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THE HOUSING CRISIS: JURISDICTIONAL, PROGRAM ISSUES



In addition to the problems noted earlier relating to the lack of supply, the problem with inappropriate housing and the lack of economic spinoffs, there are other issues, namely jurisdictional, and program issues.

JURISDICTIONAL ISSUES: CLARIFYING RESPONSIBILITY

There are fundamental differences between Aboriginal people and the government concerning the federal responsibility for Aboriginal housing.

Indian organizations disagree with the federal government's characterization of its responsibility.

The AFN stated that:

First Nations maintain that housing is a federal responsibility which flows from the special relationship with the federal Crown

created by section 91(24) of the British North America Act of 1867 and the treaty agreements themselves.¹

The FSIN noted that:

It is the FSIN position that shelter in the form of housing, renovations, and related infrastructure is a treaty right and forms part of the federal trust and fiduciary responsibility. (This position derives) from the special Indian-Crown relationship dating back to the Royal Proclamation of 1763, enhanced by section 91(24) of the Constitution Act of 1867 and sections 25 and 35 of the Constitution Act of 1982. (Mr. Tony Coté, Director, Saskatchewan Indian Housing Corporation, Minutes of Proceedings and Evidence, Issue No. 23:9)

Mr. John Rayner, DIAND, commented that "the government to this time, has not recognized any universal Indian entitlement to government financed housing, but it has committed itself that all Indians should have access to adequate, suitable, and affordable housing as a matter of social policy." (Mr. John Rayner,