggested that “[t]he older members hold that treaty right to housing. Those under age 40 want to have something to own rather than just having hand-outs. The environment is changing.”<sup>113</sup>

Several witnesses expressed the conviction that if people own their own housing, they are more likely to take responsibility for maintaining their homes. Chief Duncan Michano in Pic River First Nation in Ontario told the Committee that “when people own their houses, they have a stake in it, they are proud of it, they care.”<sup>114</sup>



**Photo: Private home ownership is the norm in some First Nation communities (Campbell River, British Columbia).**

The Committee has heard about several programs that First Nation communities have developed in order to make home ownership available to their members. Some communities, including Kitigan Zibi Anishinabeg, Curve Lake First Nation and Six Nations of the Grand River, have developed their own solutions, such as revolving loan fund programs, where First Nations lend capital to their members for home construction and/or repairs. Other communities have qualified for the First Nations Market Housing Fund (FNMHF), which allows their members to obtain conventional mortgages with the backing of the Band.

We Wai Kai First Nation on Vancouver Island learned about managing the construction of private housing by trial and error. In order to make sure that new subdivisions are built up as soon as possible, the community now allocates lots only when the Band member has immediate plans to build. This allows the community to maximize use of expensive housing infrastructure.

The Committee also heard that some of the homes which were constructed under CMHC’s Section 95 also become privately owned. Once the mortgage has been paid off on properties built through CMHC’s Section 95 program, some communities turn over the ownership to the residents who have contributed to the mortgage payments throughout the years. One of the benefits for the First Nation

<sup>113</sup> Stewart Breaker, Service Area Manager, Siksika Housing Administration, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 6, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 28 May 2014, p. 6:151.

<sup>114</sup> Quotation noted in a site visit to Pic River First Nation on 17 September 2014.

was that the resident becomes responsible for the ongoing maintenance of the house. Frank Bighead of the Prince Albert Grand Council illustrated this through the example of the Lac la Ronge Indian Band in Saskatchewan:

We evaluated the houses that the people were interested in purchasing. If they were beyond a certain age we could sell them for as little as \$5,000. Depending on what kind of shape the house was in, we would mix and match programs, like the Residential Rehabilitation Assistance Program, and bring it to a certain level before we hand it over to the people so they have a fresh start. So then they sign an agreement saying, "No, I will not go bug the band office for a stove element." It's 100 per cent their responsibility from that day forward. That's the beauty of home ownership, in our view.<sup>115</sup>

Some communities have a great interest in private home ownership. These tend to be communities which have well-established own-source revenues or have high employment rates among their community members. Several witnesses also pointed out that not all communities are ready to move toward private home ownership.

In their travels to various First Nation communities across the country, members of the Committee were able to see how remote communities with high unemployment levels are not currently in a position to benefit from private home ownership options. Harry Willmot, Senior Manager, Aboriginal Market Development, RBC Royal Bank provided examples of the limitations of private housing on reserve:

As you move further north away from major urban centres, job opportunities are not available, or they are few and far between, and the opportunity for us to apply this particular program [RBC's On Reserve Housing Loan Program] in those communities is limited at the best of times.<sup>116</sup>

Despite some of the limitations inhibiting private home ownership, the Committee heard that moving forward on addressing the critical shortage of housing on reserve will require efforts to facilitate home ownership where there is a desire and a capacity on the part of individual First Nations and their members.

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<sup>115</sup> Frank Bighead, Director, Technical Services, Prince Albert Grand Council, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 5, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 28 May 2014, p. 6:131.

<sup>116</sup> Harry Willmot, Senior Manager, Aboriginal Market Development, RBC Royal Bank *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 4, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 4 March 2014, p. 4:72.

## I. Capacity to administer housing stocks on reserve

*The other thing I will share with you is this: We sit here in Thunder Bay. Thunder Bay has a mayor. Does he worry about the housing of the people? Does he worry about fixing the schools? Well, he has people to do that, but he doesn't deal with it himself. Sometimes, it's not fair to us either.*<sup>117</sup>

As mentioned above, on-reserve housing is managed through housing authorities reporting to chief and council or directly by chief and council. Those responsible for housing administer housing-related programs, take care of ongoing maintenance requests, and are increasingly involved in developing housing policies for their communities. Among other things, housing authorities are involved in the policies regarding the setting and collection of rent on reserve.

Managing large housing portfolios is a complex task. When there is no housing authority in place, the task falls on chief and council or the Band manager. This is a difficult task. While the benefits of having dedicated housing staff were highlighted in site visits and in the testimony, the Committee has heard that there are many challenges involved in finding, retaining, paying and training qualified staff. Some witnesses suggested that there is a great need for capacity development for managing housing. Roxanne Harper of Turtle Island Associates suggested that much more needs to be done to ensure that there are “qualified individuals to protect both the people and the property that exist on the ground.”<sup>118</sup> Witnesses pointed out that there are communities with housing staff “who are not qualified to be managing millions of dollars’ worth of real estate.”<sup>119</sup>

The Committee has heard that there have been efforts at the federal level to support the capacity of First Nations to manage their housing portfolios. These have included workshops, training sessions, networking opportunities, and special initiatives through AANDC and CMHC. The First Nations Market Housing Fund (FNMHF) provides eligible communities with support for housing-related capacity, including “financial assistance for staff to obtain accounting designations and certifications in technical areas such as water, waste water, gas and oil installation, lands and property management.”<sup>120</sup> These efforts to build a professional core in First Nation communities have been described as a key part of the solution to problems such as the enforcement of building codes.<sup>121</sup>

Some witnesses suggested that it would be helpful to some communities if they could apply to the FNMHF for the capacity development components only, without intending to use the fund for

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<sup>117</sup> Arnold Gardner, Chief, Eagle Lake First Nation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 8, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 15 September 2014, p. 8:55.

<sup>118</sup> Roxanne Harper, Vice-President, Turtle Island Associates Inc., *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 5, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 1 April 2014, p. 5:96.

<sup>119</sup> Roxanne Harper, Vice-President, Turtle Island Associates Inc., *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 5, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 1 April 2014, p. 5:98.

<sup>120</sup> John Beaucage, Chair of the Trustees, First Nations Market Housing Fund, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 2, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 10 December 2013, p.2:42.

<sup>121</sup> See testimony of Harold Calla, Executive Chair, First Nations Financial Management Board, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 29 January 2014. p. 3:39.

market housing. For example, while community leaders in Eskasoni recognized the capacity building benefits of the First Nations Market Housing Fund (FNMHF), officials noted that they found that the criteria to access the fund, in particular the governance criteria, are too restrictive and cumbersome. They suggested that their community would benefit from support at the front end, *in order to qualify for the FNMHF*. Bob Howsam, Executive Director of the Ontario First Nations Technical Services Corporation told the community “limiting the capacity development portion of that programming to communities that sign up for the program is a constraint on how effective that program and amount of money could be.”<sup>122</sup>

In addition to managing a community’s housing stock, housing managers across the country are involved in efforts to curtail maintenance costs by educating tenants and home-owners on reserve in basic home ownership and maintenance. This education can have important impacts on reducing the long-term maintenance costs and preventing serious maintenance issues such as the development of mould. The implementation of such education and remediation programs requires time and expertise, however. A dedicated housing authority or manager can play a key role in this.

**Building Capacity for Housing Management and Inspection: Vancouver Island University**

Vancouver Island University offers two programs that contribute to capacity development with respect to housing management and home inspection for First Nations communities:

The **First Nations Housing Manager Certificate Program** trains existing housing managers through six online courses. This comprehensive program provides courses in housing administration, finances, interpersonal communication, and construction and renovation basics. Students are encouraged to share their on-the-ground experiences with each other, and as part of the course, they develop a housing plan for their community. Because the course is offered online, housing managers can continue to work in their communities while strengthening their knowledge and skills. The course relies heavily on publicly-available CMHC educational materials, which provides students with an easy way to share their knowledge with their communities.

Vancouver Island University also offers a **First Nations Building Inspector Program**. This nine-week program teaches students a range of inspection techniques, including site, excavation, pre-backfill, pre-drywall and final inspections, and provides training on communications, first aid, and residential rehabilitation. Although the course is currently offered only on site, Vancouver Island University is transitioning the program into online delivery, which will allow for greater access to the program across the country. At this time, the program only confers certification for British Columbia First Nations inspections, but the university is working towards providing national certification both on and off-reserve with the goal of increasing employment opportunities for its graduates.

The Committee was fortunate to meet with so many exceptional housing managers. The Committee commends the dedication and hard work of so many housing managers who are devoted to finding innovative practices and solutions in First Nations across the country. The Committee has witnessed first-hand the impact that a housing manager can have in a community. Communities with housing managers were more likely to have transparent housing policies, to have and enforce building codes, to implement inspection and maintenance programs, and to collect rents to help maintain the housing stocks.

<sup>122</sup> Bob Howsam, Executive Director of the Ontario First Nations Technical Services Corporation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 4, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 5 March 2014, p. 4:90.

Some communities have implemented policies and bylaws dealing with housing, including rental policies. Witnesses reminded the Committee that enforcement of these is particularly challenging in small First Nation communities, particularly where the responsibility falls directly on chief and council without the support of a housing authority or other staff dedicated to housing. The testimony of Frank Bighead of the Prince Albert Grand Council illustrated this challenge:

The truth of the matter is that, if somebody does not adhere to the bylaw, who is going to go and evict that person? ... What politician would walk up to their neighbours or to one of their constituents' houses and evict them? You wouldn't be a politician very long.<sup>123</sup>

The Committee has heard that having the necessary staff resources in place is key to establishing a rental regime on reserve. Currently, First Nations who wish to hire a housing manager need to find funding from their own capital budgets or revenue to fund this position. Several witnesses<sup>124</sup> called for the federal government to provide dedicated funding for housing management and maintenance positions in First Nation communities as part of their core funding.

#### **J. Lack of agreement on responsibility for housing on reserve**

*Is housing a treaty right? Is education a treaty right? Is water a treaty right? There seems to be a big, big misunderstanding between what we think and what the government thinks. There has to be some kind of movement toward that.*<sup>125</sup>

Housing on reserve is a responsibility that is shared by First Nation communities, and two federal government departments or agencies, AANDC and CMHC. The Committee has heard, however, that there is no agreement on the respective roles and responsibilities of each of these players with regard to providing housing. Additionally, the Committee has heard that 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 that Chris Maracle described as "a state of limbo" - a situation where the housing shortage continues to grow, and the current housing stock continues to deteriorate.

The Committee heard from a number of witnesses who claim that there is a treaty right to housing.<sup>126</sup> This view is clearly reflected in the testimony of Frank Bighead, Director, Technical Services,

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<sup>123</sup> Frank Bighead, Director, Technical Services, Prince Albert Grand Council, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 5, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 28 May 2014, p. 6:137.

<sup>124</sup> Including Chief Shining Turtle, Chiefs of Ontario; Chief Perry Bellegarde, Federation of Saskatchewan Indian Nations; and Roxanne Harper of Turtle Island Associates.

<sup>125</sup> Arnold Gardner, Chief, Eagle Lake First Nation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 8, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 15 September 2014.

<sup>126</sup> Some of these witnesses include Perry Bellegarde, Chief, Federation of Saskatchewan Indian Nations; Frank Bighead, Prince Albert Grand Council; Mike Morris, Councillor, Kasabonika Lake First Nation; as well as community leaders in many communities in northern Ontario such as Kitchenuhmaykoosib Inninuwug.

Prince Albert Grand Council, which reflects a position held by many First Nations people, particularly those from Ontario and from the prairie provinces:

It is the Prince Albert Grand Council's position that Shelter as housing, renovations and related infrastructure is a Treaty Right and forms part of the Federal Trust and Fiscal Responsibility. The position is based on the special First Nations-Crown relationship dating back to the Royal Proclamation of 1763. Section 91(24) enhances this position in the *Constitution Act, 1867*, and Sections 25 and 34 of the *Constitution Act, 1982*.<sup>127</sup>

The Government of Canada, on the other hand, “does not recognize a universal entitlement to government-financed housing as either a treaty right or an Aboriginal right. It has taken the position that assistance for housing is provided as a matter of social policy.”<sup>128</sup> The federal government maintains that there is shared responsibility for housing, with the responsibility of the First Nations partners as follows:

First Nations own and operate housing on reserve and are responsible for the completion and ongoing management of housing projects. These responsibilities include rent collection, repair and maintenance, and ensuring that units constructed meet or exceed the requirement of the *National Building Code of Canada* or an accepted equivalent code.<sup>129</sup>

An evaluation of AANDC's on-reserve housing support suggested that “clarifying the definition of shared responsibilities could improve results.”<sup>130</sup>

#### **K. Responsiveness of Aboriginal Affairs and Northern Development Canada to community challenges**

*The Indian Affairs person should know that particular First Nation and be able to talk on behalf of that First Nation to the regional office and say, "Look, they need this. What's the problem?"*<sup>131</sup>

There was a general consensus among First Nations people that their needs were not properly taken into consideration by federal officials in the development of legislation, policies and programs. Many First Nation communities in Ontario including Eagle Lake, Attawapiskat, Sandy Lake, Kitchenuhmaykoosib Inninuwug, Ojibways of the Pic River, and Atikameksheng Anishnawbek First Nations complained that departmental officials did not come to visit their communities to see first-

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<sup>127</sup> Frank Bighead, Director, Technical Services, Prince Albert Grand Council, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 5, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 28 May 2014, p. 6:110.

<sup>128</sup> Canada, Royal Commission on Aboriginal Peoples, *Report of the Royal Commission on Aboriginal Peoples: Gathering Strength*, Vol. 3, p. 374.

<sup>129</sup> Canada. Aboriginal Affairs and Northern Development Canada. *Comprehensive Audit : Attawapiskat First Nation*, 2012.

<sup>130</sup> Department of Aboriginal Affairs and Northern Development Canada, Evaluation, Performance Measurement and Review Branch, Audit and Evaluation Sector, *Evaluation of INAC's On-Reserve Housing Support*, February 2011.

<sup>131</sup> Charles Baxter Sr., Housing Manager, Constance Lake First Nation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 8, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 15 September 2014, p. 8:43.

hand the challenges that they face. They pointed out that they were often called upon to fill out reports and applications to meet criteria set by the department, a time-consuming process.

First Nations leaders expressed a concern that the urgency of the situations they faced was not fully grasped by the department. The testimony of Chief Arnold Gardner of Eagle Lake First Nation reflects a common concern expressed in site visits throughout the country – that departmental officials had not visited their community to see first-hand the housing and infrastructure challenges in that community :

What I also want to share with you is that — and I will be honest, that’s what I’m all about — I feel that our people have answers. I feel that we, as leaders, have answers. Unfortunately, a lot of the staff don’t understand what they’re talking about. We have a department of Aboriginal Affairs here in Thunder Bay. As far as I’m concerned, in the 20 years I have been a leader, I haven’t been to their office more than maybe six times. They can’t tell me because they don’t come to our community.<sup>132</sup>

The need for consultation was highlighted by witnesses who appeared before the committee, as well as people the Committee met with in First Nation communities. Eminent Canadian architect Douglas Cardinal described how the lack of consultation has resulted in policies and programs that may not reflect community needs:

I found that the major issue in the communities is a lack of listening to and respecting the people of the First Nations and very little consultation in developing various programs and systems, which don’t grow from the people themselves but are in a sense designed and developed outside the community and pushed on the people as solutions that would be best for them. I think that lack of respect and real understanding of the First Nation communities is the reason for their dire situation.<sup>133</sup>

Some witnesses expressed a frustration that their communities were asked to fit into the programs offered by federal government departments and agencies, rather than taking the needs of First Nations as a starting point. For example, in Six Nations of the Grand River, located near the city of Brantford, Ontario, the Committee heard that leaders had been repeatedly invited to participate in the First Nations Market Housing Fund, even though that fund does not fit the current needs of that community; Six Nations has a large revolving loan fund, which it uses to finance those interested in mortgaging their home. This illustrates the dynamic that the Committee heard repeatedly – that communities were being asked to fit into pre-existing programs that do not meet their needs.

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<sup>132</sup> Arnold Gardner, Chief, Eagle Lake First Nation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 8, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 15 September 2014 p. 8:55.

<sup>133</sup> Douglas Cardinal, Architect, as an individual, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 6, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 28 May 2014, p. 6:94.

## L. Housing in remote and northern communities

There are many challenges which are common to remote communities in northern Canada. The Committee's visits to communities in northern Ontario confirmed the observations of Chief Shining Turtle of Whitefish First Nation, who described these northern housing needs as follows:

Northern housing demands need particular attention. Housing of quality in the North is expensive to build. Houses are expensive to operate, and they're very difficult to maintain. Anybody that's had an experience in Northern communities will know that. This is attributed to the high cost of transportation, energy, building materials, shortage of skilled labourers, a short construction season and severe climates.<sup>134</sup>

The cost of construction in remote northern communities is compounded by the cost of transporting building supplies by barge or by winter road. When the winters are not cold enough for the opening of the winter roads, the materials must be flown into the community. Witnesses suggested that the funding levels for northern housing had not kept up with cost increases, making it even more difficult to build housing. These challenges are exacerbated by the fact that many of these communities have limited access to a local economy and face high unemployment levels, making it almost impossible for individuals to build their own homes. These communities are thus particularly reliant on the federal government to provide their housing.

"There are no Canadian Tires or other stores in our community. The nearest one costs at least \$1,200 to fly to it. Thus basic repairs are often uncompleted by householders due to the lack of ability to buy repair items." (Chief Theresa Spence, Attawapiskat First Nation)

While AANDC takes into account the increased costs of northern and remote communities through a remote and isolation index in their funding formula, witnesses remarked that this index is not reflective of the needs of these communities,<sup>135</sup> and that the amount allocated for the remoteness factor "must be greatly increased."<sup>136</sup>

In addition to the need for increased funding for northern communities, witnesses also told the Committee that it was necessary to develop appropriate and sustainable housing for the north which took into consideration "economic and environmental aspects as well as social, health, and cultural considerations."<sup>137</sup>

<sup>134</sup> Chief Shining Turtle, Whitefish River First Nation, Chiefs of Ontario, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 5, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 2 April 2014, p. 5:120.

<sup>135</sup> Alex McDougall, Chief, Wasagamack First Nation *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 8, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 15 September 2014, p. 8:66.

<sup>136</sup> Kasabonika Lake First Nation. *Submission to the Senate Committee on Aboriginal Peoples*, 15 September 2014, p. 4.

<sup>137</sup> Les Louttit, Deputy Grand Chief, Nishnawbe Aski First Nation, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 8, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 15 September 2014 p. 8:84.

Given the particular challenges faced by northern communities, some witnesses called for the need to develop a northern housing strategy for northern and remote communities.<sup>138</sup>

### M. Land management

The Committee's fact-finding missions have involved travel to First Nation communities operating under a variety of land tenure systems. Some of these communities operate under the *Indian Act* land management framework, and may rely on certificates of possession to allot individual land holdings on reserve. Others have opted into the *First Nations Land Management Act* (FNLMA) and have enacted their own zoning and residential land use laws. Westbank First Nation operates under a self-government agreement. Importantly, for self-governing and FNLMA First Nations the land provisions of the *Indian Act* no longer apply.

The Committee heard that some of the main barriers to home ownership on reserve stem from the *Indian Act*'s prohibition on the sale or conveyance of reserve lands to third parties and its restrictions on the seizure of reserve lands. The prohibition on the sale of lands limits the market for housing on reserves, and the restrictions on seizure mean that most financial institutions will not be willing to grant traditional mortgages for on-reserve properties.

The Committee heard from several communities about the innovative approaches they have used to facilitate home ownership under their existing land tenure systems. Innovative uses of land have also enabled economic development opportunities, which some First Nations, including Atikameksheng Anishnawbek, have used to re-invest in housing for their members. The Committee heard about the use of 99-year leases for housing and economic development opportunities under various types of land tenure. Westbank First Nation uses a particularly innovative approach to leasing, called "A to A leasing," whereby residents lease their land allotment to themselves, and use the lease as collateral for bank loans.

#### **A to A leasing in Westbank First Nation**

Westbank First Nation (WFN) is a community operating under a self-government agreement. Westbank First Nation uses an innovative approach to leasing that has allowed community members to obtain private mortgages. The community has used 99-year leasing for commercial development in the past, but has also begun to use this type of leasing for homeownership. In an approach WFN calls "A to A" leasing, a band member who has a land allotment may lease the allotment to him- or herself, and obtain a mortgage for this lease from a bank. The band member is essentially both landlord and tenant. In the event of a default, the bank may seize the lease, meaning that it would have the use of the land for the remainder of the 99-year lease, but title for the land remains with WFN. This approach creates a marketable interest in the land, and WFN does not have to be involved in the transaction.

The Additions to Reserves process, which this Committee studied in 2012, was also highlighted by witnesses as creating economic development opportunities providing much needed land for housing

<sup>138</sup> Roxanne Harper, Vice-President, Turtle Island Associates Inc., *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 5, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 1 April 2014, p. 5:82.

purposes. However, witnesses – including Eskasoni First Nation – suggested that this process was slow and cumbersome.<sup>139</sup>

The Committee also heard evidence from C. T. (Manny) Jules, Chief Commissioner of the First Nations Tax Commission, about his proposal for fee simple ownership in First Nation communities. Essentially, his proposal would require a transfer of title for reserve lands from the Crown to individual First Nations. Each First Nation could then transfer fee simple ownership to its members, or to third parties, if it chose to do so. Mr. Jules has suggested that this could be achieved through opt-in legislation.<sup>140</sup>

## **N. Funding for housing-related infrastructure**

The Capital Facilities and Maintenance Program (CFMP) within AANDC is the main pillar of the Government of Canada’s effort to support community infrastructure for First Nations on reserve.

The program’s funding, which totals over \$1 billion per year, is invested in four main areas: housing, education, water and wastewater systems, and other infrastructure (roads and bridges, fire protection, electrification, community facilities, etc.). The program has three funding streams – operations and maintenance (O&M), minor capital (for projects under \$1.5 million) and major capital (for projects over \$1.5 million).

The Committee has heard that First Nation communities have to make difficult choices about how to distribute their capital allocations. The funds allocated under this program need to cover renovations, housing, transportation, rehabilitation, septic and water systems, school additions, access roads, upgrades, new constructions, restoration, electrification, and waste management.<sup>141</sup>

Witnesses across the country also raised the important link between housing and housing-related infrastructure. Witnesses have suggested that the cost of housing-related infrastructure, such as water and sewage, is about \$30,000 to \$40,000 per lot. In Eskasoni, Nova Scotia, for example, the Committee heard that the community would like to be able to build more housing with its own revenue, but it needs the ability to access capital for housing-related infrastructure. Joe McKay, Manager, Technical Services, Meadow Lake Tribal Council told the Committee that there “there have been and are some communities that presently do not have adequate serviced lots to accommodate their housing construction plans.”<sup>142</sup> This is a concern that was raised throughout the country. Community leaders in Sandy Lake, Atikameksheng Anishnawbek and Six Nations all mentioned that federal housing programs do not include funds for the servicing of lots, and that

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<sup>139</sup> Standing Senate Committee on Aboriginal Peoples. *Additions to Reserve : Expediting the Process* . 2012. 9<sup>th</sup> Report. 41<sup>st</sup> Parliament, 1<sup>st</sup> Session. <http://www.parl.gc.ca/Content/SEN/Committee/411/appa/rep/rep09nov12-e.pdf>

<sup>140</sup> For details on the proposal, see [First Nations Property Ownership Initiative](#). The House of Commons Standing Committee on Aboriginal Affairs and Northern Development studied this proposal in its 2014 [Study of Land Management and Sustainable Economic Development on First Nations Reserve Lands](#).

<sup>141</sup> Chief Shining Turtle, Whitefish River First Nation, Chiefs of Ontario, Standing Senate Committee on Aboriginal Peoples, *Evidence*, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, Issue No. 5, 2 April 2014, p. 5:115.

<sup>142</sup> Joe McKay, Manager, Technical Services, Meadow Lake Tribal Council, Standing Senate Committee on Aboriginal Peoples, *Evidence*, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, Issue No. 5, 9 April 2014, p. 5:188.

some First Nations may not be able to take advantage of available funding for housing because they cannot afford the additional costs of surveying and servicing lots.

Harrold Calla identified the lack of residential subdivision infrastructure funding as a barrier for private home ownership on reserve. He told the Committee:

There isn't any residential subdivision infrastructure funding available to First Nations because the government needs to address the water, so creating roads, sewer and water for residential subdivisions is scarce or non-existent.<sup>143</sup>

He suggested that one promising avenue to explore would be for CMHC to “provide credit enhancement for the support of infrastructure development, not just houses.”<sup>144</sup>

Recognizing the great importance of housing-related infrastructure on the ability of First Nations to build new houses, the Committee will continue to explore this issue in the next phase of its infrastructure study.

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<sup>143</sup> Harold Calla, Executive Chair, First Nations Financial Management Board, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 29 January 2014, p.3:30.

<sup>144</sup> Harold Calla, Executive Chair, First Nations Financial Management Board, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 29 January 2014, p.3:31.

## WHAT THE COMMITTEE FOUND

It is undeniable that there is a serious housing situation in many First Nation communities throughout this country. Many communities face housing shortages. Existing housing is often of poor quality and in need of major repairs, which is in part due to high levels of mould contamination.

Some communities have been able to take advantage of economic development opportunities and to apply the proceeds from these toward housing and housing-related infrastructure. Other communities are not currently in a position to benefit from economic development, and will likely remain heavily reliant on federal government funding to meet their housing needs. A one-size-fits-all approach will not work for all communities. Moving forward will require a menu of options and approaches which can be adapted to local needs.

It is an inescapable fact that addressing the housing and infrastructure needs in many First Nation communities will require additional resources – both capital and human. The majority of witnesses suggested that the funding levels from the federal government for housing have been insufficient for a long time, and that the demand for housing is outpacing the capacity to meet that demand. The Committee agrees that the level of funding from the federal government is an important part of addressing the current housing situation. However, increased funding for housing is only part of the answer. The impact of funding can be maximized when the proper structures are in place: when the respective roles and responsibilities for housing are well understood; when the housing stock built with the support of the federal government is supplemented by other housing options, such as market housing, and financing options, such as revolving loan funds; when federal government funding programs accurately recognize the costs and challenges of building quality homes in northern and remote communities; and when communities have in place structures to properly manage and maintain their housing stocks. These are the foundational pieces which need to be put in place in order to make progress on the housing crisis which currently exists in many First Nation communities.

As the Committee continues to hear evidence on housing and infrastructure, it wishes to emphasize in this interim report the importance of making sure that the foundation is in place for addressing the critical housing situation in First Nation communities.

### **O. Getting the foundation right**

In his brief to the Committee, the Auditor-General of Canada identified what he called structural impediments to making significant progress toward improving conditions in First Nation communities. These include “lack of clarity about service levels, lack of a legislative base, lack of an appropriate funding mechanism, and lack of organizations to support local service delivery.”<sup>145</sup>

The Committee believes that these structural impediments apply to housing, and that addressing these structural issues is key to resolving the serious state of housing in many First Nation

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<sup>145</sup> Michael Ferguson, Auditor General of Canada, Office of the Auditor General of Canada, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 3, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 5 February 2014, p. 3:73.

communities. In this chapter, the Committee outlines some of the main structural issues encountered by the Committee in its hearings and site visits. These include:

- the need for clarity regarding the respective roles and responsibilities of the federal government and First Nations with regard to the building and maintenance of housing;
- the need for flexibility to address the diversity of communities; and
- the need to support capacity at the local level for building and managing housing.

**P. The need for clarity regarding the respective roles and responsibilities**

Off-reserve, there are clear lines of jurisdiction relating to housing and infrastructure. Municipal governments are responsible for meeting the infrastructure needs of their communities. Municipalities put together urban plans which allow them to move forward in a systematic and organized way. They adopt bylaws and put in place the appropriate structures to enforce them. Provincial governments adopt building codes which provide minimum standards for the construction of homes. Municipal governments have the ability and responsibility to enforce these bylaws. Many municipalities have planning departments and housing departments.

The situation is quite different in many First Nation communities. Many of these do not have a planning department and a housing department to develop and enforce bylaws. In addition to this lack of capacity, there is also a lack of clarity on expectations in areas such as building codes. While there is an expectation on the part of the federal government that it is the responsibility of each First Nation to adopt and enforce building codes, this responsibility is not widely understood or acknowledged by First Nations. This has led to a deplorable situation where the majority of First Nations do not have in place enforceable building codes, and where they would not have the capacity to enforce these even if they did exist. This has had a serious impact on the quality of housing being built on reserve.

Similarly to the lack of clarity on building codes, there is a lack of clarity regarding who is responsible for paying for housing. Is it solely the responsibility of the federal government? Is there a role for the First Nation with its own revenues? Is there a role for the people living in the housing to contribute to the costs?

The Committee flags the importance of entering into dialogue with First Nations to clarify expectations in these areas. The Committee recognizes the need to clarify the roles, responsibilities and service levels in order to make progress in addressing the housing challenges on reserve. This clarification needs to incorporate meaningful consultation, as described by John G. Paul, Executive Director, Atlantic Policy Congress of First Nations Chiefs Secretariat in regard to building codes:

You have to actually talk to the people at the receiving end of this in the communities to understand it from their view of the world, and then you hear it from the leadership and the management view of the world. Then you go up to the organizations and up to the AFN.<sup>146</sup>

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<sup>146</sup> John G. Paul, Executive Director, Atlantic Policy Congress of First Nations Chiefs Secretariat, *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 6, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 13 May 2014, p. 6:87.

Meaningful consultation and engagement with First Nations is important because the diversity between communities makes it impossible to develop solutions from a distance.

**Q. The need for flexibility to address the diversity of communities**

There are significant differences between First Nation communities. Some differences relate to their ability to benefit from economic development, while others relate to geographical location. Efforts to address the housing situation on reserve need to be responsive to these differences.

The Committee recognizes that making progress toward addressing the housing situation will require a menu of options. This menu includes efforts to facilitate market housing – including removing barriers and facilitating access to capital. Some First Nations, such as Curve Lake and Six Nations, have long-standing revolving loan funds which allow their members to purchase their own home. Others have taken advantage of the First Nations Market Housing Fund to expand the market housing options in their communities. Others rely on their own-source revenue to build housing or to put in place housing-related infrastructure such as roads and access to water and sewers. All of these approaches need to be supported, because the magnitude of the housing deficit on reserves cannot be addressed by additional funding from the federal government alone. This will require that the federal government work with the Assembly of First Nations to see how the department can facilitate and support revolving loan funds and other funding programs that have been shown to be successful at the community level.

The menu of options available to address housing needs on reserve also needs to be adapted to the realities faced by rural and remote communities. The Committee agrees with witnesses such as Roxanne Harper, of Turtle Island Associates, who emphasized the overwhelming need to develop a strategy for northern and remote communities. Such a strategy could address issues such as “a higher cost of construction, higher cost of maintenance and repairs, limited access to skilled labour, increasing cost of utilities, high unemployment or social assistance rates and, most of all, shorter life expectancy of a residential property in the North.”<sup>147</sup>

**R. The need to support capacity at the local level for building and managing housing**

The Committee has heard that having in place sound housing policies relating to the administration and maintenance of housing improves the condition of the existing housing stock and creates the necessary conditions for attracting capital to expand the housing portfolio. For example, people who are building homes on reserve are putting pressure on their communities to implement an inspection process. Implementing these policies and procedures will require investments in human resources. The Committee emphasises the importance of having skilled people in place to manage the housing stock, to incorporate practices to make the housing financially and environmentally sustainable, to maintain the housing units, and to educate community members on home maintenance. The Committee heard that funding for housing managers should be part of the core funding which Bands receive for housing.

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<sup>147</sup> Roxanne Harper, Vice-President, Turtle Island Associates Inc., *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No. 5, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 1 April 2014, p. 5:82.

One of the areas where having the necessary capacity is essential is in the collection of rent (alternatively known as “mandatory shelter payments”). Collecting housing rents can provide a source of revenue that would assist in repairs, renovation and construction of new housing. However, many First Nations do not have in place a rental regime for housing within their communities. Some of the reasons for this include lack of political support, insufficient staff resources to implement and enforce a rental regime, and the lack of a local economy which would provide the revenue base for charging rent. The Committee has heard that having the necessary staff resources and policies in place is key to establishing a rental regime on reserves.

The First Nations Market Housing Fund (FNMHF) supports community capacity in housing management, such as housing policies and the creation of a housing authority. The Committee heard that the capacity development component of the FNMHF has resulted in “a better qualified and experienced First Nation housing provider, a stronger community, and a leadership who understands the importance of economic development and economic sustainability in housing.”<sup>148</sup> A number of witnesses told the Committee that they found the process to access the Fund to be too cumbersome. They suggested that it would be helpful to some communities if they could apply to the FNMHF for the capacity development components only, without intending to use the fund for market housing. This could be a way to expand the capacity development components of the FNMHF.

## **S. Two solitudes**

The Committee found incredible challenges and inspiring success stories. The Committee recognizes the magnitude of the challenge relating to housing on reserves. Yet these challenges are not uniform across the country. There are two dramatically different stories to be told. In the most remote communities the Committee visited and heard from, the housing situation is critical and is intricately linked to the poverty of the First Nation and the people who live there. This is radically different from the housing situation in First Nation communities that have benefited from economic development and taken advantage of innovative building and funding opportunities. Finding a way forward will mean being attentive to both realities.

As it proceeds with its infrastructure study, the Committee is continuing to hear compelling testimony that will allow it to develop strong recommendations to ensure that First Nations people across the country can benefit from high quality housing options.

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<sup>148</sup> Roxanne Harper, Vice-President, Turtle Island Associates Inc., *Proceedings of the Standing Senate Committee on Aboriginal Peoples*, Issue No .5, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 1 April 2014, p. 5:82.

**APPENDIX A: WITNESSES**

Date	Witnesses	Brief
Tuesday, November 26, 2013		
<i>Aboriginal Affairs and Northern Development Canada</i>	Karl Carisse, Senior Director, Innovation and Major Policy Transformation Directorate; Tara Hutchinson, Senior Policy Analyst.	X
<i>Canada Mortgage and Housing Corporation</i>	Debra Darke, Vice-President, Regional Operations and Assisted Housing; Jeannie Dempster, Director, Strategic Policy Coordination.	X
Wednesday, November 27, 2013		
<i>Aboriginal Affairs and Northern Development Canada</i>	Karl Carisse, Senior Director, Innovation and Major Policy Transformation Directorate; Annie Comtois, Senior Program Manager, Planning, Monitoring and Reporting Directorate; Patrick Haggerty, Senior Policy Manager, Innovation, and Major Policy Transformation Directorate; Paul Schauerte, Senior Policy Manager, Program Design and Regional Partnerships.	X
Tuesday, December 3, 2013		
<i>First Nations National Building Officers Association</i>	Keith Maracle, Vice President, Government Relations; John Kiedrowski, Project Manager.	X
<i>National Aboriginal Economic Development Board</i>	Dawn Madahbee, Vice-Chair.	X
Tuesday, December 10, 2013		
<i>First Nations Market Housing Fund</i>	John Beaucage, Chair of the Trustees; Deborah Taylor, Executive Director.	
Wednesday, January 29, 2014		
<i>First Nations Financial Management Board</i>	Harold Calla, Executive Chair.	X

Tuesday, February 4, 2014		
<i>Health Canada</i>	Ivy Chan, Director, Environmental Public Health Division, Interprofessional Advisory and Program Support, First Nations and Inuit Health Branch; Debra Gillis, Acting Director General, Interprofessional Advisory and Program Support, First Nations and Inuit Health Branch.	X
<i>Canadian Institutes of Health Research</i>	Nancy Edwards, Scientific Director, Institute of Population and Public Health; Malcolm King, Scientific Director, Institute of Aboriginal Peoples' Health.	X
Wednesday, February 5, 2014		
<i>Office of the Auditor General of Canada</i>	Michael Ferguson, Auditor General of Canada; Jerome Berthelette, Assistant Auditor General; Frank Barrett, Principal.	X
Tuesday, February 11, 2014		
<i>Assembly of First Nations</i>	Shawn (A-in-chut) Atleo, National Chief; Glenn Hudson, Chief, Peguis First Nation, Manitoba; Madeleine Paul, Chief, Eagle Village First Nation, Quebec.	X
Wednesday, February 12, 2014		
<i>Aboriginal Firefighters of Canada</i>	Arnold Lazare, Director; Richard Kent, Secretary and Treasurer.	X
<i>Canadian Association of Fire Chiefs</i>	John De Hooge, Fire Chief, Ottawa Fire Service.	
<i>National Research Council Canada</i>	Guy Gosselin, Director, Building Regulations, NRC Construction; Philip Rizcallah, Manager, Canadian Codes Centre, NRC Construction.	X

<b>Tuesday, March 4, 2014</b>		
<i>BMO Financial Group</i>	Jason M. Cameron, Director, Aboriginal Banking, Ontario Regional Division.	X
<i>RBC Royal Bank</i>	Harry Willmot, Senior Manager, Aboriginal Market Development.	
<b>Wednesday, March 5, 2014</b>		
<i>Ontario First Nations Technical Services Corporation</i>	Bob Howsam, Executive Director; Wes Bova, President.	X
<i>First Nations of Alberta Technical Services Advisory Group</i>	Vaughn Paul, Chief Executive Officer.	
<b>Tuesday, April 1, 2014</b>		
<i>Turtle Island Associates Inc.</i>	Roxanne Harper, Vice-President.	X
<b>Wednesday, April 2, 2014</b>		
<i>As an individual</i>	Chris Maracle	
<i>Chiefs of Ontario</i>	Chief Shining Turtle, Whitefish River First Nation	
<i>Curve Lake First Nation</i>	Tammy Juszczynski Banks, Capital Projects Coordinator.	
<b>Tuesday, April 8, 2014</b>		
<i>Aboriginal Affairs and Northern Development Canada</i>	Daniel Leclair, Director General, Community Infrastructure Branch; Karl Carisse, Senior Director, Innovation and Major Policy Transformation Directorate; David Smith, Director, Program Design and Regional Partnerships.	X
<i>Employment and Social Development Canada</i>	Irwin Bess, Director General, Federal Programs, Compliance Operations and Program Development Branch; Annik Wilson, Director General, Regional Operations and Compliance Directorate.	

<b>Wednesday, April 9, 2014</b>		
<i>Meadow Lake Tribal Council</i>	Merv Buckle, Advisor; Joe McKay, Manager, Technical Services.	
<i>Federation of Saskatchewan Indian Nations</i>	Perry Bellegarde, Chief.	X
<b>Tuesday, May 13, 2014</b>		
<i>Atlantic Policy Congress of First Nations Chiefs Secretariat</i>	John G. Paul, Executive Director.	
<b>Wednesday, May 14, 2014</b>		
<i>As an individual</i>	Douglas Cardinal, Architect.	
<b>Tuesday, May 27, 2014</b>		
<i>Prince Albert Grand Council</i>	Frank Bighead, Director, Technical Services; Vincent Genereaux, Housing Advisor, Technical Services, Housing Department.	X
<b>Wednesday, May 28, 2014</b>		
<i>Siksika Housing Administration</i>	Stewart Breaker, Service Area Manger.	X
<b>Tuesday, June 17, 2014</b>		
<i>Canada Mortgage and Housing Corporation</i>	Charles MacArthur, Senior Vice-President, Regional Operations and Assisted Housing; Carla Staresina, Executive Director, Assisted Housing.	

Monday, September 15, 2014		
<i>Temagami First Nation</i>	Elizabeth (Liz) Potts, Housing Coordinator.	
<i>Mishkeegogamang First Nation</i>	Connie Gray-McKay, Chief; Donna Roundhead, Mental Health Counsellor.	
<i>Lac Seul First Nation</i>	Basil Goodchild, Housing Manager.	
<i>Eagle Lake First Nation</i>	Arnold Gardner, Chief.	
<i>Constance Lake First Nation</i>	Charles Sr. Baxter, Housing Manager.	
<i>As an individual</i>	Bryan Poulin, Associate Professor, Lakehead University.	
<i>Wasagamack First Nation</i>	Alex McDougall, Chief.	X
<i>Attawapiskat First Nation</i>	Theresa Spence, Chief; Katherine Hensel, Counsel; Monique Sutherland, Housing Manager; Wayne Turner, Executive Director.	X
<i>Kasabonika Lake First Nation</i>	Mike Morris, Councillor.	X
<i>Muskrat Dam First Nation</i>	Gordon Beardy, Chief.	X
<i>Nishnawbe Aski First Nation</i>	Les Louttit, Deputy; Charmaine McCraw, Economic and Resource Development Unit Manager.	X