

Youth Housing Rights

A Toolkit for Creative Legal Education

Centre For Equality Rights In Accommodation
2017



Introduction

This resource aims to equip youth and facilitators with tools to:

- Develop strategies for human rights advocacy in housing within communities across Ontario
- Host workshops with youth to learn about housing rights and discuss their communities' housing experiences

Why Youth? Why Housing? & Why Human Rights?

CERA is committed to making legal information relevant to the lives of those who need access to housing justice the most. Our model of public legal education combines popular education with an anti-oppression and anti-racism approach, and puts the right to housing front and center.

The Law Vs. Reality

Youth need access to relevant information about human rights because their rights are so often violated.

- Youth often face discrimination in the housing market on the basis of their age and other intersectional factors like race, gender identity and expression, and receipt of public assistance, to name just a few
- There is a lot of confusion about the laws that affect young people and their housing
- For example, many landlords don't know that youth aged 16 and 17 and living independently are legally allowed to sign leases in Ontario
- Youth make up 20% of Canada's homeless population¹ and over 25% of homeless youth identify as LGBTQ*²
- Homelessness and discrimination have traumatic impacts on survivors

In light of these uphill battles, CERA recognizes that it can be difficult to see how laws can *actually* benefit us. It can be difficult to stand up for our rights. But CERA has learned from years of working with young people that knowing their rights is the first step to accessing justice.

[1] According to the Homeless Hub, 2013

[2] See Josephson, G., & Wright, A. (2000). *Ottawa GLBT wellness project: Literature review and survey instruments.*

What is the right to housing?

A human rights approach is useful because it shifts the conversation about homelessness from individual blame to barriers in the housing system that perpetuate discrimination and can make people homeless.

“Too often being homeless is considered a personal and moral failing, when it’s actually a structural and political problem.”

- Leilani Farha, United Nations Special Rapporteur on the Right to Housing [3]

What are human rights in housing?

Internationally, housing is recognized as a human right, and Canada has ratified many of international laws that recognize this right! So why are so many young people left homeless or in unaffordable or unsafe housing?



In Ontario, CERA uses Ontario’s *Human Rights Code* (the “Code”) as “legal teeth” to fight for equal housing opportunities for young people.

This Toolkit and the accompanying Pocket Guide and Slide Deck provide details about how to claim your housing rights using the Code. The materials go into detail about housing rights and strategies you can use to enforce these rights. You can review the enclosed presentation in detail for more information about human rights in housing in Ontario.

How was this resource developed?

Best practices for creative legal education for youth

The value of creative out-of-the-box approaches to community engagement and community learning is old news. When it comes to engaging with laws and the legal framework, self-aware and community-centric approaches that directly address systems of oppression, disenfranchisement, and intersectional experiences are essential. CERA has benefitted from the work and insights of countless other youth-serving and arts-based leaders, and you can find links to some of their work at the end of this resource.

Like many of our community partners who promote justice, CERA believes that creative approaches are valuable because they enable us to first envision and then make real new methods and possibilities.

By pursuing human rights claims, we can demand changes to existing systems, structures, and policies. The case law from human rights claims sets new precedents that guide the legal decisions of the future. And we can also promote justice in our everyday lives through message making, images, and creating safe spaces to share our experiences.

Feedback from Youth Advisors

As part of this initiative, 10 youth advisors were hired by CERA to help us reflect on our approach to Youth Housing Rights. Over 12 months, they have:

- Undertaken an audit of our client hotline
- Reviewed our website and online presence
- Reviewed our public legal education materials for youth

This Facilitator's Toolkit and the accompanying Slide Deck and Know Your Housing Rights Pocket Guide are the result of their hard work and commitment to housing rights. You can find an accountability framework at the back of this resource that outlines the feedback we received from our Youth Advisors, and how our organization is making improvements based on their recommendations.

How to Use this Toolkit:

This toolkit will help you and your community learn more about your human rights in housing and how to start conversations about the right to housing in Ontario. This toolkit aims to:

- Provide resources you can use to host a presentation and conversation with friends, family, young tenants, colleagues or others.
- Invite communities to learn about human rights in housing in Ontario, and to think creatively about ways that we can realize our rights.
- Provide accessible presentation materials and activities about human rights in housing in Ontario.
- Share a pocket pamphlet (CERA's Know Your Rights Pocket Guide) which can easily be printed on your own computer and shared with your community.

The importance of self-advocacy and Thaila's inspiring story:

We all need housing at every stage of our lives. Even looking for an apartment the first time we move out can be tough. Knowing our housing rights is the first step to standing up for fairness and equality. It allows us to not only stand up for ourselves, but also to help the people we care about.

The law isn't just for lawyers and the courts. We can all talk about it and learn about it and use it to do good in our communities. In CERA's experience, self-advocacy is key to making change happen in our lives.

Many landlords are unaware of their obligations under the *Human Rights Code*. CERA believes that all of us – renters, landlords, young people – can better educate ourselves about our rights and responsibilities and promote equality and fairness.

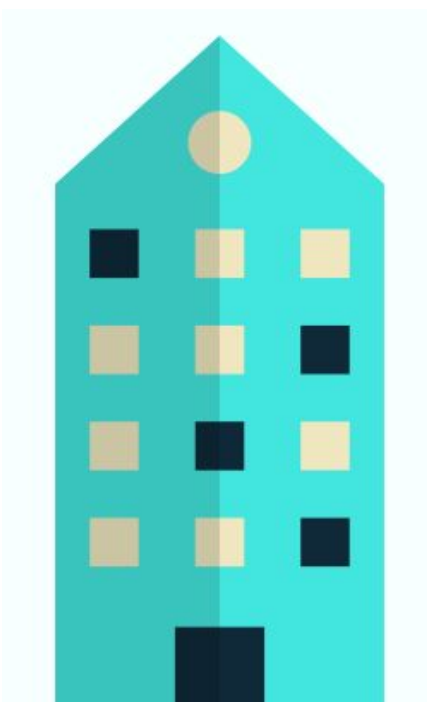
In 2013, a young woman named Thaila called CERA because she was having trouble finding an apartment. The landlord told her the apartment she was interested in was already rented, but Thaila suspected she was being lied to – that the landlord didn't want to rent to her because she was under 18 years old. (*Remember: in Ontario, young people aged 16 and 17 are legally entitled to sign a lease if they are independent from their parents.*)

Thaila stood up for herself – or advocated for herself – and, with CERA’s support, won her case at the Ontario Human Rights Tribunal in August 2014. It took a lot of work and a lot of time, but in the end, her right to access housing *free from discrimination based on her age* was upheld. The landlord was ordered by the Human Rights Tribunal to pay Thaila \$10,000 and to develop and post a human rights policy in all the rental buildings in her portfolio.

“I want youth to know there’s options out there and I want them to know what their rights actually are... I didn’t really know. I was ready to give up. I don’t want any landlord to do this to anybody.”

–Thaila

How to Start Conversations with Your Community about Housing Rights



Share copies of the Know Your Housing Rights Pocket Guide with friends and neighbours

Post and share links to news stories about housing issues, including **#right2housing** and **#youthhousingrights**

Host a community conversation or workshop using the enclosed resources (Know Your Housing Rights Pocket Guide and Slide Deck)!

Sample Outline for Hosting a Creative Human Rights in Housing Workshop:

Each year, CERA hosts dozens of creative legal education workshops for young people. We know that communities across Ontario need access to this information and opportunities to have conversations about housing rights. You can use this Sample Outline, along with the accompanying Slide Deck, to host your very own creative legal education workshop!

Tips for Success for Facilitators:

- Plan for a 2-2.5 hour session for 5+ participants
- If possible, provide snacks
- If you are a funded agency, we highly recommend offering youth participants transit reimbursements or honoraria whenever possible
- Location can be important. Identify a youth-friendly space, preferably with an informal set-up (i.e. with couches)
- Stay flexible. Often our workshops take place in drop-in settings with young people coming and going as they need. Expect the unexpected!
- Be aware of triggers and encourage a safe space and self-care among participants. Some of the content can remind participants of past or ongoing traumas.
- Don't assume you know more than participants. CERA staff learns something new every time we run a workshop. Encourage and practice co-learning.
- Review all materials in advance and familiarize yourself with the notes sections of each slide in the accompanying Slide Deck. If you have questions about any of the content, more information can be found on CERA's website (www.equalityrights.org/cera) or you can contact us directly to ask questions

Activity and Objective	What You'll Need From this Toolkit	Suggested Time Frame
Welcome!	<ul style="list-style-type: none"> -Slide Deck (slides 1-5) -Copies of Know Your Housing Rights pocket guide 	10 mins
Warm Up Activity	<ul style="list-style-type: none"> -Refer to Sample Warm Up Activity 	10 mins
Overview of Human Rights and Housing	<ul style="list-style-type: none"> -Slide Deck (slides 6-26) -Scenarios (see Human Rights Scenarios attachment) 	60 mins
Break	<ul style="list-style-type: none"> -Slide 27 	10 mins
Creatively Claiming Your Rights	<ul style="list-style-type: none"> -Slides Deck (slides 28-30) -Refer to and choose a Creatively Claiming Your Rights Activity 	45 mins
Reflection Activity	<ul style="list-style-type: none"> -Refer to and choose a Reflection Activity 	20 mins

Sample Activities: Realize Your Housing Rights

These exercises are designed to get your group thinking creatively about what they learned during the presentation, and to reflect on how their experiences relate to the law. Some are designed to be used throughout the presentation, while others might work better as reflective activities. We have grouped the activities based on our experiences of when they work best, but you know your group! We suggest selecting one of each “type” and building them into the workshop (see the facilitator’s notes for tips).

We encourage you to get creative, and to incorporate activities that are inclusive of everyone’s interests and abilities.

Warm Up Activity

It all comes back to housing!

- **Objective:** To get participants comfortable talking with the group, and to draw connections about the importance of housing in all of our lives.
- **Supplies needed:** Various images cut from magazines. You’ll need approximately 10 more than the number of participants.
- Spread the images out on a table or central area of the space. Have each participant select an image from the pile. The goal is to have participants relate each image back to housing in some way.
- Go around the room, with each participant saying a few words about how their image relates to housing. They can also explain why they chose that image in the first place, but the goal is to get everyone thinking about how housing is fundamental, and connected to all aspects of our lives.

Example: An image of a beach or ocean could relate to feeling peace and relaxation, something that we should all feel in our homes. An image of a fancy car could represent the dream of financial well-being that someone has, or the fact that not everyone in our society can afford housing let alone luxuries. The same image could represent the idea that if you don’t have a home you don’t have somewhere to park the fancy car. The point is, it doesn’t matter what the connection is – it’s just about making connections.

Creatively Claiming Your Rights Activities

To introduce these activities, you may want to say something like: “So you’ve probably noticed all of the art supplies lying around (*see supply lists below*). Self-advocacy and creativity go hand in hand. We have found that the creative practice of art making integrates well with human rights, just as justice often requires an out-of-the-box creative approach.

So just like when we’re standing up for ourselves when a landlord has done something that takes away our human rights, the arts also invite us to imagine other possibilities.

In advocacy work CERA often relies on our creativity when seeking accommodation for Code protected groups. Human Rights accommodation requires the ability to think outside the world as we know it: to first imagine, and then make real other possibilities that allow a dignified life for people who do not fit within existing normative systems.

Through pursuing human rights claims, we demand changes to existing systems, structures, and policies, and these demands can set new precedents!

1. Wall of Dignity

Supplies needed: construction paper “bricks” in various colours, sharpies, paint markers or markers, and other drawing supplies.

Invite participants to create a small card with their ideas about housing and human rights. It can contain words or images, or a combination. Encourage them to express their thoughts and feelings about housing and human rights, new concepts they have learned, what frustrates or angers them, etc.

*NOTE: this activity can be introduced earlier in the presentation if the facilitator thinks it would benefit the group to have their hands busy. CERA facilitators introduce this mid-way through the slide if appropriate.

1. Housing Rights Puzzle

Supplies needed: markers or paint; a blank puzzle template (you can print one from the internet and cut it up, or dollar stores often sell cardboard versions for very cheap)

Ask participants to reflect on what they learned during the presentation. Ask them to decorate one puzzle piece with an image or word that conveys a new idea, piece of knowledge, or question they have.

As a group, have each participant speak briefly about their idea, question or thought. You can put the puzzle together and take a picture of it to share with the group as a reminder that we have to work together to achieve justice.

Reflection Activities

1. Human Rights in Housing Trivia Questions

Supplies needed: Trivia questions (listed below). **Optional:** Create a deck of trivia questions and divide the group into teams to compete for a prize.

1. List three reasons why you think that housing is a human right! (*Open ended answer!*)
2. What is hidden discrimination? (*Also known as “adverse effect discrimination”, when seemingly neutral policies, practices or rules have a discriminatory effect. It can be difficult to identify. Broad, systemic discrimination often falls into this category*)
3. True or false: landlords can treat young tenants differently than other tenants, for example requiring co-signors or asking for damage deposits. Bonus: Name the law that outlines this rule. (*No! A landlord cannot treat a young person differently because they are young. The Human Rights Code protection in this case is age.*)
4. Is the Human Rights Code punitive (Is its goal to punish people that discriminate)? (*No. It is remedial.*)
5. Can a landlord refuse to rent to a family because they have kids? (*No. This constitutes discrimination based on family status and is illegal.*)
6. Ontario’s Human Rights Code has ____ prohibited grounds of discrimination. (16)
7. Most types of housing in Ontario are covered by the Human Rights Code, but not all are. Name a situation where the Code would not apply. (*If the tenant shares a kitchen or bathroom with the landlord, the owner of the unit or their family, or if they live with the person they pay rent to. The RTA also applies differently in this case.*)
8. Landlords cannot refuse to rent to you because you receive ODSP as your income. What prohibited ground protects against discrimination for this reason? (*Receipt of public assistance.*)
9. Under the Code, a landlord has a duty to accommodate tenants. Name one of the principles of accommodation. (*Dignity. Individualized needs. Integration and full participation.*)

2. Head, Heart, Hands Evaluation

On poster paper or a whiteboard, draw or write “Head” “Heart” and “Hands”. Ask participants to write or sketch next to each word how they feel after participating in the session. **Head:** What did I learn? What new knowledge did I gain or share? What new ideas did it spark? **Heart:** How did being a part of this group feel? **Hands:** What will I do now that I have this new information/inspiration/idea?

Acknowledgements

CERA respectfully acknowledges that our organization is located on land that has been a site of human activity for 15,000 years. This land is the territory of the Huron-Wendat and Petun First Nations, the Seneca, and most recently, the Mississaugas of the Credit River.

We would like to acknowledge the contributions of the members of our Youth Advisory Committee: **Samantha Favour, Jordan Hightower, Parfait Muco, Melony-Amy Warner, Ramon Williams, Simi Zang, and a few others who have chosen not to be named (you know who your are!)**

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About CERA

CERA envisions an Ontario where every person realizes their housing rights, is treated with dignity, and lives free from discrimination in a stable, safe and affordable home.

If you are facing discrimination in housing, or have questions or comments about this resource, call us at 1-800-263-1139.

Disclaimer

This Guide and accompanying materials do not necessarily reflect the views of the funders of this project. The content of this resource is for information purposes only. The information provided is not a substitute for legal advice. If you need legal advice, please contact a lawyer. CERA, its funder, and the authors of this toolkit will not be held responsible for any loss or damage caused by reliance on any statement, made negligently or otherwise, contained in this toolkit or accompanying resources.

Definitions

Accommodation – Can mean “housing” but in the human rights arena it refers to a change that is made by one party (i.e. a landlord) to physical structures or processes so that the individualized needs of another party (i.e. a tenant) are met. For example, an accommodation for someone who uses a wheelchair might be a ramp or automatic door opener.

Disability - Any degree of physical disability, condition of mental impairment, developmental disability, learning disability, or mental disorder. Disability should be interpreted broadly. Under the Code it includes both present and past conditions, as well as society’s perception of a disability, and can be visible or invisible.

Discrimination - Discrimination occurs when rules, policies, or practices impose burdens or obligations and/or withhold benefits from individuals who have protections under the Code (ie. they are identified by one or more of the Code’s prohibited grounds of discrimination). Discrimination does not have to be intentional. It can be **direct** (i.e. “I will not rent to you because you are 17”) or it can be **constructive/hidden**, which happens when seemingly neutral rules, policies or practices have a negative effect on a group (ie. “You need to have landlord references to live here” even though a young person renting for the first time probably doesn’t have any references.)

The Duty to Accommodate - A very important part of the Code that says structures, rules, policies or practices may have to be changed to meet a tenant’s specific needs. Landlords are obligated to work with tenants to find appropriate accommodations or solutions.

Harassment - repeated comments or behaviours related to a prohibited ground that are known (or should be known) to be unwelcome. It is illegal to harass a person because of a characteristic related to the prohibited grounds.

The Human Rights Tribunal of Ontario -Where human rights applications are filed and decided by an adjudicator.

Intersectionality - The concept that many of us face numerous and overlapping types of oppression in our society, resulting from entrenched and systemic barriers to equality on many fronts.

Prohibited grounds of discrimination – The 16 reasons (or grounds) that landlords (and other service providers) cannot treat someone differently or unfairly.

Reprisal - A retaliatory act. Someone commits reprisal when they try to take revenge or get even with the person who made a human rights complaint against them. Reprisal is illegal.

More Reading

Justice for Children and Youth: Legal Information Resources (beyond just housing)
<http://jfcy.org/en/resource-category/legal-information/>

Youth Rights! Right Now! Ending Youth Homelessness: A Human Rights Guide
<http://www.cwp-csp.ca/2016/06/youth-rights-right-now>

Ontario Human Rights Commission's Policy of Human Rights and Rental Housing
http://www.ohrc.on.ca/en/social_areas/housing

Accountability Framework: Youth Advisory Committee Recommendations

	Findings	CERA's Action Plan
Evaluation of CERA's Website and Online Presence	<ul style="list-style-type: none"> -CERA's overall brand recognition is weak and the website is too wordy -Needs to be much more engaging, and speak directly to audience -CERA's online resources are really valuable, but desperately need updating and consolidating so they are easier to access -Accessibility improvements are needed, including multilingual functions -CERA's Facebook and Twitter presence is active and engaging -CERA should also engage with Instagram 	<p>Completed:</p> <ul style="list-style-type: none"> -Reformatting of website and editing of content -Social media coordinator has been briefed on all YAC feedback <p>Underway:</p> <ul style="list-style-type: none"> -Develop a user-specific interface, including one page dedicated to youth housing issues, resources, etc. -Rewrite content to target specific audiences <p>Next Steps:</p> <ul style="list-style-type: none"> -CERA is actively seeking funding to create a centralized and searchable resource library -Engage online with Instagram
Evaluation of CERA's direct client services "Hotline"	<ul style="list-style-type: none"> -Overall, the test call feedback was excellent. YAC members felt respected and received courteous and prompt service. They appreciated the approach of workers because they "work with" clients/callers -Suggestions include: texting or email options to connect with caseworkers; more publicity about the free service to youth in Toronto 	<p>Completed:</p> <ul style="list-style-type: none"> -Intake workers have received anonymized feedback <p>Next Steps:</p> <ul style="list-style-type: none"> -Seeking funding for enhanced advertising and outreach about our free Hotline services
Evaluation of publicity materials for youth	<ul style="list-style-type: none"> -The educational resources we have for youth to date (including a Know Your Rights booklet and Human Rights Art Cards) are either too long or too brief -A pamphlet that is pocket sized (like the Art Cards), but containing more conversational information about the laws would be useful. Specifically, it was recommended that it include inspirational stories, important facts about youth homelessness, and easier to understand explanations about the Human Rights Code 	<p>Completed:</p> <ul style="list-style-type: none"> -CERA has developed a Know Your Housing Rights Pocket Guide, including artistic contributions from a number of Youth Advisory Committee members
Evaluation of legal education session concept and content	<ul style="list-style-type: none"> -The presentation content is detailed enough to provide a beneficial learning experience to participants -The interactive and creative expression components were deemed extremely important to the success of the overall learning objectives 	<p>Completed:</p> <ul style="list-style-type: none"> -Some minor content amendments were made to improve the conversational tone of the presentation materials. The YAC has approved all presentation materials and approach CERA uses (as described in the Facilitator's Guide) when conducting creative legal education in communities

3 Human Rights Scenarios

Salma

Salma is 17 years old and in receipt of social assistance. She is looking for an apartment and is not having much luck. Every time she tells a landlord she receives Ontario Works they tell her she cannot afford the place and she is too young. One landlord even said that he does not rent to people on welfare since they are “nothing but trouble.”

Another obstacle Salma is facing is that landlords are telling her she does not have a landlord reference or a credit history. In fact one landlord said that “no credit or landlord reference means bad credit and bad references”.

- Can a landlord deny Salma an apartment because she receives Ontario Works or because she is young? *(It is illegal for landlords to refuse to rent to someone because of their age or because they are receiving social assistance.)*
- Can a landlord tell Salma she cannot afford an apartment because of her income? *(Landlords should not be telling housing seekers how much they can afford to pay in rent. It is up to the tenant to determine what they can afford.)*
- Is no credit history the same as bad credit? *No. While landlords can view bad credit negatively, a lack of credit history should be seen as neutral.*

Jin

Jin is a single parent with two children. She is still in school and wants to get her own place. Jin cannot believe how difficult it is to find an apartment. Her two children are aged 2 and 5, a boy and girl. Jin can only afford a 1-bedroom right now because rents are so high, and her social assistance barely covers the rent and buy food.

Jin finds an affordable unit, but when the landlord finds out she has two children, he tells her she needs a 2-bedroom. Jin continues to look for a 1-bedroom and notices signs that say “Adults Only,” and landlords tell her “sorry no children allowed”. One landlord said they only rent to married couples since they are more stable. Another landlord even told her to consider using birth control.

- Can a landlord tell Jin how many bedrooms she requires for her family? *(No. As long as local rules about overcrowding (such as city by-laws) are not broken, Jin has the right to determine where her kids sleep. (There are certain exceptions to this rule, such as if Children’s Aid Society has been involved with the family. Speak to a lawyer if you aren’t sure if this situation applies in your case).)*
- Are “Adults Only” buildings allowed in Ontario? *(No. This is discrimination based on age.)*
- Can a landlord deny Jin an apartment because she is single? *(No. This is discrimination based on marital status.)*

Eddie

Eddie finally found an apartment they can afford so that they can move away from their parents. They haven’t been getting along lately, and Eddie knows living on their own is going to be good for them all. Eddie is trans and their parents aren’t accepting of his gender identity.

One day Eddie was involved in a car accident resulting in an injury to their back. Their mobility is limited and Eddie is now using a wheelchair. It looks like they will need to use the wheelchair for a long time. Eddie’s apartment is in a low rise building and does not have a ramp, or automated doors to make entry easier. Eddie also needs help getting into the bathtub and asks their landlord to install grab bars.

Eddie’s landlord sees them struggling with their wheelchair almost every day. He suggested that Eddie should “just move home” since they can’t get in and out of the building. Neighbours have also made comments to Eddie about their gender identity and expression, which make him uncomfortable.

- Does the landlord have to build a ramp and put grab bars in the bathroom? *(Probably. The landlord is required to take Eddie’s requests in good faith and accommodate their needs up to the point of undue hardship.)*
- What should Eddie do about the homophobic comments his neighbours are making? *(Eddie can request (in writing) that the landlord address their concerns with the neighbours. For example, the landlord could be required to provide anti-discrimination and anti-harassment information or training to all tenants.)*