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A CRITICAL REVIEW OF CANADIAN FIRST NATIONS AND ABORIGINAL HOUSING POLICY, 1867 – PRESENT

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INTRODUCTION

In the early 1990s Canada's national media trained its investigative lens on poor reserve-housing conditions, exposing the depth of what was then described as a crisis. This did not provoke Ottawa's effective response even if the heightened attention did prompt First Nations and Aboriginal leaders to greater levels of political advocacy, which improved public awareness leading Canada's Auditor General to study the issue in 2003.¹ Unfortunately no substantial policy changes resulted and national reserve-housing conditions continued their decline. Poor housing is linked to growing national Aboriginal homeless rates both on and off reserves as well as staggered economic development, inferior health standards and diminishing educational outcomes (Belanger, 2007; Belanger et al, 2012b; Canada, 2015; Christensen, 2013; Ruttan et al, 2008; Weasel Head, 2011). All the same, characterizing the federal, provincial and territorial governments – and by association

Canadians in general – as unsympathetic would be extreme. Between 2006 and 2013 the Government of Canada provided \$2.3 billion in on-reserve housing support to First Nations, which contributed to an annual average of 1,750 new units and 3,100 renovations annually (Canada, 2013). It would seem that Canadians are demanding improved Aboriginal housing conditions even if bureaucratic efforts to date have failed to translate into practical community outcomes. In May 2015, for instance, the CBC reported that the federally sponsored \$300-million First Nations Market Housing Fund established in 2008 had produced 99 new reserve homes to date – out of a proposed target seeking 25,000 privately owned dwellings by 2018 (Beeby, 2015). With this in mind one must critically reflect upon: one, why the aforesaid housing conditions continue to deteriorate and, two, why Canada's response demonstrates little sense of urgency.

1. The term 'Aboriginal peoples' indicates any one of the three constitutionally defined groups that form what is known as Aboriginal peoples in Canada (Métis, Inuit and Indian) and who self-identify as such. The term First Nation is used here to denote a reserve community or Indian band. The term 'Indian,' as used in legislation or policy, will also appear in discussions concerning such legislation or policy. The term 'Indigenous' here does not represent a legal category; rather, it is used to describe the descendants of groups present in a territory at the time when other groups of different cultures or ethnic origin arrived there and who identify as such. Statistics Canada measures Aboriginality in four different ways. Most importantly, they distinguish between Aboriginal ancestry and Aboriginal identity. Aboriginal ancestry measures Aboriginality through a self-declaration of Aboriginal ancestry, whereas Aboriginal identity asks individuals if they self-identify as Aboriginal (whether First Nations, Métis or Inuit). Moreover, individuals are given the option of identifying with more than one category (for example, one might declare oneself both First Nations and Métis). For the purposes of this study, 'Aboriginal' refers to those who self-identify as Aboriginal (whether First Nations, Métis or Inuit) and only those who choose a single category.

Therefore the starting point for this discussion is to explore Canada's Aboriginal housing policy, which may appear somewhat unorthodox in a book discussing the growing importance of establishing systems approaches to ending homelessness. However, by exploring federal Aboriginal housing policy we can produce insights that help to clarify why reserve homelessness and urban Aboriginal homeless rates continue their rise, and this is essential to developing informed homelessness policies and intervention strategies. Canadian Aboriginal housing policies remain influenced by the *Indian Act of 1876*, which identifies Aboriginal people as legally unique persons who for most of the twentieth century were ineligible for mainstream programs – including the *National Housing Act* of 1938. Restricting policy development further is how provincial officials interpret S. 91(24) of the *British North America Act* (BNA) of 1867: that is, that the provinces are inoculated from having to politically respond to “Indians, and lands reserved for the Indians,” due to the fact that they are federal responsibilities. The resulting jurisdictional debate has spawned a popular tactic whereby assorted provincial ministries and departments assigned responsibility for homelessness and housing programming regularly and consciously abandon ‘Indians’ to the federal trust. Such political posturing leads to Aboriginal people being trapped in a jurisdictional void and unable to access analogous non-Aboriginal housing programs or homeless relief. As such, Indians and their lands remain the responsibility of Aboriginal Affairs and Northern Development Canada (AANDC), a federal ministry that has frequently declared its intention of delegating its ‘Indian’ housing duties to the Canada Mortgage and Housing Corporation (CMHC).

As this chapter shows, ad hoc housing policies resulted that were unable to accommodate the demands of reserve communities, whose growing populations outstripped local housing assets. The federal government's leisurely response produced staggered renovation schedules leading to extreme overcrowding, after which time reserve homelessness and urban relocation became normative. By the 1990s, the foundation of a major housing crisis was in place, all of which I argue is attributable to the legal and policy separation of ‘Indians’ from mainstream Canadian society and thus existing programming. A brief discussion of contemporary Aboriginal homeless trends precedes an overview of reserve housing conditions tracked through various government and academic reports dating to the 1930s. Canada's reluctance to recognize or accept responsibility for improved reserve housing conditions is clearly identifiable. A brief overview of the *Indian Act's* evolution is then offered to illustrate how Aboriginal separateness is fashioned. Notably, in this setting First Nations leaders played a minor role in formulating the housing policies impacting their communities – they were expected to simply await word of and then administer federal decrees. Reserve leadership is encouraged to adopt greater responsibility for housing, albeit fashioned from policies created outside of the community in Ottawa. The conclusions follow revealing the key themes while offering insights on how to move forward.

Tracking the Historic and Ongoing Failure of Canada's Aboriginal Housing

Urban Aboriginal and First Nations (reserve) homelessness is a mounting concern in Canada. In 2012, it was reported that 6.97% of urban Aboriginal people were considered to be homeless on any one night, compared with 0.78% of the non-Aboriginal population. More than one in 15 urban Aboriginal people were deemed homeless, compared to one out of 128 non-Aboriginal Canadians. Put another way, urban Aboriginal people are eight times more likely to be or to become homeless than non-Aboriginal urban individuals (Belanger et al, 2012). While we have a general understanding of urban Aboriginal homeless trends we lack an analogous understanding of reserve homelessness. Available anecdotal information does speak to an experience that is typified by deteriorating housing accommodating multiple families, reserve homeless shelters (where they exist) becoming overwhelmed by growing homeless populations and escalating churn levels (i.e. homeless individuals and families frequently abandoning the reserve for the city only to return homeless) (Belanger & Weaselhead, 2013; Norris & Clatworthy, 2003). In each case, we are comfortable in concluding that Aboriginal pathways to homelessness are diverse and range from economic marginalization to attending residential schools, negative experiences with child welfare agencies, social marginalization and isolation and systemic discrimination, personal trauma, jurisdictional and coordination issues and the Indian Act (Thurston & Mason, 2010). Acknowledging the impossibility of capturing the intricacies of each one of these categories in one chapter, this essay evaluates the evolution of reserve and urban Aboriginal housing policy and how this influenced and in turn perpetuates rising Aboriginal homelessness levels.

To start, the post-Confederation transition to Euro-Canadian housing occurred after most First Nations had been relocated onto reserves following the

conclusion of the first Numbered Treaty period (1871–1877). Individuals and families resistant to European architectural formats remained housed in traditional dwellings such as tee-pees, longhouses, and birchbark covered shelters. Igloos tended to be the popular housing style in the north prior to the 1950s' influx of non-Aboriginal resources workers, military and bureaucrats. For communities attempting to preserve traditional ways, including time-honoured housing models, plummeting animal numbers incited failing subsistence economies, undermining community development efforts while making it virtually impossible to construct traditional dwellings. For those in new homes minimal effort was directed toward educating reserve residents in the art of house maintenance and general upkeep for Canada's Indian civilization program promoted either abandoning the reserves or adopting private property regimes in newly formulated municipal townships. Indian agents assigned to the reserves recorded the pace of community advancement by tracking the construction of barns, homes and outbuildings. But because the reserves themselves were fated to decommission little consideration was given to the reality that the new homes would age thus demanding renovations and future replacement. All of this occurred during this period in which housing also came to be accepted as an individual responsibility, which compelled limited government assistance for reserve home construction.

By 1941, for the first time since its inception, the Canadian census noted an increasing Indian population. For Aboriginal leaders dealing with a nascent reserve housing crisis this was a harbinger of things to come, especially when factoring in the need to work with a parsimonious Indian Affairs branch whose administrators were preoccupied with ending the financially debilitating 'Indian problem' (Dyck, 1991; Titley, 1986). Aboriginal leaders were shocked

at how dismissive federal and provincial officials were about reserve housing problems considering the Ewing Commission (1934–1936) verified deplorable Métis and Indian housing conditions. As one of the first government commissions examining Indian issues to include a discussion about housing, the Alberta Royal Commission led by Supreme Court of Alberta Judge Albert Ewing was struck to evaluate Métis health, education and general welfare, and described Métis and Indian individuals and families “living in shacks on road allowances and eking out a miserable existence, shunned and suspected by the white population. Those living in more remote places are better off, but their living is precarious” (Alberta, 1936). While this report did not scrutinize in detail specific housing concerns, it did forewarn provincial officials of a budding crisis.

First Nations and Aboriginal leaders noted that the Alberta reserve housing crisis extended to all provinces, something that was confirmed by a series of published reports starting in 1948. For instance, two Special Joint Parliamentary-Senate Commissions studying the Indian Act’s impact on Aboriginal peoples cited the need to improve reserve housing and sanitation (Canada, 1946–1948, 1959–1961). Celebrated anthropologist Harry Hawthorn and his colleagues Cyril Belshaw and Stuart Jamieson identified ongoing housing difficulties in their 1955 socio-economic study of B.C. Indians (Hawthorn et al, 1955; Hawthorn et al, 1958). In 1963 Hawthorn and Marc Adelard Tremblay initiated an extensive national study of Aboriginal social, economic and political conditions that would portray reserve housing as “over-crowded; child sleeps with siblings in same bed; little or no privacy; scarcity of furniture; sometimes dirty house; often un-attractive, unpainted and uncared for” (Tremblay et al, 1967: 111). A federally sponsored survey of reserve housing conditions

sandwiched between these two reports confirmed in 1958 that 24% of reserve families required 6,999 new houses costing roughly \$16,796,000.² Two Royal Commissions during the 1960s spoke to Aboriginal housing conditions: the Royal Commission on Health Services noted extremely poor reserve housing (Canada, 1964; 1965) whereas the Royal Commission on the Status of Women in Canada highlighted Métis difficulties in procuring housing (Canada, 1970).

Responding in part to the research during the late 1960s and throughout the 1970s, a number of different federal programs and demonstration projects were established to combat reserve and urban Aboriginal housing difficulties, as discussed below.

By the 1980s however it was clear to most observers that reserve housing conditions were quickly deteriorating (Table 1), and that urban Aboriginal residents were likewise struggling to obtain adequate and affordable accommodations. In 1983 the Special Committee on Indian Self-Government recommended providing substantial funding for community

infrastructure (e.g. improved water, sewage and housing facilities) in anticipation of land claims resolution (Penner, 1983). The Nielsen Task Force’s 1985 report noted the poor state of on-reserve housing: one quarter of reserve units were in need of major renovation, one third were overcrowded and more than \$500 million was required to address the housing shortage³ (Nielsen, 1986). The Standing Committee on Aboriginal Affairs Report *Unfinished Business: An Agenda for all Canadians in the 1990s* also cataloged a reserve housing crisis (Canada, 1990).

Building on these conclusions, the Office of the Auditor General would deduce in 1991 that: one, the annual supply of reserve houses did not meet the normal replacement demand, two, the older reserve housing

“... living in shacks on road allowances and eking out a miserable existence, shunned and suspected by the white population. Those living in more remote places are better off, but their living is precarious” (Alberta, 1936).

2. This would be \$140,485,748 in current dollars (April 2015), adjusted for inflation. Figures generated by using the online Bank of Canada Inflation Calculator (www.bankofcanada.ca/rates/related/inflation-calculator/).

3. This would be \$1,015,273,312 in current dollars (April 2015), adjusted for inflation.

was among the poorest in Canada and, most disturbingly, three, the Department of Indian Affairs and Northern Development had no specific plan to address the existing shortage. In 1992 the House of Commons' Standing Committee on Aboriginal Affairs commissioned the first comprehensive study devoted to Aboriginal housing in Canada: *A Time for Action: Aboriginal and Northern Housing*. Released in December 1992, it reported that roughly half of 70,000 reserve houses were considered unfit to live in and that the immediate construction of 21,700 new homes was required. Additionally, 6,700 homes needed replacing and as many as 44,500 required substantial repairs. In total, \$2.1 billion was needed to provide safe and adequate housing⁴ (Canada, 1992). During this period the Royal Commission on Aboriginal Peoples (RCAP) was in the midst of what would become the most extensive and expensive commission in Canadian history, and the most comprehensive and credible account of First Nations and Aboriginal issues. Its 1996 report concluded that reserve and Métis and Inuit housing was sub-standard to a degree that it represented an acute risk to Aboriginal health and safety. Eleven recommendations related to housing were presented, all of which the federal government ignored (Canada, 1996). These included federal and provincial acknowledgment of their governments' obligation to ensure that Aboriginal people have adequate shelter, providing supplementary resources helping Aboriginal people meet their housing needs and supplying resources for construction and upgrading and operating water and sewage systems thereby ensuring all First Nations communities had adequate facilities and operating systems in place within five years, among others (Canada, 1996).

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In each instance subsequent federal budgets contained inconsequential funding hikes for First Nations, Métis and Inuit housing that scarcely made a dint. For the most part the majority of this series of reports' findings and recommendations were duly shelved. Then, in 2003, Canada's Auditor General Sheila Fraser generated the most impressive coverage of the national reserve and budding urban Aboriginal housing crisis. While she began by noting signs "of improvement in some First Nations communities," she bluntly concluded that "there is still a critical shortage of adequate housing to accommodate a young and growing population" (Canada, 2003: 1). Fraser determined that there was a national lack of 8,500 reserve houses, and that 44% of the 89,000

reserve houses were in need of major repairs (Table 1). She further calculated that \$3.8 billion was needed to resolve the outstanding housing issues, which represented the second time in just over a decade that an auditor general proposed a billion-dollar response to failing reserve housing⁵ (Canada, 2003). The Canadian government chose once again to ignore an auditor general's warnings as evidenced by the *On-Reserve Housing Support* report released in 2011, which detailed minimal progress toward resolving the issues while noting that between 20,000 and 35,000 new units were still needed to meet current demand (i.e. people on waiting lists), 16,900 housing units required repairs and 5,200 units needed to be replaced⁶ (Canada, 2011).

4. This would be \$3,172,607,656 in current dollars (April 2015), adjusted for inflation.

5. This would be \$4,655,092,144 in current dollars (April 2015), adjusted for inflation.

6. The AFN suggested these numbers were low and that the number of new units needed was roughly 85,000, and that based on current funding formulas and existing birth and fertility rates an estimated backlog of 130,000 units would develop between 2010 and 2031 (AFN, 2012).

TABLE 1

	New Homes Required	Replacement Homes Needed	Homes in Need of Repairs/Renovations	Estimated Total Cost (2015\$)
1958	6,999	n/a	n/a	\$140M
1966	12,000	n/a	n/a	\$607M
1985	10,000	2,400 annually	11,000	\$1.02B
1992	21,700	6,700	44,500	\$3.17B
2003	8,500	n/a	39,160	\$4.66B
2011	20,000–35,000	5,200	16,900	n/a

Although the succession of academic studies and government reports identified troubling trends and many offered innovative recommendations, reserve housing as well as Métis and Inuit housing continues to deteriorate. Urban Aboriginal peoples also find it increasingly difficult to secure adequate housing (A. B. Anderson, 2013; Belanger et al., 2012b). Federal officials remind the media regularly that Canada provided a total of \$2.3 billion in on-reserve housing support between 2006 and 2013, leading to an annual average of 1,750 new units and 3,100 renovations (Canada, 2013). This total alone represents less than half of what Fraser recommended needed to be spent back in 2003, which reveals what has become a normative federal public relations approach to dealing with Aboriginal housing that is reliant on quoting dollar figures absent a list of realized or potential outcomes. As an example, recognizing that \$3.17 billion (2015 dollars) was required to mitigate reserve housing difficulties, the government in 1992 chose to allocate less than 1/10th of that amount (just under \$205 million) to construct 3,300 houses and renovate 3,200 existing units (Martin, 1993: 16,802). Similarly, three years following Fraser's report proposing more than \$4.6 billion be spent on reserve housing issues, \$393 million (2015 dollars) was doled out over a five-year period to construct 6,400 new units and renovate 1,500 existing units (Canada, 2005: 96).

The contemporary federal approach to First Nations, Métis and Inuit housing embraces managing as opposed to resolving an ongoing crisis. Perhaps most disturbingly this section highlights a troubling reality: substandard Aboriginal housing is not a contemporary issue but rather is an ongoing crisis that dates at least to the 1960s.⁷ We have chosen to disregard this well documented public phenomenon even though prior to the 1990s the specter of poor on-reserve housing surfaced every decade or so (Canada, 2003) due to the media's ongoing efforts. The recent proliferation of new and seemingly ubiquitous communications technologies permits an increasing number of media consumers and citizens the opportunity to observe and interrogate the Canadian government's unabashed efforts to reassure the public that everything is being done to improve the situation. But as discussed in the following sections, I believe that the matter is not one of intent: the government and its agents have attempted to respond to the aforementioned housing issues. The problem in part lay with the Indian Act system that crafts Aboriginal separateness – a government edifice, it must be noted – and its murky character that relies on keeping Indian issues housed with a proven-to-be-inept federal ministry. It encourages provincial and territorial officials to abandon responsibility for Indian issues based on Constitutional paramountcy, which has proven injurious to any and all attempts made to improve reserve and off-reserve housing.

7. I am currently researching a book on Aboriginal housing policy to Confederation in 1867, and to date the data suggests that the housing crisis being discussed dates to the late 1800s and the start of a bureaucratically imposed transition from traditional to European-style homes.

Establishing Aboriginal Separateness: The Legislative & Policy Setting

The lack of clarity concerning where First Nations (reserve) people fall in the housing policy matrix has made it extremely difficult (or so politicians claim) to develop a coordinated policy response. This is, however, needed to assist in policy development and the implementation of the related intervention strategies. As a result, the existing policies and legislation designed to encourage public housing and improve affordability, promote individual home ownership and augment housing starts have indeed had a narrow impact on reserve and urban Aboriginal housing outcomes (Miron, 1988; Rose, 1980). The reason is not due to a lack of Aboriginal understanding of the various concepts related to home ownership or renting (e.g. down payments, mortgages), but rather results from the federal fixation on administering Aboriginal people as wards of the State (Belanger, 2013). The belief in Indian wards to the government's guardianship can be traced in formal policy to the Royal Proclamation of 1763. That year King George III granted Indians protected status, an inferior legal standing one held until attaining colonial citizenship⁸. Losing one's status as an Indian was considered an honour in the eyes of the Crown. Subsequent colonial legislation sustained this category to 1860, when authority for Indians and their lands was formally transferred to the Canadian colonial legislature, which endorsed Indigenous peoples accepting European/colonial norms.

Following Canadian Confederation in 1867, the pith and substance of these several "acts of civilization" reaffirming the idea of protected Indian status and the related need to be lifted from this inferior standing to full British citizenship, were formally codified in the *Indian Act* of 1876. By the 1870s it was expected that Canada's recently implemented policy of assimilation would lead to Indian civilization by the 1900s and that the category 'Status Indian' would vanish. This did

not occur due in part to the policy architects' failure to foresee Aboriginal resistance to social integration. Consequently an infrastructure of attendant institutions was needed if Canada was to achieve its stated goals. Child welfare and in particular residential schooling would emerge as the key assimilation tools illuminating a bureaucratic ideology that was powerfully influenced by beliefs of Indian inferiority (Leslie, 1999; Titley, 1986). Indian agents were primarily responsible for implementing federal Indian policy on reserves, which as a rule involved usurping traditional political authorities, suppressing religious practices and transforming social roles (Harring, 1998; Pettipas, 1994).

In this setting Indian agents were responsible for reserve housing and they encouraged Aboriginal people to transition into modern European-modeled homes – even in the north where Indian Affairs officials attempted to adapt southern-style homes in ways that accounted for neither culture or climate. Indian agent reports demonstrate bureaucratic enthusiasm for Aboriginal people adopting western-style housing, thus ensuring sanitary conditions and ultimately civility. Perry (2003) has explored this link between colonial desires to improve Aboriginal housing and the corresponding societal diffusion of housing, gender and family-related ideals, while noting that minimal federal resources were assigned to facilitate this transition. For Aboriginal leaders believing that their reserves were legally protected spaces and as such deserving of improved housing policies, it was noted in 1936 that the reserve system "was designed in order to protect the Indians from encroachment, and to provide a sort of sanctuary where they could develop unmolested until advancing civilization had made possible their absorption into the general body of the citizens."⁹ By the early twentieth century, bureaucratic attention had shifted away from

8. The Royal Proclamation is incorporated as S. 25 of the Constitution Act, 1982.

9. A 2006 Globe and Mail article by Julius Strauss ("Is the Canadian model for relations with aboriginals beyond repair") attributes this quote to an unnamed 1921 government document. To date I have been unable to unearth the quote's "government" origins. The best resource to date is the Chilliwack Progress at <http://theprogress.newspapers.com/newspage/43177760/>. It does however effectively convey the general attitudes of the period concerning the utility of Indian reserves.

housing to securing land surrenders and ensuring residential school attendance (Martin-McGuire, 1998; Miller, 1996; Milloy, 1999). Federal officials simply settled into a waiting pattern anticipating the reserves' changeover into municipalities. Predicting that private homeownership would naturally materialize signaling the federal civilization program's end, status Indians would in effect transition into non-status Indians now eligible for any and all federal and/or provincial programs related to housing (and one would anticipate homelessness programs in the late twentieth century).

As a result, reserve housing policy fell by the wayside until the mid-1950s, when hints of a housing crisis began to circulate. Still convinced of the need to develop separate policies to aid with Indian development, Ottawa responded to Aboriginal housing (and later homelessness) in the only way it could: by developing policies structured to encourage Indians to abandon their reserves for the cities in an effort to improve their lives through the resulting heightened access to education and employment.

THE IMPACT OF ONGOING ABORIGINAL SEPARATENESS ON HOUSING POLICY

Aboriginal people daily confront the effects of the aforementioned legislative and policy separation. While the government has abandoned the language of assimilation and tutelage, it remains dedicated to the *Indian Act* model. Now however, rather than promoting assimilation through civilization as evidenced by Indians moving off reserves, newer approaches embrace First Nations attaining Aboriginal self-government as a means of devolving responsibility for Indian affairs – including housing – to First Nations communities. Further muddying the waters is the division of Constitutional powers, which has pit provincial and federal officials in ongoing and increasingly heated debates about the precise responsibility for Indian affairs. The following sections will explore the ongoing impacts of the *Indian Act* and this Constitutional divide on how we conceive of, and how it influences our ability to respond to Aboriginal housing needs.

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Legislation and Policy Separation

The looming reserve-housing crisis of the 1940s had by the 1960s developed into a full-blown disaster and a regular media storyline. As federal officials struggled to come to grips with the issues the media expanded its gaze to explore Inuit (Eskimo) and Métis housing. The *Globe and Mail* in particular produced several stories detailing worsening Inuit health due to poor housing (Green, 1962; "TB ravages Eskimo shack town; 24 per cent hit, NWT council told," 1963). Métis housing issues had by 1967 been singled out as problematic ("Just outside," 1967) as had urban Aboriginal living conditions ("Lack of adequate housing cited in YWCA survey," 1965; "Study finds city Indians overcrowded, suspicious," 1965). This naturally led to a dialogue of treaty Indian housing concerns compared to those of non-treaty Indians, who were frequently and erroneously portrayed simply as urban

Aboriginal peoples (Platiel, 1970; “Time is running out, Treaty Indian warns,” 1968). The media of the 1970s acknowledged the legal separation of status- and non-status Indians and similarly explored their housing issues both independently and in comparative perspectives (J. Anderson, 1971). Tellingly the media had also implicitly picked up upon – and was in the process also perpetuating – Aboriginal separateness that was evident in the popular legal definition of Indian and the resulting categories (bureaucratic and legal) that continued to expand in response to federal attempts to combat Aboriginal housing concerns.

Additional federal funding (\$84.5M) was allocated to Indian, Inuit and Métis housing in the mid-1960s with the goal of ending the reserve housing crisis by 1971 (“Establish 1971 goal to end housing shortage on Indian reserves,” 1966). But many different Indian groups received differing amounts highlighting the government’s liking for defining Indians in ways that could rationalize spending or funding cuts. For instance, those defined as Indians received greater funding amounts than what was allocated to Inuit and Métis due to the fact that the latter two groups lacked formal legislative definition during this period. The same could be said for the nascent and growing urban Aboriginal community, which would have to wait an additional two years before a \$1-million off-reserve housing program was announced for its 35,000 individuals (15.2% of the national Indian population).¹⁰ Reserve housing would remain a federal focus until the Ministry of Housing and Urban Affairs was founded in 1971, although by the 1970s Indian urbanization was becoming better understood. That year a \$200-million funding infusion was aimed at establishing a number of urban demonstration housing projects (Walker, 2004, 2008).¹¹ By 1972 urban Aboriginal non-profit housing societies had begun to surface leading to the creation of more than 100 national corporations.

Federal funding did lead to noticeable improvements in reserve and urban Aboriginal housing, but the provincial premiers remained reticent to commit additional resources. Citing financial concerns as the key impediment, the majority of premiers also feared that accepting responsibility for anything remotely related to Indian affairs would signal their willing acceptance of responsibilities for Indians and their lands. The provincial premiers were also on watch for similar types of devolution policies after rejecting a federal scheme at the 1964 Dominion-Provincial Conference on Indian Affairs. Seeking to devolve Aboriginal health care and its costs to the provinces, provincial premiers lashed out by describing the plan as a blatant federal attempt to offload the federal responsibility for Indians to the provinces (Belanger, 2014). The quarrel spilled over into broad jurisdictional dialogues typified by the provinces declaring their certainty in the federal government’s responsibility for “Indians, and lands reserved for the Indians,” which included reserve housing (and in later years urban housing programs). Notable exceptions to these trends occurred in Saskatchewan and Ontario, where the leaders of both provinces acted on grave concerns about reserve housing dating back to the 1960s. In certain instances funding had been provided and federal/provincial programming established to improve reserve housing. For the most part however provincial officials remained unwilling to engage the issue.

Two issues emerge at this point that demand consideration. The first is the separation of Indians into the categories of status and non-status Indian, which is an *Indian Act* construction. Since status Indians are formally recognized as legal Indians they are deemed in need of funded programs to help facilitate their transition to civilized status. Non-status Indians are however considered formerly legal Indians who have attained a suitable level of civilization. In the latter case, which brings up the second issue of

10. This would be \$6,790,323 in current dollars (April 2015), adjusted for inflation.

11. This would be \$1,358,064,516 in current dollars (April 2015), adjusted for inflation. A demonstration project is conducted under government supervision, to better understand the issues and solutions associated with (in this case) rental housing. The goal is to review the project’s operations for the purposes of devising best practices and to then develop processes that result in improved levels of housing capacity and access to adequate and affordable housing.

concern, non-status Indians are no longer considered a government obligation and are consequently no longer eligible for equivalent federal programs, including those for housing and homelessness (although they can potentially access provincial off-reserve housing and homelessness programs) (Lawrence, 2004). Those Indians who recognized the benefits of retaining their status may make claim to federal resources and secure

policy attention. By opting to restrict its policy focus however the federal government in turn “provided Indian status with a set of characteristics that made it a desirable category for those who were marginalized as a consequence of the same laws” (Newhouse et al, 2014: 9). The authors of the report, *Delivery of the Aboriginal Human Resources Development Strategy in Urban Canada*, highlighted this inequality:

To illustrate the need for urban Aboriginal policy, one needs only to examine the expenditures of the Department of Indian Affairs and Northern Development. As noted in the section on demographics, 30% of Canada’s Aboriginal population are registered Indians and of those approximately half live off reserve, or 15%. DIAND spends nearly \$7 billion a year servicing almost entirely First Nations on reserves, while HRSDC, through the AHRDS agreement, spends approximately \$320 million a year for people who live both on and off reserves. Based on these figures, approximately 81% of this funding for Aboriginal people is going to 15% of the total Aboriginal population, which demonstrates a significant misallocation of funds and further demonstrates a need for the development of policy frameworks for urban Aboriginal people (Holders, 2002).

In each case two key themes to emerge are: one, the provincial desire to contribute limited financial capital to urban Aboriginal housing issues and, two, to facilitate new, less costly partnerships with and between stakeholders, the latter of which should occur while avoiding any formal commitment to reserve housing, what has historically been portrayed as an exclusively federal domain.

The provincial response to Aboriginal housing remains influenced by this means of legally privileging status Indians and reserve communities through policy. Only two provinces – British Columbia (B.C.) and Nova Scotia – have implemented policies directly referencing First Nations housing. The most comprehensive is the Tripartite First Nations Housing Memorandum of Understanding that B.C. signed with the First Nations Leadership Council and the Government of Canada in 2008 committing each party to develop an inclusive approach to improve housing for First Nations communities, individuals and families living both on and off reserve (B.C., 2014). Provincial participation in Nova Scotia’s Tawaak Housing Association (est. 1981), a private, non-profit housing corporation, is restricted to providing for partial organizational funding (Association, 2014). In the absence of a formal

national housing strategy, most provincial governments have developed social housing plans and housing and homelessness frameworks that progressively identify their need to engage non-reserve Aboriginal peoples, but none focus specifically on reserve housing.

The language used in most cases does not commit a province to resource provision but, as the New Brunswick government example demonstrates, speaks of the importance of helping to improve partnerships “with private sector, municipalities, non-profit associations, Aboriginal organizations and other stakeholders to develop innovative solutions to housing challenges and expand the stock of affordable housing” (Corporation, 2014). More recently Alberta responded to the devastating June 2013 southern flooding by signing two memoranda of understanding with and directing more than \$180 million to the Siksika (\$83 million) and Stoney Nakoda (\$98 million) First Nations for rebuilding reserve homes and infrastructure (Gandia, 2013; Seewalt, 2013). What this may hold for ongoing Aboriginal-provincial relations concerning housing is yet to be seen. Unfortunately, as of July 2015 only 130 Stoney homes had been fully repaired with the end of 2016 given as the final restoration date (Hudes, 2015).

Policy Separation on the Ground

So how does this legal and policy separation impact Aboriginal people seeking improved housing? Or mitigate housing risk or work toward ending homelessness? Responsibility for federal First Nations (reserve) housing was assigned to the CMHC in 1996. This transfer of authority was first mentioned in the 1950s and had gained ample momentum by the 1970s. DIAND took formal actions in 1976 to affect this changeover that National Indian Brotherhood (NIB) leader Noel Starblanket successfully rebuffed. He responded by also demanding that the DIAND retain its provision of Indian housing (Ponting & Gibbins, 1980). The NIB's successor, the Assembly of First Nations (AFN), echoes Starblanket's arguments by insisting that Canada is bound by treaty rights to ensure First Nations have shelter. By involving the CMHC, the AFN adds, federal officials are attempting to circumvent their responsibilities by delegating a federally enshrined housing responsibility to a Crown agency (AFN 2013). Treaty rights in this instance remain undefined, nor is it certain whether the proclaimed federal responsibility for reserve housing is considered specifically to be a treaty right or part of Canada's fiduciary obligation (trust responsibility) for Indians.

The federal government counters that all housing – be it Aboriginal or non-Aboriginal housing issues – is strictly a matter of policy. It is not a right or an entitlement derived from treaties or constitutional status. Housing is a social policy and Aboriginal housing policy, generally speaking, is based on this premise. Support is therefore based on “need” (Canada, 1996). When, the CMHC accepted responsibility for reserve housing in 1996 it acknowledged this provision and the attendant policies established to guide its supervision by placing greater “emphasis on future planning and community control of reserve housing decisions and to gradually relieve the reserve housing crisis” (Olthius et al, 2008: 274). More First Nations consequently undertook

community planning processes. Now responsible for the governance of reserve housing through by-laws, many First Nations now own, administer and manage the reserve housing stock while fashioning community plans, establishing zoning and ascertaining regulations. The CMHC provides housing assistance to support new housing construction, the purchase and/or renovation of existing housing and AANDC-supported development of housing capacity. These monies can be used at each First Nations' discretion for construction, renovation, maintenance, insurance, capacity building, debt servicing and the planning and management of their housing portfolio (CMHC, 2014). Although it may

The NIB's successor, the Assembly of First Nations (AFN), echoes Starblanket's arguments by insisting that Canada is bound by treaty rights to ensure First Nations have shelter.

appear that additional funding is being made available, absolute responsibility for local housing development is assigned to each First Nations; however, even though First Nations may technically exercise discretion the general rules guiding funding use were devised in Ottawa by bureaucrats hoping reserve residents will abdicate treaty-protected lands in lieu of

purchasing individual plots for home construction. Without engaging in an extended dialogue about reserve socio-economic outcomes, which significantly constrain establishing private property regimes, those who have accepted responsibility for creating reserve housing programs do so (almost exclusively) without seeking input from reserve community planners.

It becomes evident when reflecting on the 1961–1993 programming period that reserve-housing issues took precedence (and they still do from a policy perspective), over those of Inuit, urban Aboriginal and Métis. Returning once again to law and policy, the federal disregard for non-reserve housing is in part attributable to the *Constitution Act* (1982), which conflates Indian, Métis and Inuit into a catchall category Aboriginal. This undermined how the governments of the 1980s were able to respond to these distinctive communities' assorted housing concerns. As an

example, despite the proclaimed need to improve reserve housing local program administrators were nevertheless forced to compete for funding with all Aboriginal programming portfolios (through grant writing and modest lobbying efforts). Add to this the fact that reserve housing programs were allocated the majority of funding which meant that Inuit, urban Aboriginal and Métis programs financially suffered. Among the more notable initiatives was the Urban Native Additional Assistance program established in 1984. The Urban Native Additional Assistance bridged the operating costs/operating income gap to “put urban Aboriginal housing institutions on a viable financial footing for the first time while also facilitating operating enhancement in... administration, counseling and maintenance regimes that have contributed significantly to the success of the urban Aboriginal housing institutions” (Congress of Aboriginal Peoples, 2004).

Initially identified as separate from mainstream programs, from the outset this CMHC program offered its administrators the freedom to formulate and provide Aboriginal-specific services (Belanger et al, 2012a). It did however push Aboriginal interests further away from mainstream programming initiatives while also making Aboriginal-specific programs vulnerable to cutbacks. Proof of this was the Rural and Native Housing Program’s termination in 1991. In its wake Ottawa did manage to cobble together assorted strategies in the interim to temporarily enhance urban Aboriginal housing while it attempted to subtly extricate itself from providing urban Aboriginal housing programming, which was later assigned to a coterie of private, public and third-sector parties. In

recent years low-income, off-reserve Aboriginal people have become eligible for CMHC housing programs available to all Canadians. There is also the \$1-billion Affordable Housing Initiative, which sought to boost the affordable housing supply through federal cost sharing accords with provincial and territorial governments. Ottawa spends \$2 billion annually on federal programs accessible to Aboriginal people, which include Public Housing, Non-Profit Housing, Rent Supplement, Rural and Native Housing, Urban Native Housing and Cooperative Housing.

One could argue in this instance that the government is seeking to finally end the ward-guardian relationship by formally integrating Aboriginals into national and provincial housing programming. This may be the desired outcome. However, ongoing inter-jurisdictional bickering hinders its realization while simultaneously consuming substantial human and financial capital. First Nations and Aboriginal people also find themselves caught in a jurisdictional void and thus restricted from accessing analogous non-Aboriginal housing programs and homeless relief due to the fact that they may be a specific legal category of Indian. Checking a box in this way, one could argue, could provide an effective means of establishing improved responses to Aboriginal needs. Viewing such processes from a larger systems perspective, however – as this chapter has endeavored to do – simply exposes the historic bureaucratic obsession with Aboriginal separateness, which in turn leads to our contemporary political inability to fully appreciate or reconcile in policy unique Aboriginal housing needs.

CONCLUSION

Should we be surprised that Aboriginal separateness is a socially, politically and legally ingrained certainty in Canada, and that this hurts our ability to respond to an Aboriginal housing crisis dating to at least the 1950s? As this chapter has demonstrated, no. As a result Aboriginal housing priorities remain conspicuously low at both the federal and provincial level due in large part to their complexity and an enduring political desire to see Indian assimilation into Canada's social fabric. Reflecting on how federal desires regularly trump Aboriginal needs and without giving provincial premiers a pass, academics and advocates alike continue to remind Ottawa of its responsibility to adopt a leading role in Aboriginal programming and policy by virtue of its historic relationship with Aboriginal peoples (Graham & Peters, 2002; National Aboriginal Housing Association, 2004; Walker, 2006, 2003). Adaptable models have yet to materialize for federal and provincial responses rely upon historic and antiquated systemic approaches to "Indians, and lands reserved for the Indians," which are characterized by an ongoing federal/provincial feud over precise responsibility for Indians and federal management of the crisis as opposed to seeking its resolution. Superior attempts to harmonize federal and provincial approaches to reserve and urban Aboriginal housing concerns are needed if any progress in mitigating First Nations and Aboriginal homelessness can be made.

As Thurston and Mason (2010) note, the federal policies we rely upon to inform our Aboriginal housing and homelessness interventions are the foundation of our many problems. Aboriginal homelessness is from their perspective attributable to the Indian Act, jurisdictional and coordination issues, residential schools, social marginalization and isolation, and systemic discrimination and stigmatization within home reserve communities. Colonization's impacts are strikingly evident and have led to a forced Aboriginal dislocation from traditional lands and ways of living even as the non-Aboriginal majority clings to the belief in the need to eliminate reserves – even if the desired urban residential sites are deemed alien environments to an inherently rural Aboriginal culture (Belanger & Walker, 2009; Malloy, 2001; Nelles &

Alcantara, 2011). As perpetual outsiders, therefore, popular beliefs equating urban Indians as displaced cultural curiosities are validated (Francis, 1992). Until Aboriginal housing and homelessness become part of Canada's everyday business, and in ways that acknowledge the systemic disadvantages Aboriginal peoples confront (e.g. geographic disparity, socio-economic condition, urban-reserve divides, federal and provincial silo approaches to Aboriginal policy creation, soon-to-be-lapsing urban housing subsidy programs hinting at future crises and perhaps the most important issue – the endemic lack of Aboriginal partnerships guiding the decision making processes), any interventions will remain Band-Aid approaches and ultimately of limited practical value.

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