



## Purpose of the Note

Older lesbian, gay, bisexual, and transgender, queer, and two-spirit (LGBTQ2S) populations experience unique barriers to safe, affordable, and affirming housing. While Canada has made changes to human rights protections for older LGBTQ2S adults, in part, to address stigma and discrimination and to support their housing needs, failure to regulate and enforce these protections continues to marginalize LGBTQ2S Canadians.

The purpose of this briefing note is to advance the policy related findings from our national research to help ensure the unique housing needs of older LGBTQ2S Canadians are addressed in our National Housing Strategy.

## About the MacEachen Institute

The MacEachen Institute for Public Policy and Governance at Dalhousie University is a nationally focused, non-partisan, interdisciplinary institute designed to support the development of progressive public policy and to encourage greater citizen engagement.

## Author

Jacqueline Gahagan, PhD and the national [LGBT Housing Matters Project Team](#)

## Contact

For more information on this research, contact [jacqueline.gahagan@dal.ca](mailto:jacqueline.gahagan@dal.ca)

## Creating Safer Housing for LGBTQ2S Canadians Through Regulation and Enforcement

### Key Observations and Recommendations

- The National Housing Strategy Act represents one of the first pieces of legislation to state that all Canadians have a right to housing and that housing rights are human rights.
- Despite human rights policies and legislation, older LGBTQ2S Canadians continue to experience discrimination and barriers to adequate housing.
- All levels of government have a role to play in creating safe, affordable, and affirming housing for older LGBTQ2S Canadians.

### Methods

With funding from the Social Sciences and Humanities Research Council (SSHRC), we undertook a one-year housing study with our national research team. This study consisted of three parts: (a) an international scoping review of existing housing policies, programs and interventions aimed at LGBTQ2S populations, (b) a national online housing survey, and (c) focus group discussions to identify the housing needs of older LGBTQ2S Canadians and potential solutions to address issues identified.

A total of 970 participants responded to the online survey, including housing service providers and LGBTQ2S Canadians. In addition, focus group discussions on housing were held in five Canadian cities (Nanaimo, Calgary, Winnipeg, Ottawa, and Halifax) with a total of 52 participants.

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## Survey findings

A number of key housing policy and programming issues emerged from the survey data including: 1) issues of training for housing providers and landlords on the housing needs and rights of LGBTQ2S tenants and residents, 2) the need to collect confidential data from tenants and residents on their sexual orientation and/or gender identity, 3) the need to address gaps in housing policies, procedures, laws and regulations as they relate to LGBTQ2S tenants and residents, and 4) the need to explore innovative congrate living models such as intergenerational housing, home sharing, and cooperatives, among others, for LGBTQ2S Canadians.

## Focus group findings

Fifty-two focus group participants across five cities raised a variety of housing-related concerns and discussed potential interventions to address these for older LGBTQ2S populations. Specifically, participants expressed fear of discrimination in housing as well as the intersecting barriers to safe and affordable housing. Participants envisioned housing that would address social isolation and exclusion through community-building through intergenerational housing models, programs and policies. In addition, participants reported the need for government and housing providers to ensure housing policies and practices are making housing more affordable, accessible, safe, and affirming for all LGBTQ2S populations in keeping with the National Housing Strategy and current human rights protections.

## Theoretical Approach

Our approach to this national housing research was informed by the *Social Ecological Model* (SEM) which is a theory-based framework aimed at understanding the ways in which a range of individual, environmental and policy-level factors interact and impact on health, social, economic and related outcomes (see Figure 1). The five core levels of the SEM include individual or intrapersonal, interpersonal, organizational, community and policy environments. These multiple levels of influence can impact, for example, if and how well an individual is able to engage with their peer network, their communities or organizations of choice, and their local government – all of which can influence housing. Further, the SEM perspective can be highly appropriate in understanding the various levels of factors contributing, both positively and negatively, to complex phenomena facing older populations such as how low-income older adults and access to food, the transitional care needs of vulnerable seniors who move from hospital to home, and how the built environment can contribute to levels of physical activity among older adults. According to the SEM literature, often the most effective approaches to understanding and intervening on a particular phenomenon of interest is to draw on a combination of interventions at all levels of the model. This has relevance for housing policies in relation to older LGBTQ2S populations. (See Figure 1 below).

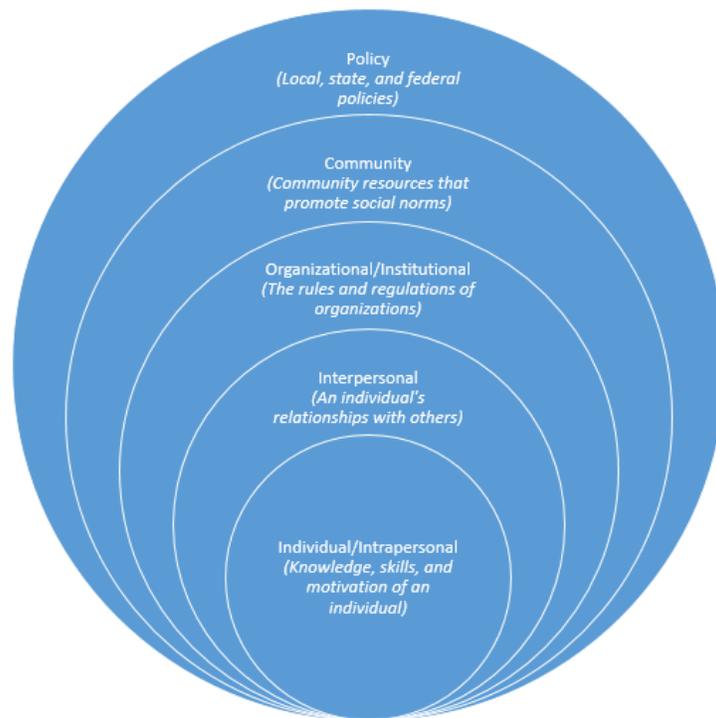


Figure 1: SEM Theoretical Model

Further, we incorporated *Gender-Based Analysis (GBA+)* within all levels of the SEM by examining if and how gender is considered in housing policies. As indicated by the Canadian Institutes of Health Research (CIHR), the term ‘gender’ refers to the socially constructed roles, behaviours, expressions and identities of girls, women, boys, men, and gender diverse people. Further, gender can influence how people perceive themselves and each other, how they act and interact, and how power and resources are distributed in society. Although gender is often represented as a binary (girl/woman and boy/man), our study asserts the importance of considering the diversity in how individuals and groups understand, experience, and express gender. Our team included both the GBA+ and the SEM frameworks to provide an analytic tool to advance our understanding of the levels of influence on housing from the individual level through to the policy level.

## Context

Older LGBTQ2S Canadians are more likely than heterosexual Canadians to experience a variety of unique health and social outcomes. This is partially due to a lifetime of discrimination and stigmatization based on sexual orientation and/or gender identity and expression (see **Annex 1**). These experiences can contribute to older LGBTQ2S Canadians living alone, not having connections with their families of origin, living in poverty, and experiencing social exclusion. With fewer personal supports available to help manage their health and housing needs, many must rely on home care services and/or transition into assisted living facilities when they can no longer live independently. This can be problematic as many older LGBTQ2S individuals may feel they have to hide their sexual and/or gender identity to protect themselves from harassment and discrimination from care staff and other residents.

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Housing is widely recognized as both a key determinant of health and a human right. The United Nation's *Rights to Adequate Housing* states that adequate housing is more than just a roof and four walls. At a minimum, adequate housing must be affordable, habitable, provide factors like security of tenure and availability of services and infrastructure, and take into account the expression of cultural identity. Adequate housing can lead to better health and social outcomes and lower health and social care costs and is particularly important for addressing the inequities experienced among vulnerable populations, such as those with low incomes, seniors, or racialized and LGBTQ2S individuals.

Older LGBTQ2S populations face barriers to housing such as differential treatment on housing availability, pricing, incentives, and application requirements. These barriers can contribute to continued health and social inequities for older LGBTQ2S adults. Housing discrimination against LGBTQ2S individuals can occur in different ways, including through denying rental applications and through housing and service providers making LGBTQ2S people feel unwelcome to express their sexual orientation and gender identity.

The COVID-19 pandemic will likely serve to exacerbate the housing pressures and disparities felt by vulnerable communities such as seniors and LGBTQ2S Canadians, among others. For example, as COVID-19 increases the burden on care workers in congregate living facilities, there is a risk of reduced attention to LGBTQ2S culturally competent care and training which in turn can further increase resident's vulnerability and potential for discrimination, harassment and abuse. Without regulation, enforcement and inclusion of housing standards for older LGBTQ2S adults, they will likely experience inequitable housing-related outcomes during COVID-19. Further evaluation of the existing housing policies and practices is needed in order to mitigate these potential impacts on older LGBTQ2S Canadians in the context of pandemic preparedness.

## Considerations

### **Existing Policy Reform Context**

The National Housing Strategy Act represents a key piece of legislation to state that all Canadians have a right to housing and that housing rights are in fact human rights. The National Housing Strategy (NHS) represents an investment of more than \$50 billion dollars over ten years towards ensuring that Canadians have access to affordable housing that meets their needs and notes the importance of supporting the most vulnerable Canadians, including seniors and LGBTQ2S individuals. The Federal Housing Advocate is responsible for monitoring, assessing, reporting, and making recommendations on housing rights in Canada. However, they are not empowered to assess compliance with delivering on the right to housing. While Canadian courts have upheld "negative" rights to housing (i.e., protecting violations to housing rights), they are not likely to recognize "positive" rights (i.e., rights which oblige governments to actively provide shelter and housing-related services).

It is important to note that the Charter of Rights and Freedoms protects sexual orientation and gender identity, while the Canadian Human Rights Act prohibits discrimination on the grounds of sexual orientation and gender identity or expression. ***However, how these rights and freedoms are addressed in relation to existing housing policies and older LGBTQ2S Canadians is not well understood.***

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The LGBTQ2S Secretariat works with the federal government to ensure issues of sexual orientation, gender identity, and gender expression are considered in the development of policies, programs, and laws. Federal ministries are also mandated to use a Gender-Based Analysis (GBA+) approach to consider how programs, policies, and services might be experienced differently based on gender as well as other intersecting factors (e.g., age, race, socio-economic status), although poor tracking, evaluation, and lack of sex- and gender-disaggregated data have been noted as barriers to its effective use. *What role, if any, the Secretariat can play in addressing housing policy impacts among older LGBTQ2S Canadians has not yet been addressed.*

Responsibility for housing is shared across all three levels of government, with each having a potential or actual role in regulating and enforcing policies relevant to the housing needs of LGBTQ2S Canadians.

- The federal government provides funding and oversight to housing nationally through the National Housing Strategy and Canadian Mortgage and Housing Corporation, as well as the Federal Housing Advocate and the National Housing Council. The LGBTQ2S Secretariat and the Canadian Human Rights Commission oversee issues relating to discrimination against LGBTQ2S individuals.
- Provincial governments regulate and provide funding to housing providers, and in some jurisdictions are responsible for housing authorities which create and administer public housing. They also have human rights commissions, which are responsible for addressing complaints related to housing discrimination.
- Municipal governments are responsible for zoning bylaws, and in some jurisdictions responsible for administering public housing.

### **Relevant Findings from the LGBTQ2S Housing Matters Project**

Our current housing research project expands on our earlier work in the European Union and aims to further our understanding of the housing needs of older LGBTQ2S populations in the Canadian context. This SSHRC-funded study consisted of three parts: a national survey of older (55+) LGBTQ2S Canadians, focus groups in five provinces, and an international scoping review of empirical research on housing issues in LGBTQ2S communities. Our research revealed three key features of housing for LGBTQ2S Canadians: It must be **safe** from harassment, **affordable**, and **affirming** of their sexual orientation and/or gender identity and expression.

Only 15% of our survey respondents felt that Canadian housing facilities were inclusive of LGBTQ2S populations, while 46% were uncertain, and 38% felt they were non-inclusive. Just over one third (36%) of respondents reported having had negative housing-related experiences in the past five years. Of these, nearly half (48%) did not feel comfortable discussing their identity with housing staff or landlords, and 24% had negative interactions with staff or landlords related to their sexual orientation or gender identity. Our focus group data further expanded on both lifelong experiences and current fears of discrimination in various housing settings including long-term care facilities, rental housing, and shelters and the overall lack of enforcement of existing human rights legislation and protections.

Many respondents indicated housing challenges in recent years: 59% experiencing rising rent, 30% had to move neighborhoods due to housing unaffordability, and 28% indicated that in the past five years they had fallen behind on rent or mortgage payments or had to borrow money for

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housing costs. Focus group participants also expressed concern over financial barriers to accessing good quality and safe housing for those without savings, pensions, or family supports, and how a lack of affordable housing stock increased the risk of being discriminated against. Focus group participants described the need for more portable housing benefits as a way to keep people in their current dwellings and community rather than being forced to move into a more affordable unit in an area they were unfamiliar with which was seen as potentially contributing to higher levels of social isolation and fear of harassment. It was also noted that taking up one of the limited social housing ‘spots’ rather than having a housing benefit able to cover a minor rent increase in an existing unit was seen as a wasteful and a non-person-centred approach to addressing the unique housing needs of vulnerable populations.

Our scoping review further confirmed the fears that older LGBTQ2S adults have when relying on housing-related supports as they age. The importance of safe, affordable and LGBTQ2S-affirming housing was noted in the scoping review, however, very few policy interventions have been identified and evaluated in the housing literature aimed at LGBTQ2S populations. Suggested policy recommendations to emerge from our study data included the need to identify older LGBTQ2S adults as a vulnerable group in housing policy, mandating training on the specific needs of LGBTQ2S residents in long-term care and retirement communities, and developing national Ombudsperson programs in long-term care. In addition, our participants offered a variety of promising initiatives to address the needs of older LGBTQ2S Canadians and housing, including the formation of LGBTQ2S advisory structures to, for example, work with housing providers on issues of inclusivity, and the creation of LGBTQ2S-specific co-op apartment units in buildings for older adults on low-income.

Nearly all survey respondents (96%) agreed there was a need for housing-specific anti-discrimination laws, enforcement and evaluation. Our focus group participants further explained that generic inclusion or “one size fits all” policies are ineffective, and that existing anti-discrimination laws and policies were seen as problematic where they are not being enforced. Further, our participants expressed the need for policies to be transparent and enforced for all housing settings, including landlords, management, staff, and other residents and tenants. An overwhelming majority (90%) of LGBTQ2S survey respondents agreed that diversity training for staff working in the housing sector and landlords was critically important. Focus group participants expanded on this finding with many describing the need for equity, diversity, and inclusion (EDI) training to be made mandatory and regulated for housing sector staff and landlords. They also emphasized the need for accountability and evaluation structures to be put in place to ensure that EDI initiatives were effectively implemented and impactful in reducing stigma, discrimination, and harassment.

## Conclusion

As indicated by the findings of our research, it is apparent that current regulations, where they exist, aimed at supporting safe, affordable, and affirming housing for older LGBTQ2S adults are insufficient. Given that different levels of government contribute to housing in different ways, we offer the following options to both federal and provincial/territorial governments and their partners.

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Federal organizations and partners should consider the following options:

- Conduct an evaluation of the effectiveness of policies developed using GBA+. Publish and circulate these findings and use them to consider how federal policies and programs can be improved to better serve the diverse needs of vulnerable Canadians, including older LGBTQ2S Canadians, in relation to adequate housing needs.
- Review and mobilize on existing funding opportunities (e.g., through Heritage Canada and the Canadian Mortgage and Housing Corporation) that are available to address the issues of LGBTQ2S housing and how they might be improved, particularly for low-income LGBTQ2S seniors.

Provincial/territorial organizations should consider the following options:

- Adopt an independent authority to bolster existing supports funnelled through ombudspersons to advocate for policies that meet the housing needs of older LGBTQ2S adults (e.g., British Columbia Seniors Advocate).
- Provide clear examples of what discrimination looks like in housing in order to increase awareness among LGBTQ2S Canadians and housing providers of the different forms it can take and what can be done in response (e.g., [Ontario Human Rights Commission](#)).
- Ensure supports are in place to facilitate housing discrimination complaints without fear of incurring costs or being further discriminated against (e.g., legal services).
- Ensure Human Rights Commissions have the ability to provide oversight to housing providers through a Federal Housing Advocate to ensure that anti-discrimination legislation is followed as intended.
- Ensure access to equity, diversity, and inclusion (EDI) training that is of high-quality and mandatory for both new and existing staff, and create positions responsible for monitoring and evaluating equity, diversity, and inclusion metrics developed in consultation with marginalized and vulnerable populations.
- Draw on funding and supports from the LGBTQ2S Secretariat to work with LGBTQ2S stakeholders to develop and refine housing policies and programs that better meet the needs of these communities.

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## About the Authors

The national *LGBTQ2S Housing Matters* project is a group of researchers and community partners from across Canada interested in better understanding and improving the housing needs of LGBTQ2S populations. More information on the project, including a report of the survey and focus group findings, can be found at <https://bit.ly/LGBTQhousingCanada>.

**The principal investigator can be reached at [jgahagan@dal.ca](mailto:jgahagan@dal.ca)**

## Annex 1 – The needs of older LGBTQ2S individuals

Older LGBTQ2S populations have experienced decades of discrimination. In Canada, homosexual activities were criminally punishable until 1969, and it was not until 2017 that the Canadian Human Rights and Criminal Code included gender identity and gender expression. For many LGBTQ2S Baby Boomers, those born between 1946 and 1964, their formative experiences included being told they were sick, immoral, their consensual sexual encounters were illegal, and being systematically excluded from many institutions, including marriage until 2004. While recognition of LGBTQ2S rights is improving, older LGBTQ2S adults continue to experience the long-term impacts of discrimination. Many LGBTQ2S Canadians are more likely to live alone and less likely to have children than those who do not identify as LGBTQ2S, and many are concerned about a lack of social support and social isolation, particularly as they age and require additional assistance with health care and housing issues.

Despite advances to human rights legislation, many older LGBTQ2S Canadians remain vulnerable to prejudice from housing providers and other residents, and many fear that revealing their sexual orientation or gender identity could result in stigma and discrimination leading to poorer housing options. This speaks to the fears many older LGBTQ2S individuals have in relation to going “back into the closet” to protect themselves from discrimination and stigmatization in congregate living facilities such as long-term care settings. Additionally, as the burden on care workers and housing support workers in congregate living facilities grows due to COVID-19, less attention may be given to EDI or other right-based training for staff and residents which may further increase the vulnerability of older LGBTQ2S Canadians in such settings. As such, enforcing, regulating and evaluating the impact of existing human rights legislation in the housing sector generally and in relation to housing policies specifically, are critical responses needed by all levels of government to address the housing needs of older LGBTQ2S Canadians.

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- A preliminary report of the survey and focus group data can be found on our [project website](#). Please consult this website or contact the principal investigator, Dr. Jacquie Gahagan, at [jgahagan@dal.ca](mailto:jgahagan@dal.ca) for further information.

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- [Data on LGBTQ2S Housing Needs](#)
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