

**Services and Correction: Governance and Legal
Geographies of Supportive Housing in Abbotsford,
British Columbia**

**by
Claire Shapton**

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Declaration of Committee

Name: Claire Shapton

Degree: Master of Arts

Title: Services and Correction: Governance and Legal Geographies of Supportive Housing in Abbotsford, British Columbia

Committee: Chair: Margaret Marietta Ramirez
Assistant Professor, Geography

Nicholas Blomley
Supervisor
Professor, Geography

Eugene McCann
Committee Member
Professor, Geography

Tony Sparks
Examiner
Associate Professor, Public Affairs & Civic Engagement
San Francisco State University

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Abstract

Supportive housing has dramatically expanded in British Columbia over the past decade, serving as a major arm of the provincial subsidized housing apparatus. Housing more than twelve thousand people, these locations are run by non-profits using government funding. Supportive housing differs significantly from other rented housing; functionally, its residents are not entitled to basic tenancy protection such as privacy, freedom of movement, and prior notice to evictions. Working with the Abbotsford Drug War Survivors, this research investigates the experiences of residents in supportive housing, the relations which supportive housing policies create inside and outside their walls, and the ways these relations are contingent on the workings of law. I trace the ways that precariously housed individuals enter supportive housing, the challenges they encounter in this housing, and the sudden and discretionary evictions which most commonly end their housing tenure. Throughout these stages, I argue that supportive housing operates always alongside an understanding of precariously housed individuals as chronically in need of correction.

Keywords: Housing; Legal Geographies; Eviction; Tenancy; Drug Policy;
Community Engaged Research

Dedication

This thesis is dedicated to the Drug War Survivors of Abbotsford, British Columbia. This project would not exist without their advocacy work, their vision, their knowledge, and the generous welcome they gave to me. I am tremendously grateful to have contributed in this small way to their important work.

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List of Acronyms

AAPI	Autonomous and Accountable Peer Initiative
BC	British Columbia
CAT	Coordinated Access Table
DWS	The Abbotsford Drug War Survivors
PHS	Portland Hotel Society
<i>RTA</i>	The British Columbia <i>Residential Tenancy Act</i> (SBC 2002, c 7.8)
<i>RTPG</i>	<i>Residential Tenancy Policy Guideline</i>
SRO	Single Room Occupancy Hotel
VAT	Vulnerability Assessment Tool

Chapter 1.

Introduction

When I walked into my first Drug War Survivors general membership meeting in February 2020 the room was buzzing with the voices of almost 100 members of the Abbotsford, British Columbia drug user community. People were distributing drug testing strips, sandwiches, pipes, and contact cards for the leadership group with a circular logo reading “Friends Creating Conversation With & Among Friends.” As the meeting started, a member came to the front of the room and wrote down the agenda. We began the meeting with a conversation about the legalized Portland, Oregon encampment Dignity Village, a space which houseless people operate for and by themselves (Dignity Village, n.d.).

This ethos fits well with the organizing done by the Drug War Survivors (DWS). The group formed in 2013 with the understanding that in a city with a bylaw against harm reduction,¹ a province with staggering overdose deaths, and a country waging the drug war their name comes from, drug users would have to work toward their safety themselves. Throughout their decade of social support and activism, this work has often intersected with housing, as many members live with housing precarity.

DWS started as a tent encampment in Abbotsford’s Jubilee Park. This encampment was one of many improvised homes which houseless people formed, and police and bylaw officers systematically destroyed. These destructions were legally justified by local bylaws which prohibited activities associated with sleeping outside. In one particularly violent incident, bylaw officers shoveled chicken manure onto encampment residents as they slept, destroying their belongings and disrespecting their personhood (Hollet, 2015). In 2015, the Drug War Survivors brought a lawsuit against the City of Abbotsford arguing that their continual

¹ This 2005 bylaw was rescinded in 2014 following organizing by DWS and other community groups, and opposition by the Fraser Health Authority (Keller, 2014).

displacement from public space violated their rights to life, liberty, and security of the person, as guaranteed by the *Charter of Human Rights and Freedoms (CQLR c C-12) (Abbotsford (City) v. Shantz (2015, BCSC 1909))*. As Pivot Legal, the advocacy group which helped them bring the case, published, “Never before has a group of homeless Canadians been able to challenge the constitutionality of how they are treated and displaced by government authorities or police” (Hollet, 2015). The BC Supreme Court struck down bylaws which prohibited overnight camping, establishing a right to shelter in parks overnight, though not during the day.

Five years later, in that February 2020 meeting, the future of housing in Abbotsford seemed uncertain. Could something like Dignity Village be organized here? Would DWS members have housing they controlled, which therefore recognized their dignity? In the years that followed, DWS has not formed a dignity village, though they have created many temporary shelter spaces. Instead, the prevailing long-term solution to houselessness in Abbotsford, where funding, capacity, and residents have come together, is in supportive housing. And as DWS members who entered (and often left) supportive housing have shared in meetings throughout the years, the model often does not recognize their dignity.

Supportive housing sites are subsidized housing locations which ideally include on-site services such as meals or health care (BC Housing, n.d.). These locations are run relatively autonomously by non-profits and funded by BC Housing and residents’ income assistance. Supportive housing has dramatically expanded in both British Columbia and Abbotsford in the past decade. In 2021, BC Housing funded 12,800 supportive and transitional housing spaces, far exceeding other forms of housing provision for houseless people including permanent shelter spaces (2,200), temporary shelter spaces (1,140), and emergency weather response shelter spaces (400) (BC Housing, 2023). In 2023, BC’s supportive housing budget was increased by \$640 million, all of which was earmarked for the creation of additional supportive housing sites (Province of BC, 2023). Meanwhile in Abbotsford, supportive housing units increased by almost 400% between 2015 and 2020 from 71 units to 347.²

² Estimate using data from Fraser Valley Region District (2020) and *Abbotsford (City) v. Shantz (2015, BCSC 1909)*.

Increasingly, legal cases about the rights of people living outside are decided at least partially in relation to supportive housing capacity. In every case where the BC Supreme Court has considered an encampment eviction injunction since 2015, supportive housing has factored into the decision. Judges who have granted injunctions rationalize the resulting evictions and harms by referencing supportive housing as an alternate living space.

Yet for many houseless people, supportive housing is not a desirable place to live. Residents in supportive housing do not receive residential leases, as tenants do. Instead, their housing is governed by program agreements, documents which do not adhere to BC's *Residential Tenancy Act (SBC 2002, c 7.8) (RTA)* and differ substantially in the protections they provide (Chen, 2022). A program agreement establishes that residents are not tenants, but instead: 'program participants.' Loss of housing is therefore not considered an eviction, and service providers are thus not required to follow the processes of eviction such as notice, cause, and tenant ability to dispute. Residents are also not entitled to many conditions common to rented housing such as privacy and freedom of movement. As I learned in DWS meetings, supportive housing residents are subject to curfews, random room checks, drug use prohibition, weeklong lockouts, and more. Evictions are sudden and violent with residents often learning of an eviction and forced out the door all within 20 minutes.

Adding a layer of complexity, supportive housing is, in fact, under the jurisdiction of the *RTA*, as stated within its own policy guidelines (*RTPG*, 46-1). Still the abuses above, which are inconsistent with *RTA* policies, continue. Residents have brought BC Supreme Court cases against their supportive housing providers in 2018 and 2022, however, as resident interviewees describe, neither case has ameliorated conditions in Abbotsford.

1.1 Research Questions

This research set out to answer three main questions summarized under the inquiry: What does supportive housing support? To investigate different sites, scales, and dimensions of this inquiry, I organized my research methods around three main questions:

- What relations does supportive housing create both inside and outside its walls?
- How do residents experience supportive housing?
- How are the relations in supportive housing contingent on the workings of law?

1.2 Outline of the Thesis

This thesis is written in manuscript format and includes seven chapters with this introduction. In the following chapters I detail research methods, a theoretical framework, three empirical analysis chapters, and a conclusion. The first empirical chapter relates to my first and third research questions, the second empirical chapter relates to both questions one and two, and my third empirical chapter relates to question three.

In the first of these empirical chapters, entitled “Entry: Encampment Injunctions, Supportive Housing Expansion, and the Intake Bureaucracy” I bring together legal analysis, interviews, and grey literature, to examine the conditions under which residents enter supportive housing and the context in which supportive housing sites have proliferated in British Columbia. Following BC case law from the past 20 years, I trace the rise in legal cases that cite supportive housing as a justification for the evictions of houseless people in encampments (including *Abbotsford (City) v. Shantz (2015, BCSC 1909)*) and the growth of supportive housing over the same period. I then detail the workings of an intake bureaucracy designed to sustain supportive housing through elaborate procedures that recruit, evaluate, and assess potential residents. This bureaucracy extends the logics and machinations of supportive housing into the lives of precariously housed people well beyond the walls of these institutions. I argue that supportive housing addresses the state crisis of visible encampments, creating a justification and a process for evicting houseless people from improvised shelter by generating a bureaucracy of evaluation.

In my second empirical chapter entitled “Inhabitation: Movement, Guest, Drug Use, and Possessions Policies” I illustrate and analyze the experiences of residents in supportive housing using interviews and program agreements. I argue that individuals who enter supportive housing experience a landscape of inconsistent rules and enforcement. In particular, residents of supportive housing must comply with policies

governing their personal movement, visitations by guests, their personal possessions, and their potential drug use. If any of the rules are broken, as determined by broad staff discretion, residents face eviction from the buildings for either days-long periods or permanently. I summarize how these policies offer residents limited control over the inclusion and exclusion of people and objects from their housing, a precarious dynamic which ultimately extends to the residents themselves through policies of containment and eviction. I argue that these policies create a carceral environment defined by property relations by drawing on both academic literature and residents' analyses.

In the third empirical chapter, entitled "Exit: Exclusion, Eviction, and the Absence of Support" I turn to the rationales and legal standards on which these carceral and dispossessive policies rely. I begin by contrasting British Columbia's tenant rights policies in the *RTA* with the extralegal policies that structure the experience of living in supportive housing. I then turn to the exceptional legal procedures that have denied *RTA* protections to supportive housing residents, despite the fact that supportive housing explicitly falls within *RTA* jurisdiction. Finally, I review the lack of 'support' and 'transition' provided in Abbotsford supportive housing, showing how the denial of rights is manifested in program agreements. Throughout this chapter I argue that the enacted exclusion of supportive housing from the *RTA* is maintained by a recursive logic in which program agreements justify the exclusion and the exclusion justifies program agreements. Bringing in critical legal analysis, I suggest that law continually maintains supportive housing resident precarity, justifying forms of vulnerability through existing vulnerability.

I contextualize these arguments by drawing on governance literature, bringing in theories of social reproduction, epistemologies, and discourse. I also consider political economy, including theories of the non-profit industrial complex and the surplus value generated within the carceral continuum. Finally, I bring in critical legal geographies to theorize links between unpropertied subjectivity and housing precarity.

Throughout this narrative of the ways that individuals enter, live in, and leave supportive housing, I maintain a particular theory of the institution. In each of these

phases, supportive housing operates always alongside an understanding of precariously housed individuals as chronically in need of correction.

Chapter 2.

Research Methods

This thesis is the outcome of a lengthy research process which was full of significant moments, not all of which is there space to include. To illustrate just one, at a DWS meeting in February 2021, I heard one of the first updates from a DWS supported project in Chilliwack called the Autonomous and Accountable Peer Initiative (AAPI). While AAPI is most often referred to through its acronym, the complexity within that name was discussed (and critiqued) in that meeting. What does it mean to be accountable? And can you be accountable while doing work that is somewhat separate (or autonomous) from those you are accountable to? There's a tension in these terms which both AAPI and I navigate in our DWS-orbiting projects. While I've sought accountable methods throughout this research, I also recognize the ways I've remained autonomous, the many small decisions I've made alone. I am not involved with AAPI, but their name, which has been re-explained to new members dozens of times since that February 2021 meeting, has come to evoke for me some of the paradoxes in aspirational models of co-research. Even though I do not valorize autonomy (though this can be done appropriately, such as by AAPI members), my particular positionality, failures, and insights thread throughout the thesis.

As explained by Donna Haraway (1988), valid feminist knowledge production requires close examination of the researcher's point of view in order to avoid "various forms of unlocatable, and so irresponsible, knowledge claims." She goes on to clarify that "irresponsible means unable to be called into account" (583). In the following pages, I locate myself as a part of the practice of making responsible knowledge claims. With equal emphasis, I also discuss the ways this project sought accountability to the members of DWS.

I grew up as a settler on the stolen lands of the Multnomah, Wasco, Cowlitz, Kathlamet, Clackamas, Bands of Chinook, Tualatin, Kalapuya, and Molalla nations in Portland, Oregon. Portland is a city where so many people are denied housing and

subject to the violences this exclusion creates. I was insulated from these violences by Whiteness and financial privilege. Housed Portlanders often discuss houselessness with an evasive generality: “Our homelessness problem has gotten worse,” an apolitical framing which evokes both distance and evenly distributed harm. As I grew older, I learned to understand houselessness as an outcome of political economy. Moreover, as the implicit threat of houselessness disciplines the housed working class (an idea with many citations, but which I first learned at a Portland May Day protest), the experience is particular and one I do not share. During my undergraduate degree I worked with Living Cully, an anti-poverty and anti-displacement group organizing in Portland’s gentrifying Cully neighborhood. Following a successful campaign for a city planning zone protecting manufactured housing residents from displacement, I interviewed organizers and city government allies, eventually writing an honours thesis on the housing vision they successfully enacted. Many of the staff organizers were graduate students who provided invaluable guidance in community research. From their myriad perspectives, I started to grasp the complexity of this work, and my own ignorance.

I moved to British Columbia in 2019 to continue studying housing justice and community-based research under Dr. Nicholas Blomley, who has expertise in both areas. Through Nick, I was introduced to the Drug War Survivors of Abbotsford, BC; a group of current and former drug users who do harm reduction work in their community. This work is done on the traditional unceded territory of the Semá:th and Mathxwi First Nations of the Stó:lō Peoples. DWS members support each other and organize around their common issues related to drug use and houselessness. Prior to working with DWS, my understanding of criminalized drug use was extremely limited - the substances I take are not generally criminalized (or pathologized). DWS members have been extremely patient and generous in teaching me how the discourses and policies of drug use shape their lives and our world. I’ve also learned how harm reduction initiatives radically improve the lives of drug users and others.

In the four years that I’ve worked with DWS, the group has employed a variety of strategies to meet the needs of their community. They’ve collaborated in different capacities with service providers to create overdose prevention sites, emergency

weather response shelters, and drop-in centers. They've also run programs to support drug users in isolation due to the covid-19 pandemic, distributed harm reduction supplies, and organized community clean-ups. Their 2022-2023 winter emergency weather response shelter was funded by BC Housing and run by DWS without the oversight of nonprofits. Their independence as the shelter administrators has been a significant departure from previous projects. In successfully and independently managing a service for their community, DWS demonstrated the value of peer-run services in creating "new relations amongst [themselves], with service providers, and with the larger drug user community" (Abbotsford Drug War Survivors, 2023).

In working with DWS, I have employed a Participatory Research methodology. My research questions, methodologies, analysis, and applications have been and will continue to be determined in consultation with DWS (Martin, 2007). I have also drawn on the framework of Community Engaged Research (CER), which views community members as experts on their own lives and seeks to align research with community interests and needs (Mahoney et al., 2021). To this end, I participated in Simon Fraser University's Community Engaged Research Initiative as a Fellow in 2020 and 2021 to learn theories and practicalities of this method. My interest in supportive housing emerged from the conversations which took place at many DWS meetings about the housing spaces many members lived in. I began working with DWS with a different research topic focused on houselessness and pet-ownership, but questioned its relevance to their current work as I attended more meetings, and the topic was rarely raised. In 2021, I asked DWS if they would be interested in supporting a new direction in my research, focused on supportive housing. With their consent, I drafted a research proposal with potential questions, frameworks, and methodologies. At meetings with the DWS steering committee I presented this proposal in 2022, and the analysis that this thesis employs in 2023. The steering committee discussed and approved my work at both of these stages. I include these events here because they demonstrate the practical work of engagement and participation in research. Although the importance of these approvals cannot be overstated, the maintenance of accountability and meaningful consent exceeds these moments.

As Boilevin et al. (2019) caution “there are too many stories of communities and individuals... who have felt disrespected by research. Research can increase inequality, contribute to stigma, exploit peoples’ pain, exhaust community members, and typically benefits researchers much more [than communities]” (6). Following their guidance, I maintained humility throughout the research process, reminding myself that my academic understanding is secondary to the expertise held by DWS members. While conducting interviews, I employed a trauma-informed practice (Boilevin et al., 2019; Butcher, 2022), avoiding questions about potentially traumatic life experiences as much as possible and instead asking for interviewees’ analyses of the world. I communicated my interests in the knowledges interviewees held, in lieu of simply the events they had experienced. I followed an ethics procedure approved by the Simon Fraser University Office of Research Ethics.

Throughout this research process, I have tried to avoid reproducing narratives that configure houseless people as essentially and inescapably damaged and victimized. I draw from the thoughtful words of Eve Tuck in “Suspending Damage: A Letter to Communities” (2009). In the piece, Tuck outlines and critiques a ‘damaged-centered’ research approach, which sees the documentation of harm as an avenue to social transformation. This type of research is pathologizing, defining a community through the oppression they have faced. In contrast, desire-based research projects seek to understand “the hope, the visions, the wisdom of lived lives and communities” (417), recognizing the complex personhood of research collaborators. Throughout this project, I have sought information not only on supportive housing, and the types of living it forecloses, but also the paths forward shown by DWS’ organizing. Interviews with residents of supportive housing ended with reflections on the spaces created by DWS leading to conversations on the housing futures which diverge from the failures of supportive housing.

In the next sections, I’ll detail the data gathering and sorting processes which made up my empirical contributions. These chapters can only be understood through this accounting of my positionality, my commitments, and the collaborative relationships which made this research possible.

2.1 Interviews

This project draws on interviews with three groups of people with knowledge of supportive housing: current and former residents; workers in supportive housing; and people with jobs that include supportive housing intake or outreach. The outreach/intake category includes Bylaw and Police Officers, outreach workers employed by the City of Abbotsford, the Abbotsford Police Department, and non-profit service providers; and workers within the Ministry of Transportation and Infrastructure and the Ministry of Social Development and Poverty Reduction. With the exception of one supportive housing worker interview, all interviews were with individuals whose relevant living or working experience is in Abbotsford. All interviews were confidential.

Interviews were conducted by two separate research initiatives: this MA thesis; and an ongoing multi-sited legal geography inquiry on the governance of the possessions of precariously housed individuals ('The Possessions Project'). I was a research assistant for The Possessions Project, and DWS is a research partner. The Abbotsford interviews for The Possession Project took place in 2020 and 2021 and focused on the processes and rationales through which regulators of various spaces such as shelters, parks, storage units, and supportive housing control the possessions of precariously housed individuals. In investigating supportive housing, I drew on those regulatory interviews relevant to outdoor space and supportive housing spaces. While these interviews have a different focus than this thesis, they shed light on the processes through which individuals enter supportive housing, and the policies within supportive housing.

For this project, I sought to conduct additional interviews focused on supportive housing with outreach/intake workers and supportive housing workers. I began emailing and calling relevant parties using publicly available contact information in January 2023. However, I was unable to secure interviews in this way. Through introductions made by DWS staff, I was able to conduct 3 interviews with workers in supportive housing. In these interviews, I asked questions about rules and policies, available resources and support, program agreements, evictions, and housing models. A full list of questions can be found in the appendix.

I was most interested in speaking with supportive housing residents and conducted six of these interviews. DWS plans to create a podcast about supportive housing and interviewees were given the option to submit their interview for use in the podcast. I found interviewees by making announcements at DWS meetings inviting supportive housing residents to participate in interviews. Interviewees approached or texted me after meetings. For these interviews I provided an honorarium as acknowledgement and compensation for interviewees' time. Interview questions for this category were created with DWS to ensure the interviews could work in the future podcast. I asked questions about intake, rules and policies, program agreements, drug use, resources and support, and housing models. I also asked interviewees about their analyses of supportive housing and of the emergency weather response shelter DWS operated over the months these interviews were conducted (November 2022-January 2023). These interview questions are also in the appendix.

In the empirical chapters which follow, interviewees are identified using the descriptor they consented to. Possessions project interviewees sometimes consented to be identified through their role, for instance, "City Homelessness Coordinator." In interviews original to this project, interviewees are identified only through the category of interview and a randomized number, for instance, "SHW2" (Supportive Housing Worker #2) or "R5" (Resident #5).

Table 1: Breakdown of interviewee categories and sources

	Possessions Project Interviews	MA Project Interviews
Outreach/Intake Workers	10	0
Supportive Housing Residents	0	6
Supportive Housing Workers	4	3

2.2 Grey Literature

While conducting interviews, I also collected grey literature on supportive housing and internal management documents. Internal documents include three Abbotsford program agreements I received from residents after interviews, as well the “Vulnerability Assessment Tool” used in Abbotsford supportive housing intake. Program agreements are not publicly available and revealing the supportive housing sites they came from would also reveal that I interviewed residents from those sites. For this reason, the program agreements are cited only through a randomized number, for instance, “PA3.” I also gathered documents from BC Housing relevant to supportive housing throughout the province, as well as additional documents specific to Abbotsford supportive housing. Some examples include application forms, transfer forms, the provincial inventory, the 2021-2024 Service Plan, and evaluations of specific supportive housing sites in Abbotsford. Finally, I also reviewed public facing web pages and documents from the non-profit supportive housing providers.

2.3 Legal Review

After conducting most interviews, I analyzed information on the legislation and case law which governs supportive housing. I began by searching for media articles about law and supportive housing to build a list of relevant legislation and case law. I also searched for information on supportive housing written by legal advocates, and found relevant publications from Pivot Legal Society, The Together Against Poverty Society, and The Community Legal Assistance Society. With this context and analysis, I then turned to legislation, including The British Columbia *Residential Tenancy Act (SBC 2002, c 7.8)* and associated policy guidelines, The British Columbia *Human Rights Code (RSBC 1996, c 120)*, The British Columbia *Community Care and Assisted Living Act (SBC 2002, c 75)*, and the Canadian *The Charter of Human Rights and Freedoms (CQLR c C-12)*. In coordination with this legislative analysis, I compiled a list of BC court cases relevant to the existence or workings of supportive housing.

2.3 Coding and Analysis

As I gathered interview transcripts, grey literature, and legal material, I stored these documents in Nvivo. The exception to this storage system was relevant case law, which I took notes on in a spreadsheet. As themes emerged, in DWS meetings, interviews, or government discourse, I added coding categories to Nvivo. When I stopped seeking additional sources of empirical data, I scanned the documents and added additional coding categories. I then coded the documents, reading through each one and attributing important information within them to the various coding categories. The codes and their associated number of excerpted sections ('references'), the number of documents these sections came from ('files') can be seen in the table below.

Table 2: Nvivo Coding Categories

Name	Files	References
Abuse	6	9
Containment	13	21
Context	5	38
Drug Use	18	30
Eviction	15	32
Futures	17	39
Home	1	1
Intake	21	39
Isolation	8	17
Knowledges	18	27
Law	2	8
Indoor Law	2	2
Outdoor Law	10	14
RTA	22	51
Policies	14	48
Possibilities	4	5
Program Agreement	15	44
Purpose	7	12
Rights	3	5
Subjectivity	13	26
Supports	17	42
Surveillance	12	21

Some codes revealed stronger themes than others. For instance, I hypothesized that ‘Rights’ would be an important theme, yet they were mentioned relatively infrequently. As some legal information was stored in a spreadsheet, the strength of the ‘Law’ codes is not fully represented by the table above. Some codes refer to substantive topics, such as ‘Eviction,’ while others represent analytic categories such as ‘Subjectivity’ and ‘Futures.’

I consider the process of coding a way of cataloging data associated with prior analyses as well as a process of analysis in itself. As described by Cerwonka & Malkki (2007), knowledge production “is not the steady, linear accumulation of more and more insight. Rather it is characterized by rushes of and lulls in activity and understanding” (5). I spent a few discrete weeks coding documents, yet research analysis began for me long before I proposed this project.

Following coding, I reviewed each code and summarized the data in a one to three sentence statement. During this process, I left behind codes with fewer references. I also noted which of these resultant statements could be demonstrated through different types of data sources. Turning back to the research questions, I combined the statements, weaving together coherent narratives to address them. These narratives were presented to and approved by DWS and form the outline of the following empirical chapters.

Chapter 3.

Theoretical Framing

Supportive housing emerged as a mental health treatment model in the late 1980s. Studies at the time found that people with mental health needs preferred to live independently in their own residential units, with staff support accessible but not ever-present, and supportive housing was designed around these broad goals (Tabol et al., 2010). As the model persists, Tabol et al.'s 2010 study found that “supportive” and “supported” housing sites they reviewed held few collective consistencies, with the most common characteristics applying to only 64% of the sites. For instance, 40% of supportive housing sites provide long-term housing placement, 52% provide individualized support, and 40% incorporate shared decision-making structures. “Supportive housing” is therefore a model with vast internal variety. Tabol et al. (2010) attribute this ambiguity to the collaborations endemic to supportive housing, meaning that programs are perhaps influenced by the priorities of their different governmental funders. Drawing on this finding, this thesis analyzes and defines supportive housing through its policies, but also through its governmental context, including the legal structures which enable its particularities.

There is limited critical scholarship on supportive housing, meaning that there are no canonical theories and frameworks which this research draws on (or against). Recognizing supportive housing as a state project, I contextualize supportive housing through literature on governance, considering theories of social reproduction, knowledge creation, and discourse. Turning to political economy, I review the non-profit industrial complex, and the surplus value generated within the carceral continuum. Finally, I turn to literature on legal regulation which explains the bureaucratic and quotidian techniques through which housing is denied and co-constitutive subjectivities this relies on. These theories scaffold the empirical analysis I present in later chapters.

3.1 Governance

Governance refers to the processes through which the state controls life and death within its borders, while creating complementary modes for understanding these processes. According to Foucault (1991), the state governs people by controlling their relations to things which are life-giving, such as “wealth, resources, means of subsistence” as well as life-taking such as “accidents and misfortunes such as famine, epidemics, death, etc.” (93). And these relations are made possible through manipulations of “that other kind of thing, customs, habits, ways of acting and thinking” (93). In other words, governmentality is achieved not only through population level distributions of life and death, but also through the creation of a “knowledge political economy” (102) including epistemic institutions and practices, as well as a class of people who employ the practices and manage the institutions.

Harney & Moten (2013) both outline and critique this system with the definition that, “Governance is the harvesting of the means of social reproduction” (80). Governance, which they also refer to as ‘policy’ requires the denial of community-based social reproduction which they term ‘planning.’ As policy’s only “hope is that there will be more policy” (81), governance exerts great violence through “the will to contingency” where the well-being of ‘planning’ communities is made contingent on the state’s strategies of surplus value creation, that is, how profitable industries emerge from focused and intensified forms of policy. However, Harney & Moten (2013) also crucially speak to the discursive erasures of policy, the ways that planning communities are “already productive for [themselves]” (77) through “ceaseless experiment[ation] with the futural presence of life” (75). Policy/governance seeks to control, study, and profit from social reproduction, yet ignores the knowledge-making of “the ones who do not seek their own correction” (78).

Focusing on the governance which is directed toward unhoused people specifically (and creates this condition), the balance of forceful practices and epistemic practices persists. One of the knowledge political economy’s inventions is the category of “chronic homelessness.” Willse (2010) argues that the ‘chronically homeless’ person, who is seen as permanently incapable of self-management and independence, is necessary to the functioning of neoliberal political economies. As

this constructed subject will always require therapeutic intervention, profiteers in the poverty-management industry are not tasked with working towards the end of houselessness.

Gowan (2010) observes a complementary framework for governmental discourses of houselessness, tracing their genealogies. Overlapping and shifting over time, these discourses include ‘sin’ talk whereby unhoused people are judged as morally deficient, ‘sick’ talk where houselessness is evidence of pathology, and ‘system’ talk where houselessness is seen as the product of political economic realities. Tracing ‘sin’ and ‘sick’ discourses reveals the continuities across hundreds of years of historic and present confining institutions such as prisons, poor farms, workhouses, and asylums. Neoliberal turns of the 1980s brought a resurgence of the ‘sin’ talk which consigned prison expansion, and the ‘sick’ talk which served to justify the increased professionalization and medicalization in the expanding non-profit sphere. ‘System’ talk diverges from ‘sick’ and ‘sin’ talk, as well as the ‘chronically homeless’ label by locating the cause of homelessness outside the individual experiencing it. Continuing in this direction, I now consider the systems which create both houselessness and institutions such as supportive housing.

3.2 Political Economy, Non-profits, and the Carceral

This research takes place in the context of racial capitalism. As Gilmore (2017) explains, capitalism is always racial due its dependence on hierarchical distributions of “group-differentiated vulnerability to premature death” (1). Racial capitalism drives contemporary modes of governance through the “[reconfiguration of] states, moving capacity into and out of the public realm” (3). In the neoliberal context, the state has strategically withdrawn service provision from those who are deemed sacrificial in this hierarchy in order to extract new forms of profit. Gilmore & Gilmore (2007) describe this move as the ‘anti-state state’ whereby the state expands its capacities through the non-profit industrial complex and the prison industrial complex while claiming to shrink its capacity by withdrawing service provision.

Increasingly, governments outsource service provision to non-profit actors, maintaining surveillance and coercion of state subjects while significantly

withdrawing resources (Gilmore, 2016). “Although we see some programs such as welfare being eviscerated” Gilmore & Gilmore (2007) explain “it is a mistake to imagine that the state is simply withdrawing resources from the management of the poor... the agencies haven’t disappeared, they do different things” (147-148). Instead of distributing services directly, these governmental agencies fund and oversee non-profits, holding them to high standards of demonstrable output despite austere budgets. Under this system, even the most altruistic non-profits may prioritize their relationship to the state over the needs of “those abandoned to their care” (Gilmore, 2016, 1). Under the anti-state state, non-profits compete for funding and state governance becomes a project of proper funding provision. No institution is tasked with redressing, or even examining, the systemic abandonment inherent in this arrangement. Supportive housing in British Columbia is managed by non-profit actors with funding from the province via BC Housing. This arrangement means that the programs continue under the discretion of the state, and a less direct relationship to the well-being of residents.

The neoliberal era has also brought a new regime of carceral governance. The prison industrial complex has replaced much social investment with prisons and other institutions of punishment and confinement. Prisons generate profit for the state by extracting “the resource of life,” meaning “time” (Gilmore, 2017, 3). Devoting resources towards this end also enables state abandonment. As Gilmore (2016) says, “an entire realm of social policy and social investment is hostage to the development and perfection of means of mass punishment” (1). Supportive housing is a separate institution from the prison, but the comparison is relevant. Willse (2015) argues that houseless people, like incarcerated people, are a type of surplus population made productive for capitalist economies as units of management. This is the reason that houseless populations have grown alongside housing services; the management of houseless people, through service provision and study, is its own profitable industry.

Further, the techniques of the prison are present in many other public institutions. Foucault (1977) theorizes this dispersal as the “carceral continuum,” saying “the prison transformed the punitive procedure into the penitentiary technique; the carceral archipelago transported this technique from the penal institution to the entire social

body” (298). This means that carceral techniques shape institutions from hospitals to schools, to sites of ‘rehabilitation’ (where supportive housing is found in the archipelago). These sites all work towards the project of normalization and improvement of identified individuals through bespoke combinations of techniques including observation, assessment, differentiation, judgment, surveillance, punishment, and confinement. While these sites concentrate and segregate individuals who have been deemed abnormal or in need of correction, they are not separate from other parts of society. The centrality of the normalization and correction project to other state projects means that “there is no outside” (301) to the carceral network. Like the anti-state state, “it takes back with one hand what it seems to exclude with the other” (301). Understanding the prison, and the institutions which practice its techniques, is a key mode to understanding broader social dynamics. I bring this orientation to my study of supportive housing, noting the carceral techniques through which supportive housing assesses and judges in Chapter 4, surveilles, punishes, and confines in Chapter 5, and frames its residents as needing correction in Chapter 6.

3.3 Legal Regulation

I now turn to another key governmental technique, that of legal regulation. As governance intensifies and shifts, these changes are accompanied by a growing “legal complex” (541) which administers “extralegal processes and practices” (Rose & Valverde, 1998, 546). Rose & Valverde (1998) explain that this legal governance is not only conducted in court but also in any space of regulation. Legal governance moves through “all the places where, in the bureaucratic workings of our over-governed existence, laws, rules and standards shape our ways of going on, and all the little judges of conduct exercise their petty powers of adjudication and enforcement” (546). These “little judges” hold roles in fields that may not be seen as legal. For instance, both healthcare and supportive housing workers identify and enforce the boundaries of criminalized drug use. Many of these mundane legal practices maintain poverty by bifurcating spaces into the “civil” (meaning within the law) or “savage” (outside of the law) and people into the legally included or excluded (459).

One of these categories of legal regulation and bifurcation comprises the many laws and practices premised on private property rights. Blomley (2004) characterizes the dominant conception of private property as “the ownership model” whereby certain individuals are seen as the default owners of property, and this property ownership does not engender relational obligations or consequences. Understanding property through the ownership model produces a particular subject, a “solitary, and identifiable owner, separated from others by boundaries that protect him or her from nonowners and grant the owner the power to exclude” (Blomley 2004, 2). Blomley (2004) also writes that “those who do not own property (or, more importantly, those who are imagined as non-owners) are not only incomplete citizens, but partial or deformed subjects” (89). While the ownership model “encourages a view of property as nonsocial, that is, concerned with relations between people and things” (14) it relies on continually reinscribing hierarchies between people. The power to exclude an unpropertied person (which is given to the propertied person), is exercised in many legal models of housing, explaining the relationship between the landlord and tenant, as well as the bank and mortgager, and the supportive housing provider and resident.

Interrogation of this model can provide an avenue for social transformation, potentially upending the hierarchies it relies on. As Roy (2017) writes, the question of “who can count as a subject who can claim home and land?” (A3) invokes both the ongoing losses of the private property system while also serving as a point of departure from that system.

3.4 Conclusion

Exceeding the materials of its built frame, supportive housing is a system that makes profound interventions in the lives of the people it attempts to contain or exclude. As Willse (2015) writes “a house is a technology for the organization and distribution of life, health, illness, and death... a house is a thing that makes live and lets die” (2). I understand supportive housing as a particular site of this technology as well as a meeting point for other processes: governmental, discursive, economic, carceral, and legal. In particular, supportive housing exists only alongside an understanding of the people who live in these sites as chronically in need of

correction. In the following chapters, I analyze the processes of intake, policy enforcement, and eviction within supportive housing in dialogue with the ways supportive housing residents are framed.

Chapter 4.

Entry: Encampment Injunctions, Supportive Housing Expansion, and the Intake Bureaucracy

Supportive housing is one of many distinct legal and managerial regimes through which precariously housed individuals move. This means that supportive housing residents are always the past and future residents of other spaces. This is especially true as supportive housing has not always been as prominent and widespread an institution as it is today. Using legal analysis, interviews, and grey literature, this chapter examines the conditions under which residents enter supportive housing and the context in which supportive housing sites have proliferated in British Columbia. I trace the rise in legal cases that cite supportive housing as a justification for the evictions of houseless people in BC. I review the significance of Abbotsford as the site of a decisive moment in this history. I then detail the workings of an outreach bureaucracy designed to sustain supportive housing through elaborate procedures that assess and then recruit people to become residents. This bureaucracy extends the logics and machinations of supportive housing into the lives of precariously housed people well beyond the walls of any building. In both of these evaluative contexts, governance authorities judge the needs of precariously housed individuals, deciding whether supportive housing is a more appropriate space for them to live than their current context. And in both cases, the knowledge of precariously housed people plays a limited role in the judgements. I argue that supportive housing addresses the state crisis of visible encampments, creating a justification and a process for evicting houseless people from improvised shelter by generating a bureaucracy of evaluation.

4.1 Encampment Evictions and Supportive Housing

Over the past two decades, unhoused people in British Columbia have been continuously displaced by an adaptive and punitive legal system. Through multiple legal actions, government bodies have sought injunctions to evict unhoused

encampment residents from improvised shelter, drawing on local bylaws prohibiting activities associated with living outside. This process has not been without friction. Increasingly, decisions have been contingent on the local social housing capacities, with a lack of social housing cited by judges as a reason to refuse an injunction. In the same years, supportive housing spaces have increased in Abbotsford as well as the rest of the province. The most recently granted injunction decisions rationalize their resulting evictions and harms by referencing the mitigating capacity of supportive housing. In these contexts, growth in supportive housing has ramifications outside of merely the ‘housing’ and ‘support’ its name implies. Intended or not, supportive housing functions as legal grounds for state violence against houseless people, providing a rationale for sanctioned evictions from improvised shelter.

As recently as 20 years ago in BC, injunctions to clear encampments were granted without significant reflection on the wider housing context. In *Vancouver Board of Parks and Recreation v. Sterritt (2003, BCSC 1421)* the Vancouver Parks Board sought to evict unhoused residents of an encampment at CRAB Park. Though the presiding judge wrote that the case highlights a need for “some reasonable political solution” (4), he ultimately ordered residents to vacate and granted permission to the Parks Board to remove remaining structures. That same year, the Vancouver Parks Board sought a separate injunction against unhoused encampment residents in Thornton Park (*Vancouver Parks Board v. Mickelson, 2003, BCSC 1271*). The presiding judge granted the injunction and as with the CRAB Park case, the decision did not include meaningful engagement with the question of where unhoused people might go when decamped.

This began to slowly change, and the consideration of shelter availability became a judicial reason to refuse injunctions. *Victoria (City) v. Adams (2008, BCSC 1363)* discussed this issue extensively, with consideration of the number of houseless people in Victoria (over 1,000) and the number of shelter beds (only 141 year-round). Unhoused residents also testified to the poor suitability of shelter beds and their preferences for living elsewhere. The decision amended a city bylaw which had prohibited erecting shelter, ruling that “it is unconstitutional to deprive homeless people of shelter when they have nowhere else to go” (Bennett, 2011).

Even when it was considered, however, the scarcity of livable housing did not always result in a refusal to grant injunctions. The judge presiding over *Vancouver Board of Parks and Recreation v. Williams* (2014, BCSC 1926) considered similar testimony (including also, the unsuitability of SROs) yet reached the opposite conclusion. An injunction was granted to evict the residents of an encampment in Oppenheimer Park and city bylaws were left unaltered.

In *Abbotsford (City) v. Shantz* (2015, BCSC 1909) the City of Abbotsford sought not only an injunction against an encampment in Jubilee Park, but also damages against community leader and Drug War Survivor Barry Shantz. This iteration of the encampment formed following the abuse of residents in an earlier encampment who Abbotsford bylaw officers had shoveled chicken manure onto while they slept. The case considered city bylaws, personal damages related to Mr. Shantz, and potential declaratory relief affirming the rights of houseless people, which DWS sought in relation to the chicken manure abuse. Given this decision's geography and direct relation to DWS, it is significant not only to the legal history of encampment evictions, but also to the specific story of Abbotsford. In the decision, the presiding judge considered the limitations of housing available to unhoused Abbotsford residents, including the supportive housing which existed at the time. Ultimately, the injunction was not granted and bylaws prohibiting overnight camping were overturned. Unhoused people in Abbotsford are now allowed to sleep in certain parks overnight, though they must leave during the day, preventing the creation of more stable residence. The city did not suffer penalties for the chicken manure abuse but did enact new and intensified coordination of their social service provision prior to the trial (City Homelessness Coordinator), perhaps demonstrating that reform had already occurred. I'll return to the implications and results of this decision in later sections.

In *British Columbia v. Adamson* (2016, BCSC 584) the Province of BC and the attorney general of BC sought an injunction to evict an encampment in Victoria. The decision to refuse the injunction cited the social housing capacity in Victoria including beds in supportive housing. The injunction was not granted. However, a second injunction by the same plaintiffs was granted the next year (*British Columbia*

v. Adamson, 2017, BCSC 168). The second decision states that “the plaintiffs have endeavored to address the housing needs of those at the Encampment” before naming a cumulative 179 new housing spaces opened in Victoria by three different supportive housing providers (2). Many former encampment residents challenged the suitability of these new spaces in a case brought against the largest of these three supportive housing providers in *PHS Community Services v. Swait (2018, BCSC 824)*. This will be discussed in more depth in Chapter 6. This pair of decisions from 2016 and 2017 demonstrates the increasing relevance of supportive housing as a legitimating factor for evictions.

In 2017, the city of Vancouver sought an injunction to evict encampment residents at a planned development site for social housing (*Vancouver (City) v Wallstam, 2017, BCSC 937*). Weighing the decision, the judge stated,

While everyone can agree that more social housing is an important goal, I must balance that general concern against the position of the occupants that the tent city, as it currently exists, is now providing shelter and safe living space for the occupants....[T]he occupants have nowhere to go and will be subject to the risk of violence if forced to live on the street (47).

Elaborating on the decision to not grant the injunction, the judge explained that the occupants “will likely suffer harm if the injunction is granted. That harm could be addressed if there was a greater attempt to find alternative places for the occupants” (58). In other words, if safe living space for the encampment residents was offered to them, the judge would see justification for the injunction.

The 2018 case *Saanich (District) v Brett (2018, BCSC 1648)* tests this rationale. The district of Saanich sought an injunction against encampment residents who were violating a bylaw which limited residence in parks during the day (though not at night) to prevent ongoing encampment residence. In outlining ‘the housing situation’ in Saanich, the judge noted the multiple supportive housing programs in the area and ultimately granted the injunction.

Finally, in the 2022 case *Bamberger v Vancouver (Board of Parks and Recreation) (2022, BCSC 49)* the courts considered anti-sheltering orders leveraged against unhoused encampment residents of Vancouver’s CRAB Park (which the

residents challenged) and an eviction injunction (which the Parks Board sought). The anti-sheltering orders were evaluated on three criteria: whether Vancouver has enough indoor space available to house unsheltered houseless individuals, whether enough of that indoor space is available to CRAB Park encampment residents, and whether that indoor space is suitable to the encampment residents. After reviewing testimony, the judge found that indoor spaces were not sufficiently available or suitable. The injunction was not granted, though the Parks Board has been allowed to retry the injunction at a later point.

After 2015, supportive housing has been considered amongst these housing options in each legal case. The 2003 cases *Vancouver Board of Parks and Recreation v. Sterritt* (2003, BCSC 1421) and *Vancouver Parks Board v. Mickelson* (2003, BCSC 1271) saw injunctions granted with no reference to alternative housing options. *Victoria (City) v. Adams* (2008, BCSC 1363) marked a turning point with the presiding judge considering available shelter beds and blocking the injunction. *Abbotsford (City) v. Shantz* (2015, BCSC 1909), *British Columbia v. Adamson* (2016, BCSC 584), and *Vancouver (City) v. Wallstam* (2017, BCSC 937) all considered the limited availability of housing options, including supportive housing, and blocked injunctions for eviction. Naming apparently suitable supportive housing capacities, *British Columbia v. Adamson* (2017, BCSC 168) and *Saanich (District) v. Brett* (2018, BCSC 1648) both saw injunctions granted. By 2022, a new dimension entered the legal debate: the discussion of social housing suitability in *Bamberger v Vancouver (Board of Parks and Recreation)* (2022, BCSC 49). After 2015, injunctions have been granted where supportive housing is deemed available and suitable, and not granted where supportive housing is deemed unavailable or unsuitable. In this way, a lack of supportive housing functions as a barrier to encampment eviction, whereas the availability of supportive housing provides a justification.

In the same time frame, the BC government, through BC Housing, has significantly expanded supportive housing capacity. In 2021, BC Housing funded 12,800 supportive and transitional housing spaces, far exceeding other forms of housing provision for houseless people including permanent shelter spaces (2,200), temporary shelter spaces (1,140), and emergency weather response shelter spaces

(400) (BC Housing, 2023). In 2023, BC’s supportive housing budget was increased by \$640 million, all of which was earmarked for the creation of additional supportive housing sites (Province of BC, 2023). BC Housing also compares supportive housing to other government institutions, touting its monetary efficiency in comparison to mental health treatment or incarceration (BC Housing, 2023).

These dynamics are illustrated in Abbotsford, where supportive housing was dramatically increased in the years following *Abbotsford (City) v. Shantz (2015, BCSC 1909)*, hereafter referred to as *The Shantz Decision*. Supportive housing units are difficult to tally given their often-false conflation with transitional housing (as I discuss further in Chapter 6). In 2020, I estimate that Abbotsford had 347 units of supportive housing, based on a tally of non-profit operated and BC Housing-funded buildings with independent living units which described themselves as ‘supportive housing’ (Fraser Valley Regional District, 2020). *The Shantz Decision* names only three supportive housing providers operating in 2015, which may have operated 71 cumulative units, if each provider had identical capacity in 2015 and 2020. In the five years which followed the establishment of a legal right to camp overnight, supportive housing units in Abbotsford increased by almost 400%.

Following *The Shantz Decision*, houseless people in Abbotsford (and elsewhere in BC) continue to face eviction and criminalization, though under new legal circumstances. While pre-2015 bylaws prohibited “sleeping in a park overnight, erecting a basic survival structure, or even sleeping in a car” (Hollet, 2015), current bylaws continue to prevent stable encampments by sanctioning disruptions by police and bylaw officers. In Abbotsford, bylaw officers enforce local bylaws in public space by ‘instructing’ houseless people on the illegality of ‘obstructing’ public space (Bylaw Enforcement Officer). The line between ‘obstruction’ and legal use of space is defined by the duration of someone’s stay in a place (Bylaw Enforcement Officer), which cannot exceed discretionary lengths. As bylaw interviewees describe, sheltering overnight in some parks is legal, however, only “if there are no shelter beds available in the community” (Bylaw Services Manager). While bylaws remain as they are, ambiguously legalizing and prohibiting overnight camping, a bylaw interviewee admits, “We can’t force somebody to take shelter inside a house or place. So, if they

choose to stay outside, we cannot force them to go into housing or shelter” (Bylaw Services Manager). Police, who enforce local and provincial laws in public and private space, are also unable to compel houseless people to take shelter, however, their leeway on private property (such as a parking lot or building entryway) is broader. Describing these interactions, one police interviewee narrates that if an offer of social housing is declined, he will say, “Well, unfortunately you’re trespassing on private property here, and under the Trespass Act you have to move. One of the places you can move is a public park, but you have to pack up in the morning” (Abbotsford Police Department Officer 2). These interactions summarize the post-*Shantz Decision* legal landscape for unsheltered houseless people. Though houseless people are allowed to sleep outside in specific locations, the relative safety and stability found in encampments (and described in the *Vancouver (City) v. Wallstam (2017, BCSC 937)* decision) remains out of reach.

Evictions and supportive housing expansions continue, even during the drafting of this chapter. In June 2023, the BC government announced the eviction of unhoused residents of an encampment on Lonzo Road in Abbotsford due to claims of crime and safety concerns. The encampment site is slated for the construction of a houseless shelter, allowing another shelter to repurpose itself into supportive housing (Carey, 2023). Linking together the eviction and supportive housing, Abbotsford mayor Ross Siemens commented:

We know that sheltering in encampments is not safe and our community has struggled to provide adequate support services for the vulnerable people located in this area. The new shelter and the encampment response at Lonzo Road and Sumas Way will provide immediate supports for people sheltering outside at that location, and the new permanent supportive housing facility will provide greatly needed additional community supports for people experiencing homelessness in Abbotsford. (Carey, 2023).

Legal advocacy in British Columbia has successfully highlighted the irrationality of encampment evictions in places where unhoused people lack other choices.

Following this work the evictions continue, only now with expanded supportive housing providing justification for the violence of displacement.

4.2 Outreach, Assessment, and Evaluation

Turning away from the legal ramifications of growing supportive housing capacities, this section details the local epistemic governmental practices which supportive housing animates outside of its walls. Despite expansions in supportive housing buildings, in Abbotsford, spaces remain limited (SHW1, SHW2). To determine which houseless people are offered spaces, supportive housing in Abbotsford has engendered a three-part infrastructure: outreach, assessment, and intake. In these stages, unhoused or precariously housed individuals are recruited, evaluated, and potentially admitted into supportive housing. Outreach workers categorize potential residents according to metrics of vulnerability and assign placements according to the needs of this bureaucracy.

4.2.1 Outreach

Outreach workers engage unhoused or precariously housed people in initial conversations, sometimes preceding eviction from an encampment. In these conversations, unhoused or precariously housed people might choose to complete supportive housing applications. They may also be recruited from initial contact for further conversations and meetings with other workers in the outreach infrastructure before they are compelled to complete a supportive housing application. Conversations can also lead to placement in other parts of the social housing system, such as shelters. These outreach conversations occur in a variety of contexts and in a range of steps. A person might encounter a city outreach worker who completes housing applications with them immediately or be referred through a network of outreach workers before that point (Homeless Outreach Coordinator for the Mennonite Central Committee). Outreach workers are employed by the Abbotsford Police Department, the City of Abbotsford, Fraser Health, and Nonprofits (Homeless Outreach Coordinator for Mennonite Central Committee, Abbotsford Police Department Officer 1, Bylaw Services Manager, SHW2, R6). Police and Bylaw officers also engage in outreach, referring unhoused people to services or other

outreach workers during displacement. Illustrating the various groups mobilized in this displacement and outreach, a bylaw interviewee explains:

Every time we encounter a person experiencing homelessness, be it in their home because there's stuff outside the premises, or on the street, we contact our outreach team right away. We will work with the police if we need their help with people that might be displaying volatile and escalating behavior. We engage the peer team who can calm someone down because they're peers, and peer presence is very powerful. They might attend to support and remove them from the situation and take them for coffee for instance.... We do not attend with our outreach team. *The outreach will come before us to support and find spaces for people to go* (Bylaw Services Manager).

Many people also enter supportive housing from other institutions, such as prisons (R5; Raven's Moon, 2015). As many supportive housing buildings also carry the 'community care facility' designation, individuals are also released from jails or hospitals into these buildings (Fast & Cunningham, 2018).

In a minority of cases, supportive housing residents have referred themselves (R4), making up 20% of eventual applicants according to one Abbotsford supportive housing provider (Raven's Moon, 2015). As one resident said, "I just went down there and knocked on the door. 50/50 chance, right?" (R5). These residents were also referred to the outreach workers able to complete supportive housing applications (R4, R5). However, due to limited understanding of supportive housing, and convoluted information on it, residents did not often self-refer (R4). One resident said, "I probably could have applied for it at any time. But I never did because I didn't need supportive housing, I just needed a place to live" (R3). Outreach procedures and personnel perform the majority of the resident-recruitment work that sustains supportive housing.

4.2.2 Assessment

Upon choosing to apply for supportive housing, potential residents complete documents during meetings with outreach workers certified in the specific evaluation processes (SHW1), most of which work at the Salvation Army in Abbotsford

(SHW2). This process includes completion of the BC Housing Supportive Housing Registry Application, and completion of the Vulnerability Assessment Tool (VAT). BC Housing defines appropriate supportive housing applicants as people who are low-income, houseless or at risk of houselessness, and with mental or physical health needs. The application asks about sources of income, Indigenous status, current housing circumstances, and lastly, housing preferences (BC Housing, n.d.). The VAT expands on these questions of positionality through the specific lens of vulnerability, seeking specifically to quantify and rank this characteristic against other potential residents. However, the VAT may be inaccurately explained, with one resident understanding the process as, “they ask the questions on the test and then they see what places are good for you, what is a good place for you to stay at where you won't feel too vulnerable” (R2).

The VAT was developed in 2003 by the Downtown Emergency Service Center in Seattle as a way to sort people into either emergency shelter, permanent supportive housing, or mental health or substance use treatment. It was taken up by Canadian service providers in 2015 as “a structured way of measuring a person’s vulnerability to continued instability” (Canadian Observatory on Homelessness, 2016) and to identify who would benefit most from ‘high impact’ interventions such as supportive housing. According to the rationale espoused in VAT documents, “decisions about the assignment of... permanent supportive housing units [should be] guided by the idea that when resources are in short supply, they should be reserved for individuals likely to be at relatively greater risk without the services” (Canadian Observatory on Homelessness, 2016). In other words, the VAT provides a system for determining relative vulnerability, under the framework that permanent housing should be reserved for the most vulnerable. During the VAT process, individuals are asked standardized questions designed to determine metrics such as survival skills, basic needs, mortality risks, medical risks, communication skills, social behaviours, and more. The tool individualizes risk, bypassing structural causes of vulnerability, such as housing precarity. In fact, it actively guides those who are deemed less vulnerable towards such precarity. As an example, the ‘Substance Use’ category of analysis defines ‘severe substance use’ as “active addiction with little or no interest in

chemical dependency treatment involvement” (Canadian Observatory on Homelessness, 2016). Pathologizing drug use, the tool cannot accommodate structural transformations such as harm reduction, creating a narrow framework for vulnerability. In this case, it also directly conflicts with a participant’s own assessment of their situation: if an individual expresses that their drug use does not require a treatment intervention this is proof that their situation is more dire. In another case, participants who score low on ‘Social Behaviours’ related vulnerability may be categorized as predatory. In this case, both idealized and demonized social markers direct service providers to withhold housing (Figure 1). Despite these cracks, the VAT is the primary procedure through which supportive housing placement is determined. Though its rationales are clearly articulated, service providers often use the tool in other ways.

SOCIAL BEHAVIOURS

Ability to tolerate people and conversations, ability to advocate for self, cooperation, etc.

NO PROBLEM ADVOCATING FOR SELF AND/OR PRESENTS WITH PREDATORY BEHAVIOURS	MILDLY PROBLEMATIC SOCIAL BEHAVIOURS	MODERATELY PROBLEMATIC SOCIAL BEHAVIOURS	HIGHLY PROBLEMATIC SOCIAL BEHAVIOURS	SEVERELY PROBLEMATIC SOCIAL BEHAVIOURS
<p>Capable of appropriate self- advocacy and social interaction in nearly all instances.</p> <p>OR</p> <p>Reports a history of predatory behaviour; is observed to be targeting vulnerable individuals to 'befriend;' uses intimidation to get needs met (e.g., threatening and menacing to staff/individuals).</p>	<p>Mostly "gets along" in general; if staff need to approach, individual can tolerate input and respond with minimal problems; may need repeated approaches about same issue even though it seems they 'get it.'</p>	<p>Has some difficulty coping with stress; sometimes has angry outbursts when in contact with staff/ others; some non-cooperation problems at times.</p>	<p>Often has difficulty engaging positively with others; withdrawn and isolated; has minimal insight regarding behaviour and consequences; has few social contacts; negative behaviour often interferes with others in surrounding; often yells, screams or talks to self. May describe occasional or semi-regular bars from services for disruptive behaviours. Possible frequent jail time.</p>	<p>Responds in angry, profane, obscene or menacing verbal ways; may come across as intimidating and off-putting to providers; may provoke verbal and physical attacks from other individuals; has significantly impaired ability to deal with stress; has no apparent social network. May be consistently barred from services. Likely large amount of jail time.</p>
1	2	3	4	5

Figure 1: Social Behaviour vulnerability scoring table from the Vulnerability Assessment Tool (From Canadian Observatory of Homelessness, 2016, 63). Note the conflation of self-advocacy with predatory behaviour in the first column. Other tables for scoring vulnerability based on Survival Skills, Basic Needs, Indicated Mortality Risks, Medical Risks, Organization/Orientation, Mental Health, Substance Use, Communication, and Length of Homelessness are included in the Appendix. I also include the evaluation rationale for an example 'less vulnerable' participant.

4.2.3 Evaluation

After the Supportive Housing Registry Application and VAT are completed, applications in Abbotsford may be reviewed at monthly Coordinated Access Table (CAT) meetings (City Homelessness Coordinator). The Coordinated Access Table was created after *The Shantz Case* which served as a ‘complementary impetus’ to implement a coordinated system for assigning supportive housing and other social housing spaces (City Homelessness Coordinator). CAT members include representatives from shelter providers, supportive and transitional housing providers, the Fraser Health Authority, and outreach and social service providers (City of Abbotsford, 2022). When supportive housing spaces become available, “every agency will bring in a couple people they know that need to get into housing” (SHW2). Those applicants are then presented by the CAT member who brought them in (Elizabeth Fry Supportive Housing). A person who has filled out an application is not guaranteed that they will ever be considered for open spaces; applicants are only brought to discussion on the discretion of a CAT member. As one supportive housing worker interviewee said, “there's so many barriers to even being put forward to the roundtable” (SHW1). The CAT then votes to decide which applicant will be offered the space.

Much of what goes into a CAT decision does not come from application documents. Some interviews suggest that votes are determined ahead of the meeting (SHW3). One supportive housing worker interviewee said, “the manager... basically went to all the community partners and was like, ‘Hey, vote him in. We want him to get in’... obviously, other people had been on the list longer” (SHW1). On the other hand, some applicants are voted against due to prior opinions of the CAT member. One former CAT member said,

We had one guy... when his name would come up on the list, everyone knew him in the community and everyone would be like, “That person’s a lot of trouble. That person’s just gonna break the rules”... So, people like that would just end up staying outside (SHW3).

As this last quote begins to suggest, CAT members do not maintain the VAT rationale that supportive housing spaces should go to the most vulnerable. In fact,

CAT decisions are “largely based on building needs” (SHW3), which can lead to prioritization of ‘high functioning’ people who would score lower for vulnerability on the VAT. Most supportive housing provider CAT members display preferences for people who have not been unhoused for a long time and aren’t “heavy drug users” (SHW1). This preference can correspond to age, as one supportive housing worker interviewee describes:

They would talk about all the time that they don't really like having younger people in, they like having older mature people. They'd always joke that they liked having people on their way out because that was the easiest people to manage and who would cause the least amount of issues (SHW1).

Another supportive housing provider spoke of the ways that certain applicants are prioritized according to their projected ability to later leave supportive housing, showing the ways metrics of apparent vulnerability can in fact de-prioritize a candidate:

We want to make sure that they do, you know, have a goal of receiving independent housing. We want to make sure that that's one of the main goals, that they're not just moving into here just for affordable housing and that they actually are wanting to build up the life skills and be able to use our supports to be able to build the life skills for independent housing (Legacy Manor Supportive Housing).

Demonstrating another model of evaluation, another supportive housing provider described how either higher, lower, or moderate apparent vulnerability can serve an applicants’ chances in different contexts:

It's not necessarily the highest need that gets the space. It's the composition of the building. So, in order to, essentially, the theory is, in order to make the building manageable, if we have all people who have a really high acuity score on their VATs, it would be chaos. You would need more supports than buildings are funded to be able to provide.... Where I managed, what I had to do was to go through their acuity on the VAT scale, and they were then coded 1, 2, or 3. So 3s are people who have really high intense needs. 1s are people who have fairly stable needs. And then 2s are people that are kind

of fitting in the middle and could go either way... And so, when somebody then leaves the building, it's kind of, what you fill that spot with, who ends up in that spot depends on where the support needs were of the person who left (SHW3).

Apparent vulnerability, as determined by the VAT, is used in application decisions, but not according to a coherent theory beyond supportive housing provider convenience. Displaying another facet of the utility of applicant categorization, one provider lists the various vulnerabilities of their clients in a fundraising document, including youth, Indigenous status, 'addiction challenges,' 'mental health issues,' brain injuries, fetal alcohol spectrum disorder, and 'criminal pasts' (Raven's Moon, 2015). These positionalities are context to the ways that the program helps residents "[move] up the developmental ladder" (Raven's Moon, 2015).

Whether apparent vulnerability is being selected for or against, this process quantifies and objectifies supportive housing applicants. It is not based on potential residents' own understandings of their needs (SHW3, R2), but both technocratic logics and the discretionary needs and conveniences of supportive housing organizations.

4.3 Discussion

Following BC case law from the past 20 years, I have argued that supportive housing provides the legal grounds for state violence against houseless people, through sanctioned evictions from improvised shelter. In this time, the legality of encampment evictions has grown increasingly contingent on the availability and suitability of alternative housing options, with supportive housing occupying space in these logics in all cases since 2015. Though legal advocates have challenged the logic of evictions without alternate housing, evictions now continue, with supportive housing providing political legitimacy.

Researchers have documented these trends in other locations. Similar to the bylaws which prohibit activities associated with living outside in Abbotsford, laws against sitting or lying in public space rose by 78 percent in United States cities between 2006 and 2019 (National Law Center on Homelessness & Poverty, 2019). As in BC, these laws were tempered in 2018, when the *Martin v. City of Boise* case

established that police officers must offer ‘adequate shelter’ before citing or arresting unhoused people (Herring, 2021). Ananya Roy describes these laws as “perverse” saying, “when criminalization depends on its availability, a right to shelter is a right to police the poor” (interview in Rosenthal, 2022, 11). Studying emergency shelters in San Francisco, Herring (2021) found that increases in shelter space enable the criminalization of houseless people on the streets. “Although shelters mitigate the exposure to policing for those who reside within them” he writes, “they can also stoke the intensity of punishment experienced by those who remain in public space” (278). This intensity was seen in the cruel eviction of residents of Echo Park in Los Angeles in 2021. The After Echo Park Lake Research Collective (2022) documented the eviction and the conditions within supportive housing that residents subsequently entered. Summarizing the events, organizer and After Echo Park Lake Research Collective member Carla Orendorff said, “under the guise of ‘services’ the City of Los Angeles found a new way to re-package sweeps, brutal law enforcement, and the continued criminalization of people who live on the streets: they simply called it ‘housing’” (After Echo Park Lake Research Collective, 2022, 11).

Supportive housing and other social housing enables criminalization and evictions, while also engendering a bureaucracy of assessment and evaluation of those individuals who apply to enter. Key to this evaluation is the specifically constructed metric of ‘vulnerability,’ which denies supportive housing space to those with associated ‘higher needs,’ despite the system’s apparent design for the opposite. The Vulnerability Assessment Tool was designed to place the most vulnerable individuals in supportive housing, yet Abbotsford’s Coordinated Access Table uses the tool to restrict supportive housing offers to those understood as less difficult. Quirouette (2016) found these dynamics in her study of emergency shelters. While the stated shelter policies claimed to prioritize those with complex or high needs, those residents were actually treated as risks to the program, receiving less engagement and support. As with certain Abbotsford supportive housing buildings, “help and services” (or a supportive housing unit) “[are] dependent [on] clients’ desire to work toward normative goals” (326).

One of the vectors the VAT uses to score vulnerability is length housing precarity including a benchmark for when a person qualifies as “chronically homeless” (Canadian Observatory on Homelessness, 2016, 84). Studying this analytic category, Willse (2010) considers the rise of programs for the ‘chronically homeless’ population, arguing that the creation of this category is a biopolitical assessment, marking some individuals as more worthy of protection. At the same time, chronically homeless people are devalued, depicted as “failed selves that require invasive social assistance” (156) rather than capable, yet structurally disempowered, subjects. Housing programs therefore enable the social abandonment which creates housing insecurity, as they frame the chronically homeless person as a static given as well as an “object of knowledge and interventions” (157). The very category of *chronically homeless person* is one of many “technologies... [which] render housing needs legible and manageable” (157).

The study and categorization of houseless people, regardless of specific conclusions, assumes that such outputs can produce legitimate knowledge of houselessness, a common conceit of the governance project. Governance distributes both life-giving and life-taking relations: wealth, misfortunes and, more ambiguously, eviction injunctions, and supportive housing units. And this project is made possible through the co-production of “ways of acting and thinking” (Foucault, 1991, 93). It ignores the ways that disenfranchised communities are “already productive for [themselves]” (Harney & Moten, 2013, 77). I notice these erasures most here through a notable exception. In *Vancouver (City) v Wallstam (2017, BCSC 937)* where the city of Vancouver sought an eviction injunction against encampment residents, the presiding judge considered “the position of the occupants, that the tent city” was “providing shelter and safe living space for the occupants” (47). A comparison between the living conditions within a tent city and unspecified social housing alternatives is beyond the scope of this thesis. This statement is conspicuous though for recognizing that houseless people are capable of organizing desirable housing arrangements and that their understandings of these spaces carry validity. Statements on the Lonzo Park eviction, the rankings of the VAT, and the discussions in CAT meetings all fundamentally miss this fact.

Willse (2010) and Quirouette (2016) both critique the government epistemologies which obscure and erase the analysis and the agency of precariously housed people. The next chapter examines policies within supportive housing, drawing primarily on the knowledges of residents.

Chapter 5.

Inhabitation: Movement, Guest, Drug Use, and Possessions Policies

Individuals who enter supportive housing experience a landscape of inconsistent rules and enforcement. In particular, residents of supportive housing must comply with policies governing their personal movement, visitations by guests, their personal possessions, and their potential drug use. If any of the rules are broken, as determined by broad staff discretion, residents face eviction from the buildings for either days-long periods or permanently. In other words, residents have limited means to control the inclusion and exclusion of people and objects from their housing, a precarious dynamic which ultimately extends to the residents themselves through policies of containment and eviction. Drawing on interviews with supportive housing residents and staff, as well as program agreements, I argue that these policies create a carceral environment defined by property relations. While other chapters of this thesis analyze the *why* of supportive housing (the logics and rationales of housing governance and law), this chapter instead focuses on the *how* (policies irrespective of their rationales). I center the material and relational effects of supportive housing policies on residents. This chapter details the evictions which enforce policies in supportive housing, the policies which residents are compelled to follow while in supportive housing, before discussing the relations these policies foster.

5.1 Policy Importance

Before analyzing specific policy practices, it's important to convey the arbitrary yet consequential workings of this everyday management in supportive housing. Policies are communicated and enforced inconsistently. Yet at the same time, enforcement consists of temporary and permanent evictions, often with no prior warnings, meaning that policies can carry a frightening weight. One supportive housing resident explained:

Each [supportive housing worker] has a different standard. Like some people let go and some people don't. So, you're in a confusion state all the time of what to be prepared for. Whether they come to inspect or to talk to you. You don't know if you're in trouble, I mean, that's a tension that puts you under stress all the time. Nobody should have to live under stress (R3).

So, while the policies described in this chapter vary from harm reduction to interpersonal conflict, to bike storage, all categories of policy described here are enforced through the (often realized) threat of eviction.

In supportive housing, residents are governed by a program agreement: a signed document which outlines the obligations which residents and housing providers have to each other, including the monthly rental requirement. Program agreements are the key technology through which policies are communicated to residents, though residents are not always given time to read the agreement (SHW1) and are not provided their own copies of the agreements to keep (all resident interviews). Further, interviewees detailed numerous examples of evictions precipitated by a rule that was not included in the program agreement (SHW3, SHW1, SHW2, R6, R5, R2).

Program agreements procured in the course of this research contain strikingly vague eviction policies. One program agreement bans behaviours which are, “dangerous, threatening, unsanitary, or otherwise harmful to other Residents” as well as “abusive” behaviour towards staff (PA1). Another agreement states, “Violation of this rental agreement or blatant disregard for the safety of the house and the neighbourhood will result in an on the spot eviction” (PA3). This is within an agreement that can be violated through vaguely defined acts such as “disturbing others” (PA3). While safety from danger is a desirable element of any home, the extreme threat of eviction creates a pervasive lack of safety for residents. This chapter cites program agreements extensively, despite their vagueness and inconsistent enforcement, in recognition of the ways they shape and partially reflect resident experiences of supportive housing.

Sometimes, additional policies are communicated through posted signs within the living space (R4). These signs are as binding as the agreements themselves, as all

agreements procured in this research specified that residents must follow posted rules as well. One resident explained, “On the back of my door there was a posted thing when I moved in, and it was some of the rules and then the consequence of if you're caught” (R3). The consequences for these posted rules were temporary and permanent eviction.

All residents I spoke with had been either temporarily or permanently evicted from a supportive housing site at least once. Temporary evictions lasted from overnight to a week. Sometimes temporary evictions followed a discernible logic of incremental punishment with one resident saying, “The first time you're caught you get barred for 24 or 48 hours. And then the next time you're caught, you're barred for a week. And then the next time you're out. That was what I saw” (R3). With or without predictable lengths, temporary bans are harmful to residents who receive limited time to prepare themselves (R3, R4, R6), are not assisted in finding shelter elsewhere (R3, R4, R6), and do not have space allowances in their rooms for the essentials for sleeping outside (R3). This means that a temporary eviction can lead to up to a week sleeping outdoors without a tent, a sleeping bag, or other useful items which a supportive housing resident may have owned prior to living in the building. One former resident of a drug-prohibitive supportive housing site explained both the capriciousness and cruelty of the temporary evictions, saying:

It's like, if one girl comes home drunk, they're associated with the whole group of girls, and they all get kicked out at whatever time they come home at. Could be at 1 o'clock, 2 o'clock in the morning. And they're just kicked out for the night or 24 hours. 24-hour ban. They get kicked out. And I was like, “What the heck? These women are vulnerable and you're kicking them out?” (R2)

Permanent evictions (or simply, ‘evictions’) continue the theme of policy inconsistency and gravity. Catalysts for eviction might be related to specific program agreement policies, such as: drug use (R1, PA3); unpaid rent (PA3); keeping a pet (PA3); or violating a guest policy (SHW2, PA1). Eviction is also precipitated by actions not prohibited by the program agreement such as: a flushed face causing suspicion of drug use (R4), storing a bike in the wrong location (SHW2), “staying too

long” (unrelated to any written policy) (R6), or “general disrespect” (R4). And some evictions trace to actions prohibited under the program agreement only because of the vagueness of the document. These include: “illegal acts” (R4, PA3), “disturbing others” (R1, PA3), “abusive behaviour” (PA2, SHW2), conflict between residents (SHW3, PA1), or breaking the wide range of conduct rules governing resident behaviour outside of the supportive housing buildings (SHW2, PA1).

Though evictions and their catalysts were described in each resident interview, residents often did not know what rules had been broken. According to one resident, “It’s hard to say what any definite rules were because it depended on who you were and how much they liked you” (R5). Remembering a case where cleanliness standards were cited by staff during an eviction, another resident said, “I’m not sure whose standards. There’s nothing defined on how you’re supposed to keep your room” (R3). Under this ambiguity, one resident explained, “some people would do very little and lose their bed immediately. There were girls that came in there, and the next day, were gone” (R5).

The violence of these evictions is profound. Evictions are decided through staff discretion and often leave residents extremely destabilized. All residents interviewed for this project received no warning that their housing may be in jeopardy and were offered no recourse when an eviction had been decided. In a drug-prohibiting supportive housing site, one resident learned of her eviction when she returned to packed bags following her stay in a hospital to recover from a drug overdose (R5). Residents describe receiving between 5 minutes and 2 days to prepare for an eviction (R3, R4, R6). As with temporary evictions, residents do not receive support in finding alternative shelter (R3, R4). Residents devote significant financial resources to rent in supportive housing and are not refunded any balance of their rent when evicted (PA1, PA2, PA3, R6). Evicted residents cannot simply retrieve their possessions and must instead follow specific and onerous recovery procedures (PA1, PA3), often resulting in the loss of their possessions (R2, R6).

The legalities of program agreements and their enforcement through sudden evictions is discussed extensively in the third chapter of this thesis. In this chapter, I provide these details to underscore the importance of the policies described in the

following pages. Real or perceived violations of policies governing resident movements, visitation by guests, personal possessions, and drug use can all lead to eviction. Moreover, evictions can follow events which do not violate any communicated policies. While policies vary in the extent of direct harm they cause, all supportive housing policies are best analyzed within the context of the looming threat of temporary and permanent evictions - evictions which all resident interviewees of this project have experienced.

5.2 The Policies

5.2.1 Resident Movement

Residents in supportive housing are compelled to adhere to a variety of policies governing their movements inside and outside of the buildings. While away from their homes, they also must navigate the attempts from housing staff to surveil their behaviour.

Both program agreements and resident interviewees describe a range of policies monitoring and limiting the time residents may spend away from their supportive housing. These policies include evening and Monday morning curfews (R2, R4), limits on the number of nights per week or month that residents may spend away from the building (R5, PA1), or bans on nights away from the building altogether (R2). One program agreement describes two consecutive days away as ‘abandonment’ of the program, an action worthy of eviction, while also more vaguely stating that staff may search the rooms of someone deemed ‘absent’ (PA3). Another program agreement shares the sentiment more specifically, stating that supportive housing providers may enter the rooms of residents away for more than 24 hours (PA2). Given the personal possession and drug policies present at many supportive housing sites, such a search may reveal policy violations, and lead to eviction.

Some residents also report that staff request information about their actions outside of the building with one resident saying, “If you’re leaving the property, they want to know where you’re going and why you’re going there” (R5). Residents who refuse to share this information may be punished with eviction. As one resident

remembered, “They didn’t like the fact that they didn’t know what I was doing... they tried to kick me out.” (R4). One program agreement requires residents to inform staff if they will be away for more than 48 hours (PA1), limiting spontaneous movements. Program agreements also stipulate prohibitions on certain actions taken outside of the building. In one case this includes: “theft,” “vandalism,” “littering” “violence,” “drug dealing,” “sex work,” and “other criminal offenses” (PA1). Another program agreement states that drugs cannot be purchased “in the neighbourhood” of the supportive housing site (PA2). Some drug-prohibitive supportive housing sites also seek to prohibit use outside the building (PA3).

Finally, resident movement is controlled within supportive housing buildings. Many interviewees describe a common policy that limits residents to the floor on which their unit is located. Residents also described policies prohibiting entry into each others’ rooms (R3, R6), with one resident saying, “we were afraid to even go into each others’ suites or talk to each other. It was the loneliest experience I’ve ever had” (R4). In addition to the pain of social isolation (R6), these controls prevent residents from caring for each other. The dire consequences are described in reporting by Pivot Legal on the death of a resident named Lindsey Longe at a Vancouver supportive housing site in 2012: “For four days he lay dying. His door wasn’t opened until seven days since he was last seen. *Fellow residents knew he was ill, but did not have access to his floor of the building*” (Urquhart, 2013, emphasis added).

Through these policies, resident movement is governed both within and outside of supportive housing buildings. Residents and their access to housing are subject to policies which apply beyond the buildings themselves, prohibiting both vague and specific actions under threat of eviction. However, the other controlling policies mostly apply within buildings. It is these policies that I turn to now.

5.2.2 Guest Policies

Residents in supportive housing experience a range of limitations on the guests allowed into their homes. Some supportive housing sites prohibit guests entirely, though some of these policies have changed in recent years (perhaps as a result of case law I review in the next chapter) (R3, R6, SHW3, SHW2, PA3). In buildings

which allow guests, visits may be limited to certain hours (for instance, 9 am to 9 pm), certain quotas (for instance, only one overnight guest visit per week), or by the total number of guests in the building at once (SHW3, PA1). One program agreement outlines a policy whereby residents are allowed only one visitor at a time with a sign-in process to ensure the policy is followed (PA1).

Supportive housing sites also screen guests, requiring staff to approve each guest ahead of a visit (PA1, R4) and sometimes with 24 hours of advance notice (R3, SHW2, PA1). Approvals may be related to a potential guest's lack of criminal record (R4) or may be decided according to staff discretion (R6). As one resident put it, "To be approved is a nightmare. And they pick and choose who gets approval and who doesn't based on whatever how much you're liked in that housing. And the rules change every day, depending on the person" (R5). Guests are also limited by gender. In women's buildings, guests who are men are prohibited, and in men's buildings guests who are women are prohibited (operating on a binary gender framework) (R1, R2, R5). This limitation caused one resident to leave, as she was unable to see her boyfriend in her home (R2). According to the discretion of the supportive housing workers who approve or deny guests, some residents are unable to spend any time with the people close to them in their homes. Guest policies compound the resident movement policies, severely limiting the ability of residents to maintain social connections (R5, R1).

5.2.3 Personal Possessions

Along with controls on the people residents may bring into their space, residents are also limited in the possessions they may bring into their space. When entering supportive housing, residents are required to pare their personal possessions to small quantities such as two bags worth or two Rubbermaid bins worth (Interagency Care Team, SHW3, R6). During their time in supportive housing, this possession limitation continues to various extents. The standards here are described by residents, staff, and program agreements in both specific and vague terms such as: "community living standards" (Elizabeth Fry Supportive Housing), fire department guidelines (Hearthstone Supportive Housing), "clean and tidy" (R3, PA3), and "ordinary health,

cleanliness, and sanitary standards” (PA2). Apparently problematic possessions are described in terms of “hoarding” (SHW2), “excessive” possessions (Legacy Manor Supportive Housing, PA1), or too much stuff for staff to be able to enter a unit (Interagency Care Team). One provider rates resident units on a scale from one to four, with residents expected to improve the “cleanliness” of their rooms and progress in levels (Legacy Manor Supportive Housing).

These standards are evaluated during room checks which may take place weekly or monthly, and at predictable or random times (SHW2, R3, SHW3, PA1, PA3). Related to resident movement policies and drug policies, one program agreement specifies that rooms can be searched whenever a resident is deemed ‘absent,’ or when staff suspect drug or alcohol use (PA3). One resident describes this policy as a ‘room toss’ where her room was systematically dismantled based on the suspicion that she had used drugs (R5). While room checks may ostensibly aid staff in apparent issues of disorganization (Legacy Manor Supportive Housing), one resident interviewee describes how this in fact disrupts the attempts of residents to organize their own possessions:

I don't quite understand why they do that every week. I mean, sometimes you don't ever have enough time to adjust to your place yet....When you live on the streets for a while you want to take a while to tear down all your stuff and pick through it on your own time so that you can get rid of things you don't need anymore. But I never had that chance cause I always gotta put it away so that I can get my room cleaned up again so that it's all in totes and hidden. (R3).

Furthermore, residents experience room checks as a violation of their privacy (R6). As with other policies, a room check which finds certain possessions (such as drugs) or certain amounts of possessions may result in eviction (PA3, Interagency Care Team).

5.2.4 Drug Use

Lastly, residents in supportive housing experience policies of limitation and control on their use of both legal and recently decriminalized³ drugs. Some sites have harm reduction supplies (Legacy Manor Supportive Housing) and designated use locations, while prohibiting use in other spaces (SHW1, SHW3, SHW2, R6, R3). In particular, residents are often barred from using drugs in their rooms (R3, Legacy Manor Supportive Housing). Though using drugs alone poses a risk for overdose, some residents might prefer to use drugs with some privacy, as the designated spaces may expose them to the gaze of people outside the building (R3). Guest policies compound the danger of overdose here, as residents are often unable to use with another person in their room. Also, a curfew prevents a resident from leaving to use with others outside the building outside certain hours and bans on movement between floors keep residents from inviting each other into their rooms to use together. One resident explained,

They always say, 'never use alone.' Well homeless people don't use alone. They are always grouped together. That's why it's not the homeless who die every day from overdose. Because they're hardly ever using alone. And then all of a sudden you get put in supportive housing and you have to use by yourself. (R5)

Other supportive housing sites allow residents to use drugs more generally, but disallow use in building entirely (R2, Elizabeth Fry Supportive Housing). When asked about the effect of these policies, a former resident succinctly explained,

Well, it pushes them to have to use somewhere else where they're more vulnerable, right? Left out in the elements. Or just out by themselves somewhere. And, you know, a lot of them are in walkways, or sometimes at night those walkways of businesses are empty. So that's where you get a lot of the overdoses. So that just pushes people away from being safe. (R2)

³ In January 2023, British Columbia decriminalized small quantities of certain, previously criminalized drugs. Under this policy, individuals are allowed to possess 2.5 grams total of opioids, meth, MDMA, and cocaine. These drugs have not been legalized, as the policy outlaws distribution and the possession of larger amounts (Shane, 2023).

The most extreme form of drug prohibition disallows the use of all drugs both inside and outside of the building (R1, R2, PA3). Residents in these locations are also not allowed to own drugs, a readily enforceable policy where rooms can be searched on suspicion of drug use and all prescribed medications must be declared to staff (PA3). Residents interviewed in this project did not remain in these sites long (R4, R5), with the policies creating a “revolving door” of eviction (R2). Drug prohibition policies mean that drug users are less able to plan and coordinate their use, placing those who remain at such supportive housing sites at profound risk of overdose. The intensity of complete drug prohibition should not cast other forms of drug use constraints in a warmer light. All levels of drug use control, especially in combination with movement, guest, and possessions policies, decrease the safety of drug using residents in ways these residents would not encounter in many other housing arrangements.

5.3 Discussion

Through policies which control visitation, personal possessions, and drug use, residents of supportive housing enjoy limited control over the movement of people and objects into and out of their homes. The policies that enforce curfew and threaten sudden eviction extend these constraints on movement to the residents themselves. Residents may not always leave or stay away from the building according to their needs, and they may not always enter or remain in the building according to their needs. These policies create harm, as quotes from resident interviews demonstrate. Within interviews, residents shared their analyses of the policies and the relations they create, drawing connections to prisons and unpropertied subjectivity. The following section describes the relations created by supportive housing policies, bringing resident analyses into conversation with geographic literatures.

5.3.1 Carceral Relations

People should be able to go to these places and remember what it's like or discover what it's like to be housed. But also, to have the freedom in your own space. And that

doesn't happen. The freedom to live the way you want to live. It's kind of like going to prison, you know (R4).

Carceral geographers analyze systems and institutions which employ the disciplinary technologies of the prison, drawing attention to the ways relations of the prison exceed the particularities of the institutions themselves. Carceral geographers Moran et al. (2017) explain that the carceral is achieved through spatialities of confinement, manifested in part by containing people within prescribed boundaries. In supportive housing, the curfews which prevent residents from leaving the building at certain times or for certain quantities of time enact this mode of containment. Carceral spaces also function to keep “people and things out (e.g., contraband in the case of a prison)” as a way to “keep those inside in” (Moran et al., 2017, 678). Supportive housing restricts the ability of residents to bring both possessions and guests into their units. These policies both produce and contain the ideal supportive housing subject while setting the conditions for evicting residents who do not fit this ideal.

In an analysis of similar non-prison carceral spaces, legal geographer Speer (2017) illustrates the ways carceral technologies, in particular surveillance, are employed to contain unhoused people in state-sanctioned tent encampments. Residents of supportive housing are similar to Speer’s (2017) research collaborators in that they are inhabitants of a state response to houselessness. Supportive housing residents also experience many forms of coercive and containing surveillance. Room checks, common area cameras (R2, R3), and requests for information on their activities outside the building all contribute to a surveilled carceral environment.

Beyond technologies of containment, carceral geographies are also defined by the experiences of incarcerated subjects. Moran et al. (2017) identify the carceral through detriment, meaning “the confiscation of various types of opportunity or potentiality that would otherwise have been available, and whose loss is experienced as detrimental” (678). The experiential manifestation of detriment means that “the carceral is in the eye of the beholder” (12). Residents of supportive housing identify detriment in their analyses which compare supportive housing to other institutions of

containment. Reflecting on room checks, one says, “when they check your room, they’re like the police... It’s like when you’re at the border” (R5). Another resident asserts that supportive housing takes away his rights, in a way similar to carceral spaces, saying “When you’re a prisoner in jail, you have your rights taken away. But I’m not in jail. There shouldn’t be anything taken away” (R3). Highlighting the technology of surveillance, another resident says, “In my experience, they like it to be very low key and mundane. It’s easier for them to track you. Which sucks. We’re not prisoners” (R4). Both of these last two quotes contain a subtext: supportive housing isn’t prison or jail, *but it feels like it*.

Supportive housing residents in Abbotsford are not alone in this analysis. Following eviction from the Los Angeles Echo Lake Park encampment in 2021, many people were offered spaces in supportive housing through a program called “Project Room Key.” Following mistreatment through curfews, bans from visiting each others’ rooms, a lack of harm reduction supplies and more, some residents organized themselves in United Tenants Against Carceral Housing (UTACH, 2022). Their organizing locates supportive housing within the carceral continuum.

5.3.2 Property and Personhood

“You know, I told them when I moved in here, you know, I was so happy to clean this place and keep it spotless, because it was my place, my house, and all that. And you guys, it doesn’t matter if I don’t have pride in it, because now I have to make it for you guys, for your standards” (R6)

Property relations, through the conditions of possession, dispossession, and the spatialities created, enable the workings of supportive housing. Legal geographer Blomley (2019) argues that property relations are the ways that access to space is co-constituted with the constructed positionalities of individuals. Supportive housing residents do not have property rights or tenancy rights to their homes, as manifested through the conditional access they have to these homes. Residents may be evicted without process and cannot control who does and does not enter.

Similar to carceral spatiality, property spatiality is enforced through specific technologies. ‘Acting,’ the technology through which access to space is defined and controlled, manifests through enforcement of who may enter the space and when (Blomley, 2019). Supportive housing providers, the legal owners or renters of the buildings ‘act’ their property positionality by controlling who (guests) and what (‘excessive’ possessions or drugs) may come into a building. Inversely an unpropertied positionality is communicated to residents through these policies. One resident explains, “I’d like to have... people stopping by and whatnot. But it’s not my house. It’s not my room, basically” (R1). Residents themselves are also part of the excluded ‘who,’ as their access to space may also be rescinded through a temporary or permanent eviction. Another resident connects the lack of ownership to subjectivity saying, “You’re always wondering if you’re going to get kicked out for something stupid” which takes away their “right as a human being that any other normal person would have” (R3).

Property relations are not fixed, but maintained through these performed exclusions, as well as another technology Blomley (2019) describes as ‘naming.’ The naming of property relations occurs through socio-legal performances such as the contract. In supportive housing, resident access is named (and constrained) through the contractual program agreement. In the next chapter of this thesis, I turn to the legalities of the program agreement, examining the ways these agreements place residents always already outside of the protection of the law.

Chapter 6.

Exit: Exclusion, Eviction, and the Absence of Support

In Chapter 5, I outlined the policies operating within supportive housing and analyzed those policies in terms of the living conditions and experiences they create for residents. This chapter turns to the rationales and legal standards on which these policies are made contingent. I begin by contrasting British Columbia's tenant rights policies in the *Residential Tenancy Act (SBC 2002, c 7.8)* with the extralegal policies that structure the experience of living in supportive housing. I then turn to the exceptional legal procedures that have denied *RTA* protections to supportive housing residents, despite the fact that BC regulations explicitly state that supportive housing falls under *RTA* jurisdiction. Finally, I review the lack of 'support' and 'transition' provided in Abbotsford supportive housing, showing how rights denials manifest in supportive housing through program agreements. Throughout this chapter I argue that the exclusion of supportive housing from the *RTA* is maintained by a recursive logic in which program agreements justify the exclusion and the exclusion justifies program agreements. This deliberate and convoluted system heightens the precarity of supportive housing residents. Though program agreements place supportive housing outside of the legal framework of the *RTA*, they continue legal regulation by imposing an 'outlaw' positionality onto residents (Blomley & The Right to Remain Collective, 2022).

6.1 Denied Tenancy Rights in Supportive Housing

Lacking many types of control over their living circumstances, residents of supportive housing are denied the rights that are standard for renters in British Columbia, as outlined by the *Residential Tenancy Act (SBC 2002, c 7.8)* (hereafter, 'the *RTA*'), and associated Tenancy Policy Guidelines. While the standards set by these documents leave renters vulnerable in many ways, supportive housing residents are significantly more vulnerable without them. I will continue to use policy

categories from Chapter 5, which cover the regulation of movements, possessions, guests, drug use, and evictions. I will briefly summarize how these supportive housing policies differ significantly from those policies prescribed in the *RTA*.

As noted earlier, residents in supportive housing are compelled to adhere to a variety of policies governing their movements inside and outside of their buildings. These include curfews, restrictions on movements between floors, and surveillance of their movements outside of their buildings. Residents are also subjected to a range of policies which restrict their ability to receive guests such as guest approval processes, limited visit times, required notices to staff before a visit, and prohibitions on guests of certain genders. In stark contrast, under the *RTA*, tenants have a right to ‘reasonable privacy’ (29) which limits the ability of housing providers to practice invasive policies like curfews and surveillance of movement. The *RTA* also states that “a landlord must not unreasonably restrict access to the rental by... a person permitted on the residential property by the tenant” (30), meaning that visitation by a tenant’s guests cannot legally be prevented.

Residents in supportive housing experience limitations on the amount of possessions they may bring into their space, which are enforced through weekly or monthly room checks at predictable or random times. Under the *RTA*, landlords are limited in their ability to enter a unit, needing a ‘reasonable’ justification, such as inspecting the unit or housekeeping included in the lease (29). A landlord must also give the tenant warning between 24 hours and 30 days before the entry (29). The *RTA*’s *Policy Guideline 7* also stipulates that ‘reasonability’ can be lost if a landlord enters or attempts to enter a unit too often. The guideline provides an illustrative example: inspecting a unit for damages is not a reasonable entry if a landlord attempts this more than once a month.

Many supportive housing buildings prohibit drug use in certain spaces in the building (such as a residents’ units) or in the entire building. Some buildings prohibit all drug use by residents. Drug prohibition within the building is readily enforceable through room checks. Conversely, the *RTA* creates an overall higher standard of privacy and predictability for residents governed by it in terms of ‘reasonable’ privacy and ‘reasonable’ justifications for unit entry (*RTA*, 29). Additionally, the *RTA*

limits the actions a landlord may use to address illegal activities, such as (de)criminalized drug use, stating that “a landlord may terminate a tenancy for illegal activity” only if the activity “has caused or is likely to cause damage to the landlord’s property,” adverse effects to other residents of the property, or prevention of “a lawful right or interest of another occupant or the landlord” (*RTPG*, 32-1). Personal drug use would not meet this standard, as a policy guideline explains:

For example, it may be illegal to smoke and/or consume an illicit drug. However, unless doing so has a significant impact on other occupants or the landlord's property, the mere consumption of the drug would not meet the test of an illegal activity which would justify termination of the tenancy (*RTPG*, 32-1).

In other words, residents of housing governed by the *RTA* cannot be legally evicted for using drugs, as supportive housing residents so often are.

Finally, residents in supportive housing can be evicted without warning or recourse due to perceived or actual violations of program agreements, or due to events which do not violate a program agreement. In contrast, residents governed by the *RTA* are legally evictable only if they violate the terms of their lease, or if the landlord plans to sell, live in, or significantly renovate the unit (*RTA*, 47-49). If a landlord wishes to evict a tenant due to one of these reasons, they must post notice 30 days prior to an eviction taking place and they must detail their rationale (or ‘cause’) in the notice (*RTA*, 47). If the tenant disagrees with the rationale, meaning they disagree that they violated the terms of their lease, or that they disagree the landlord has intentions to move in, sell, or renovate, they may make an application to dispute the eviction. The warning, landlord rationale, and ability to challenge an eviction that residents receive when they live in housing governed by the *RTA* is not present for supportive housing residents.

Under the *RTA*, residential tenants certainly still live in a system of hierarchical power relations where they are vulnerable to housing precarity. However, the rights the *RTA* outlines provide legal protection from many of the violent conditions which supportive housing residents live under. The *RTA* prescribes a legal system in which residential tenants are allowed guests, receive warnings before their homes are

entered, may not be evicted for (de)criminalized drug use, know of their evictions 30 days prior, and may dispute these evictions. Living instead under the program agreement legal system, supportive housing residents are denied each one of these rights.

Tenancy and the *RTA* were referenced comparatively in many supportive housing interviews. When describing how supportive housing falls outside of *RTA* jurisdiction, interviewees particularly focused on how this facilitates evictions. One supportive housing worker explained:

So the way that program agreements are done, the way it was initially explained to me, because when I first started working for [Supportive Housing Provider], [Supportive Housing Provider] had different buildings that had different - like some were *RTA* and some were under program agreements, and what they explained to me was the reason they did program agreements is so that they can easily remove people (SHW3).

Program agreement, as described by this interviewee, are a useful technology for supportive providers who to retain their legal ability to ‘easily remove people.’

Another supportive housing provider further detailed the ways *RTA* exclusion eases evictions for providers, saying:

Those houses don't fall under the tenancy act. And it's what we call rapid rehousing. You can rehouse somebody. If you have an issue with somebody, if they're not a good fit, you can actually move them forward to elsewhere, or maybe just evict them if they are becoming too difficult to live with other people (President of Raven's Moon Supportive Housing).

Of course, ‘not a good fit’ and ‘too difficult’ are rationales which would not legally justify an eviction under the *RTA*. Another interviewee working in this same supportive housing program said:

The biggest advantage is if the tenant starts to become problematic, we are there. Immediately. If they move in and they're super nice, and then they get 18 cats, we're there, we're dealing with it, immediately... [We don't] fall under the *Residential Tenancy Act*. So we don't have to go through all of the court proceedings and involve the

sheriff. People are signing a program participation agreement, acknowledging that, "I acknowledge that this is my space, but it's still a program" (Raven's Moon Supportive Housing).

As described by these interviewees, the purpose of supplanting the *RTA* with the alternative system of program agreements is to make the residents of these programs easier to evict. Residents of supportive housing also assert that simplified evictions are the purpose of their exemption from tenancy rights (R3). Defining the program agreement, one resident said:

We signed this piece of paper; we sign away our rights basically... So basically, they're manipulating people, "We got a carrot, come and follow it and we'll give you a roof over your head." And then when they kick you out, you got 15 minutes to leave. (R6)

Another resident explained, "It's kind of like a hotel's rules versus a rental agreement. You don't fall into that category... So if you start doing bad or going against the rules, they are able to get you out" (R1).

Residential tenants may also be evicted under the *RTA*. However, this process differs substantially from supportive housing where evictions occur rapidly and evidence to justify an eviction can be obtained without warning through a room check. For example, both residential tenants and supportive housing residents might accumulate an amount of possessions which those who control their housing find excessive. However, the protections each group receives differ due to the legal landscape they live in. As one supportive housing worker (and residential tenant) interviewee explains:

If I had hoarding in my place, and my landlord came to do an inspection and I didn't remedy the issue, I could be evicted as well. So I don't understand why we think that people who use drugs or people who are coming out of homelessness don't deserve time to mitigate those issues either. Why do they have to always be on? You have to make sure that your room is in excellent shape all the time, but they can come in and think that, basically tell you that you're a slob and kick you out of your house.

With no warning. So, what needs to happen is people need tenancy rights (SHW3).

While a residential tenant can be evicted due to their possessions, this would come after warning of the inspection, time to adjust their possessions before a second - also warned - inspection, and an eviction warning providing the resident 30 days to look for other housing. In supportive housing 'excessive' possessions may be discovered at any time during a random room inspection and may lead to an immediate eviction. In this context, supportive housing residents must "always be on" (SHW3).

Residents in supportive housing are excluded from the rights granted to those living under the *RTA*. As interviewees explain, the ability to exclude residents from their homes without legal oversight is *the intentional purpose* of the program agreement system. The exclusion of supportive housing from the *RTA* is also visible in the severe and substantial controls over resident movement, limits on guest visits, unannounced room checks, and prohibitions of drug use. Although supportive housing is consistently exempted from the *RTA*, the tenuous legitimacy of this exemption has required significant legal maintenance.

6.2 Contracting Out of the *RTA*

Despite widespread use of the program agreement system in supportive housing, the *RTA* states that supportive housing falls under its jurisdiction. However, an examination of case law reveals that supportive housing providers may contract themselves out of *RTA* obligations at will by implementing a program agreement. This is made possible by a circular logic through which the presence of a program agreement justifies the use of a program agreement. This legal move conflates supportive housing with another housing type: transitional housing.

6.2.1 Supportive Housing's Legal Definition

The *RTA's Policy Guideline 46* covers "Transitional Housing, Supportive Housing, Health Facilities, and Rehabilitative and Therapeutic Housing" (*RTPG*, 46-1). It defines each housing type and outlines criteria under which residents apparently do or do not receive tenancy rights with 'Transitional Housing' as a category which

falls entirely outside the jurisdiction of the *RTA* and ‘Supportive Housing’ a category which falls within the *RTA*. However, these housing types are defined ambiguously, without meaningful distinctions from each other. This has created opportunities for supportive housing providers to deny tenancy rights. It is worth demonstrating the ambiguities of these definitions in detail.

Under the guideline, supportive housing is defined as:

long-term or permanent living accommodation for individuals who need some support services to live independently. In the context of seniors’ housing, supportive housing is often referred to as “independent living.” Supports offered on-site by supportive housing providers are non-clinical, and residents are not required to receive supports to maintain their housing. These supports include meal services, life skills training, and access to health supports (*RTPG*, 46-4).

Critically, the guideline also states that, “landlords and tenants *cannot avoid or contract out of the RTA* or regulations, so any policies put in place by supportive housing providers must be consistent with the *RTA* and regulations” (*RTPG*, 46-4).

This means that the supportive housing designation and attendant rights cannot legally be denied through documents such as a program agreement.

The guideline goes on to define transitional housing as:

often a next step toward independent living. An individual in transitional housing may be moving from homelessness, an emergency shelter, a health or correctional facility, or an unsafe housing situation. Transitional housing is intended to include at least a general plan as to how the person residing in this type of housing will transition to more permanent accommodation in the future. Individuals in transitional housing may transition to independent living or, if they have a moderate need for ongoing support services, they may transition to supportive housing (*RTPG*, 46-2).

Transitional housing must meet three criteria to qualify for the label and the *RTA* exclusion. The housing must be provided:

a) on a temporary basis, (b) by a person or organization that receives funding from a local government or the government of British Columbia or Canada for the

purpose of providing that accommodation, and (c) together with programs intended to assist tenants to become better able to live independently (*RTPG*, 46-1).

The criteria that differentiate between supportive housing and transitional housing is strikingly murky. I attempt to distinguish between them in the table below:

Table 3: Criteria for distinguishing between Supportive and Transitional housing as defined by the *RTA Policy Guideline 46*. Note that the two types of housing cannot be distinguished using these criteria; there is significant overlap between them. This ambiguity is exploited by supportive housing providers to excuse themselves from any obligations under the *RTA*.

	Supportive Housing	Transitional Housing
Length of residence	Long term or permanent	Temporary
Support Services	Non-clinical supports	Aid to transition to independent housing
Support Service Participation Requirement	No	(Unspecified)
Independence	Independent with supports	(Unspecified, however it is “often a next step toward independent living” (<i>RTPG</i> , 46-2))

While supportive and transitional housing are described as different in terms of length of residence, supportive services, and degree of independence, the housing types are not meaningfully distinguishable. For instance, at what month does temporary housing become long term? What would define independence in housing? At what benchmark has a transitional housing provider provided “programs intended to assist tenants to become better able to live independently” (*RTPG*, 46-1)? And how is resident participation in such a vaguely defined support service achieved? *In short,*

under what circumstances would a supportive housing provider be unable to apply the transitional housing label? These are crucial questions for everyone who has to live under arbitrary and punitive program agreements.

Enabled by ambiguous legal distinctions, many supportive housing providers configure their buildings as transitional housing. Using the supportive housing definition above, all interviewees specific to this project lived or worked in supportive housing. Every program they were connected to is described as supportive housing by the programs' websites. And all interviewees understood themselves as residents of or workers in supportive housing sites. Yet, with only one exception (SHW3), interviewees described a legal landscape of program agreements and *RTA* exclusion, which should only apply to transitional housing. In other words, the supportive or transitional housing classification is not determined through the characteristics of the housing. As illustrated by recent case law, housing providers determine their category by choosing to draft either a program agreement or a residential tenancy agreement. This occurs even though *Policy Guideline 46* states that supportive housing providers and tenants cannot contract out of the rights and obligations of the *RTA*.

6.2.2 Case Law

In the 2018 case *PHS Community Services v. Swait (BCSC 824)* residents at the Victoria supportive housing location 844 Johnson Street challenged the guest policies imposed by the provider, PHS Community Services.⁴ These policies required “guests to provide personal information which staff retained; guests to sign in; guests younger than 19 were not allowed; tenants to accompany guests at all times; guests were restricted to visiting from 8:30 a.m. to 10:00 p.m.; and, overnight guests were not

⁴ The supportive housing residents who brought this case had previously challenged their displacement from their tent encampment homes in the 2016 case *British Columbia v. Adamson, (2016, BCSC 584)*, which I discuss in Chapter 4. To recap, their eviction was initially blocked due to a lack of social housing capacity in Victoria, including a lack of supportive housing. After three supportive housing providers opened 179 supportive housing units, a second injunction to evict the encampment came before the BCSC and was granted. Some of the same supportive housing units which justified the encampment eviction are the subject of *PHS Community Services v. Swait (2018, BCSC 824)*.

permitted” (77). Residents argued that these policies significantly impacted their lives; preventing them from seeing loved ones who did not have the required identification or were minors. Residents were also prevented from seeing unannounced guests, as the building did not have an intercom, meaning that they could not be notified that a guest had arrived. Without their presence, the guest could not sign in and would be turned away. Restricted visitation hours also prevented residents from spending the night with partners and encouraged the danger of solitary drug use.

Parties in the case each made arguments related to the residential agreements which residents had signed. PHS Community Services submitted “that there are significant ways in which the Agreements differ from ‘regular tenancy’ agreements” (50) while also arguing that their non-profit status was relevant to the case. Residents and their advocates argued - and provided proof - that they had signed documents called “Residential Tenancy Agreements” and had been told by PHS Community Services that the housing fell under the *RTA*. The presiding judge upheld an earlier Residential Tenancy Board decision that had ruled that the site fell under *RTA* jurisdiction, and ordered the removal of the guest policies which violated the *RTA*. In this case, supportive housing residents received the protections of the *RTA* because the contracts that they signed placed their building firmly in the supportive housing category.

The next relevant case reached the opposite conclusion, yet maintained focus on the same key variable: what type of contract had the supportive/transitional housing resident signed? In the 2022 case *McNeil vs. Elizabeth Fry Society of Greater Vancouver (BCSC 2174)*, Mazarine Lodge resident Nicole McNeil challenged the building’s guest policies, arguing that they violated the *RTA* protections she was entitled to in supportive housing, a label the Elizabeth Fry Society had used to describe the building. The presiding judge dismissed her petition, ruling that her housing met the three criteria of transitional housing from *Residential Tenancy Policy Guideline 46*, exempting the building from the *RTA*. To reprise, transitional housing must be: a) temporary b) government funded, and c) providing “programs intended to assist tenants to become better able to live independently” (*RTPG*, 46-1) in order to

meet the exemption. The judge determined the second criterion by reviewing Mazarine Lodge's financial records. The first and third criteria were determined through semantic analysis of the program agreement which Ms. McNeil had signed and not through examination of Ms. McNeil's living circumstances.

To prove the first criterion, which stipulates that transitional housing must be temporary, the presiding judge described Ms. McNeil's program agreement saying that it "refers to a temporary and transitional period rather than long-term, indefinite or permanent accommodation" (31). While Ms. McNeil countered that her program agreement did not include an end date for her residency, the judge disagreed saying the 'temporary' descriptor provided enough clarity:

The core meaning of the word "temporary" is not "for a fixed or definite period of time". "Temporary" is the opposite of "permanent". Something that is permanent is expected not to end. Conversely, it is expected that something that is temporary will end, although it may not be known precisely when it will end (41).

In other words, including the word 'temporary' in Ms. McNeil's program agreement was sufficient grounds to deny her any expectation that she know when she might lose her housing, as she has been warned that she someday would.

In determining whether the building provided "programs intended to assist tenants to become better able to live independently" the judge again quoted Ms. McNeil's program agreement, writing, "According to the Agreement, the purpose of Ms. McNeil's participation in the program 'is to provide [her] with supportive housing and services, so that [she is] able to move onto independent living as soon as possible'" (3). While Ms. McNeil argued "that she was not provided with a general plan to transition to more permanent accommodation" (44), the judge again employed semantics, writing, "It is clearly stated in *Residential Tenancy Policy Guideline 46* above, that a general plan is 'intended,' not 'required'" (45). The judge spent no time in the decision analyzing the types of supports Ms. McNeil had or had not received.

The intention to assist her in a transition to independent living, *as evidenced only by the language of her program agreement*, apparently settled the issue.⁵

These two recent cases demonstrate the precarity of supportive housing residents, where the legal status of their housing is determined through the type of contract supportive housing providers choose to draft. While supportive and transitional housing apparently differ in their characteristics, courts have determined the housing type narrowly, based only on the language within their residential agreements. Supportive housing providers are not accountable to the supports they promise yet are given leeway on the rights they deny. I turn now to empirical information from Abbotsford which corroborates these findings.

6.3 Abbotsford Supportive Housing: False Promises of Transition

While supportive housing in Abbotsford (and elsewhere in British Columbia) falls under the jurisdiction of the *RTA*, interviewees described policies within buildings which do not correspond to the Act. Instead, policies in Abbotsford’s supportive housing correspond to the transitional housing legal category, which is not beholden to the *RTA* and allows providers to evict with impunity. Just as in the *McNeil vs. Elizabeth Fry Society of Greater Vancouver (BCSC 2174)* case, providers in Abbotsford obtain this category not through any substantial transitional assistance, but through their use of program agreements.

While supportive housing workers in Abbotsford detail varied degrees of support provided to residents, residents more often reported that their housing came with no support. Supportive housing workers explained that assigned case management staff connected residents to other forms of support, such as income assistance, health care, food banks, and legal aid (SHW2, SHW3). Some interviews also nuance these claims,

⁵ In 2023, the BCCA granted advocates the British Columbia Civil Liberties Association, Pivot Legal Society, and Our Homes Can’t Wait leave to intervene in the case’s appeal process (*McNeil v. Elizabeth Fry Society of Greater Vancouver, 2023, BCCA 231*). This appeal may result in a new decision, especially given the directions to interveners to interpret ‘transitional housing’ “in a manner consistent with the *RTA*’s remedial purpose of protecting tenants” (47) and “in a manner that accounts for the imbalance of power inherent in landlord-tenant relationships, the impact of weakened tenancy protections and access to housing on low-income tenants, and the broader context of the housing crisis” (48).

explaining that the case managers did not necessarily engage with residents frequently enough for these connections to be useful. One supportive housing worker said that her building did meetings with individual residents only every three to six months, unless the resident had a goal they wanted to work towards (SHW3). She went on, “the programs are actually outlined like you're going to receive a lot of supports that don't actually end up playing out or being offered” (SHW3). Another supportive housing worker at a different location explained, “If the staff member wasn't motivated to [meet with residents], it just wouldn't get done.... I would talk to residents who were like, ‘My case manager hasn't checked in with me for over a year’” (SHW1).

Residents also reported that their case managers were hard to pin down, making the supports they offered inaccessible (R4, R6). Other residents bluntly denied that their housing came with any support. One resident said, “I don't know really what supportive housing means here. Cause they don't do anything other than sit in an office... There's no one there to help me” (R3). Another resident said, “there's no real program in place. It's just a place that you're living” (R1). In a comment which summarizes much of what I have tried to convey in this thesis, a resident said:

So, they got you, they threw you into this little apartment. There were some rules on the wall. They gave you a basic start up and then told you that you were not to have visitors, and this is your curfew, and then left. It was the loneliest place I've ever been in my life. There's supposed to be a program, but they never came to implement that program (R4).

Though this housing site enforces policies (curfews, guest bans) which should not be legal in supportive housing, it also neglects the supports which would theoretically define the housing as transitional.

With these dubious levels of support (combined with the inaccessible housing market), residents of supportive housing rarely relocate to other forms of indoor housing, “independent,” “permanent” or otherwise. One supportive housing worker said, “We were noticing that people didn't have a place, or a plan, or anywhere to go, they couldn't figure it out” (SHW1). Another said simply, “people don't leave once they're in unless they're kicked out or if they pass away. That's usually when I see

them leave” (SHW2). BC Housing survey reports from Abbotsford supportive housing sites broadly confirm this. At Legacy Manor, 78 percent of residents remain in the building for more than six months. Those residents who left either left the Province, were admitted to hospitals, moved in with family, to independent living or had “unclear” destinations. Exact statistics of these categories were not made public (BC Housing Research Centre, 2021b). At Hearthstone, very few residents leave in the first six months, with 96 percent remaining in the building (BC Housing Research Centre, 2020). At Cole Starnes Place, 86 percent of residents remain in the building for at least six months. Of those residents who left during the period of survey, one person moved to independent housing, one passed away, and “four others went on to other or unknown situations” (BC Housing Research Centre, 2021a, 6). While these surveys reveal only limited information about a limited period of time, they show that these sites do not often provide housing transitions to more stable locations. Most residents remained in the housing for at least six months. At the one site where the destinations of former residents were quantified, two thirds appeared to lack any housing prospects beyond their current situation.

While this research does not include interviews from other BC municipalities, resident outcomes statistics from across the Province are readily accessible and echo the findings above. The last two years of reports, which review supportive housing providers in Penticton, Powell River, Kelowna, and Chilliwack, survey the outcomes of 257 residents (BC Housing Research Centre, 2022a, BC Housing Research Centre 2022b, BC Housing Research Centre, 2022c, Harry Cummings and Associates Inc., 2022). Of these residents, 82% remained housed for more than six months, which demonstrates that this housing is not temporary. From the singular report from this period which details the reason residents left and their destinations, 36.8% were evicted, and 50% of all former residents left to unknown locations (Harry Cummings and Associates, 2022).

While *RTA* rights denials through the transitional housing label do not derive from actual housing transitions, program agreements obtained by this research claim this intention. Two of the three program agreements list requirements for participation in support services. One agreement states that “residents must meet with a [case worker]

at least once per month to work on their service plan” (PA2, 3). Another agreement specifies that this required support may include connections to “independent residential opportunities when appropriate” (PA1, 3). A third agreement claims this transitional intention simply by defining the housing as “supportive transitional housing” (PA3, 3). All program agreements required residents to agree that their housing is not governed by the *RTA*. One agreement specified that, “By signing this program agreement, you agree that your tenancy in this building is not governed under the Residential Tenancy Act, but rather under the rules laid out in this agreement” (PA2, 1). All of the housing sites where these agreements came from describe the buildings as supportive housing on their websites.

Though the *RTA* cannot be legally evaded or contractually denied, supportive housing providers in Abbotsford have effectively done just that. Residents of these buildings do not receive the protections of the *RTA*, with the benchmark for the transitional housing label providing little material consolation.

6.4 Discussion

In brief, precarity for supportive housing residents begins and ends with program agreements. These documents facilitate evictions while serving as a legal justification for their own presence. Their wording legally conveys an intention to transition residents into housing stability, while in actuality, program agreements transition residents into housing precarity. I cannot make sense of this reality through the law’s own terms. Instead, bringing in critical legal analysis, I suggest that law recursively maintains supportive housing resident precarity, justifying forms of vulnerability through existing vulnerability.

To do this, I draw on Blomley & The Right to Remain Collective (2021)’s theorization of ‘outlaw’ status and regulatory practices. In Vancouver’s Downtown Eastside neighbourhood, Single Room Occupancy Hotel (SRO) tenants experience constant violations of their tenancy rights. These include the egregious lock-out evictions, in which tenants learn of an eviction by being barred from their home. While these illegal practices may seem to place SROs outside of the law, Blomley & The Right To Remain Collective (2021) argue that the withdrawal of tenancy rights

produces a distinct form of legal categorization and regulation: that of the ‘outlaw.’ The term has two distinct but complementary meanings: an outlaw is deviant (one who acts lawlessly) as well as “a person formally excluded from the benefit or protection of law” (912) (one who may be treated lawlessly). The lawless treatment is justified by the apparent deviance. These exclusions are key to constructing the legal system more broadly. As Foucault (1977) writes of the deviant label, “the delinquent is not outside the law; he is, from the very outset, in the law, at the very heart of the law” (301). Outlaw regulation reinscribes itself onto the precariously housed, continuously devaluing both the person and their legal rights. From the exemptions of the 1970s, whereby SRO tenants were denied protections via the false label of ‘hotel guest’ to the ‘transitional housing’ exemption created by *PHS Community Services Society v Swait* (2018, BCSC 824), the poor are always already precariously housed.

Outlaw deviance labels (and the outlaw rights denials they cause) may also derive from paternalistically framed vulnerabilities in that “the very precarity of hotel residents justified the removal of legal protection” (915). With this in mind, outlaw theory refocuses an analysis of supportive housing onto framings of the residents themselves. As critical legal scholar Dean Spade argues:

Population-level interventions rely on categorization... What characteristics are used for such categorization and how those categories are defined and applied creates vectors of vulnerability and security. Many of the administrative processes that vulnerable people find themselves struggling through are contests about such characterizations” (2015, 74).

Supportive housing is population-level intervention for a people of contested categorization. Though residents were originally mental health patients in the 1980s (itself, a category which creates vulnerability) (Tabol et al., 2010), supportive (and transitional) housing residents are now defined through other characteristics. Returning to *Policy Guideline 46*, supportive housing residents are “individuals who need some support services to live independently” (*RTPG*, 46-4) and transitional housing residents are defined as not yet capable of living independently, requiring preparation for a future transition into this idealized state (*RTPG*, 46-2). In contrast to the residential tenant (who does not receive a special characterization of their

needs/abilities), supportive and transitional housing residents are framed by their unworthiness, or conditional worthiness, for independent living. It is the reinscription of paternalistic outlaw subjectivity which explains how supportive housing residents can be deemed exempt from the *RTA*. In defining supportive housing residents as vulnerable (incapable of independent living), BC law justifies a continuation of this vulnerability (unprotected by tenancy rights).

Chapter 7.

Conclusions

Supportive housing is an institution co-constituted through a framework of precariously housed people as chronically in need of correction. This is evidenced in the processes through which individuals enter and leave supportive housing, as well as the living conditions residents experience within the space.

In my first empirical chapter, I argue that supportive housing provides the legal grounds for state violence against houseless people in the form of sanctioned evictions from improvised shelters. In the past 20 years, the legality of encampment evictions in British Columbia has grown increasingly contingent on the availability and suitability of alternative housing options, with supportive housing occupying space in these logics in all cases since 2015. In the same period, supportive housing has expanded significantly, though open units are still limited. To determine which houseless people are offered spaces in supportive housing, providers in Abbotsford have created a three-part infrastructure: outreach, assessment, and intake. Outreach workers categorize potential residents according to metrics of vulnerability and housing placements are assigned according to the needs of this bureaucracy. I argue that expanded supportive housing enables encampment evictions, irrespective of BC Housing's intentions, while also engendering a complex process of assessment and evaluation of those individuals who apply to enter.

In my second empirical chapter, I examine the policies which exist in supportive housing in terms of the experiences they create for residents and relations they foster. Through policies which control resident movement, visitation by guests, personal possessions, and drug use, residents of supportive housing experience limited control over the movement of people and objects into and out of their homes. Residents may not always leave or stay away from the building according to their needs, and they may not always enter or remain in the building according to their needs. I argue that these policies create a carceral environment, confining and isolating residents through

curfews, guest limitations, and various forms of surveillance. Additionally, these policies reinscribe dispossessive property relations, in that residents are unable to control who (including themselves) may access their homes because they do not own these homes.

In the final empirical chapter, I review the mechanisms through which supportive housing residents are excluded from BC's *Residential Tenancy Act* (SBC 2002, c 7.8), a process which continuously recreates their precarity. Program agreements in supportive housing facilitate the evictions of residents. Though supportive housing falls under the jurisdiction of the *RTA* these documents allow providers to configure their buildings as transitional housing, even when these buildings fulfill transitional housing characteristics only in the language of program agreements. In this way, I argue that supportive housing providers are not accountable to the supports they promise yet are given leeway on the rights they deny. I argue that this circular process can be understood only through the legal framings of supportive housing residents. Bringing in critical legal theories related to the 'outlaw,' and the 'delinquent' I show that law recursively maintains supportive housing resident precarity, justifying forms of vulnerability through existing vulnerability.

As supportive housing in British Columbia continues to grow, I worry that all levels of policy makers will only harden their apathy towards the violences this thesis describes. While I believe that supportive housing is structurally the result of the devaluation of houseless people, I hope, perhaps naively, that its failures also emerge from a lack of imagination by well-meaning government bureaucrats. I'd like to remind readers that there are many desirable alternatives. Most obviously, supportive housing providers may provide residential leases, giving their tenants residential tenancy protections.

DWS has also conceived of another housing model which they plan to enact in coming years. DWS hopes to rent an apartment from a landlord using funding from BC Housing. The group would then sublease rooms to individual houseless people, providing *RTA* subleases. According to the requests of these tenants, they would provide support like service referrals, harm reduction supplies, and conflict resolution. At the end of a year lease with their landlord, they would attempt to

convince the landlord to change the lease, making the residents the primary tenants. This would also involve some coordination with BC Housing to ensure that the arrangement remains affordable to the residents. Ironically, this housing plan is both more supportive and more transitional than either supportive or transitional housing, while still maintaining the legal protections of the *RTA* for residents at all stages. This idea is only one of many examples of the imaginative planning which happens in every DWS meeting, a space which takes seriously the understandings of precariously housed people. Supportive housing has the problems it does because it ignores this important knowledge.

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Appendix A.

Interview Questions

Supportive Housing Workers

- What site are you working at? How long have you been there?

- Can you describe the program at the supportive housing site you work at? What types of supports are offered? What does being a resident at the site involve, aside from housing?

- Were you involved in case management? What did that look like?

- How are residents referred to supportive housing? What's the intake process? When there aren't enough spaces available for the people who want them, how is it decided who gets an empty room? (age, gender, time unhoused, drug use...)

- What groups are generally not housed? (children, couples, nonbinary people...)

- Are the rooms generally full?

- What is the living space like for residents?

- Have you done room checks? What is being checked for?

- How were belongings stored?

- How did residents enter the space? Did they need to be buzzed in? To sign in?

- What rules/policies do residents and staff follow? (Ask about drug policies if not mentioned.)
- How were those rules/policies created? How have they changed? What's the process for changing a policy (if that has happened)?
- Tell me about the program agreements. Have you seen them? What do they include? Do you refer back to them in your work? Do they actually match the policies that residents are asked to follow? Are there any policies that aren't included in the program agreement? What about things in the program agreement that aren't followed?
- Does the supportive housing site you work at use Housing First and/or Complex Care models? What do these models mean in your work?
- Is there anything that you think I should know about that I haven't asked about?

Supportive Housing Residents

- How did you start living in supportive housing? Where did you live before? Who connected you to the supportive housing provider?
- What has been your experience in supportive housing?
- What are the rules residents are expected to follow in the supportive housing location?
- Did you have a program agreement? What did it include? Do you have a copy of it? Were there any rules/policies enforced that were not included in the program agreement?

- Were there any policies related to drugs or drug use? What were the effects of these policies for you and others?

- How were rules/policies in your supportive housing space decided on? Who made the rules?

- What type of support was/is offered by the supportive housing? Is this support useful to residents?

- Have you lived in housing which used the 'Housing First' or 'Complex Care' models? How did the policies related to these models affect you?

- What do you think is the purpose of supportive housing? Who/what does it help?

- Are there ways supportive housing should be different? How should this work?

- What type of housing does Abbotsford need? What would it look like?

- Have you been involved in DWS' emergency weather response shelter? (if yes, continue with questions)

- What are your experiences with that space?

- What are the rules/policies in that space? How were they decided on? What effect do you see them having?

Appendix B.

Vulnerability Assessment Tool example of a ‘less vulnerable’ person.

Pages 59-61 of Canadian Observatory of Homelessness (2016) document.

LESS VULNERABLE

LESS VULNERABLE – EXAMPLE 1 (BC HOUSING/VANCOUVER)

The interviewee is a 50-year-old female who has been staying at the Springhouse shelter [Vancouver-based shelter for single women and women-led families] for 2 years. Before the shelter, she was couch-surfing for about half a year, after being evicted from her private market rental house in Surrey; she says her roommate

left and she was unable to afford the rent. There was also some sort of issue with her sons inviting other kids over “to hang out.” She had lived in the house for over a year, and lived in another house before that for 3 years, but had moved out because it was too small.

Survival Skills: 2

- Says she has no particular routine, mentioned she has been looking for work, says she mostly just spends her days at the shelter or visiting friends.
- Also mentioned she has been in recovery from addictions for 3 months.
- Says she has no safety concerns now but was once in a bad relationship.
- Says she has no specific hobbies, but her “dream goal” is to open her own lingerie business.

Basic Needs: 1

- Eats the three daily meals at the shelter, says the shelter has “good cooks” and that she gets enough to eat.
- Has quite a few possessions, specifically a lot of clothes, and has some things in storage.
- Does laundry and showers at the shelter.
- Gets PPMB income assistance and is applying for PWD. [British Columbia’s social assistance system includes the Persons with Persistent Multiple Barriers (PPMB) category for clients who have long-term barriers to employment. Over time, some clients may find employment. Others may have physical or mental impairments that worsen over time and may then apply to receive financial assistance as part of the Persons with Disabilities (PWD) program instead.]

Indicated Mortality Risks: 1

- Has none of the indicated mortality risks.

Medical Risks: 2

- Has arthritis in her hand, knee and back, but says she doesn't take any medications because the "pain is not great."
- Has not had an overnight hospital stay in the past year, and has not been to an emergency department in the last 3 months.
- Says she has a regular doctor at the REACH Community Health Centre; the last time she saw the doctor was last week.

Organization/Orientation: 2

- Seemed generally well organized; mental health issues may present minor challenges at times.

Mental Health: 3

- Says she deals with anxiety and depression, which she has had since she was 17 years old.
- Says when it affects her she has a low mood, low energy and added nervousness.
- Has been given formal diagnosis; says she does not take any medications as she has "learned how to deal with it."
- Says she sometimes talks to a counsellor at the REACH Community Health Centre.
- Says she has never been hospitalized for mental health reasons.

Substance Use: 3

- Says her use is "low key on anything;" estimates she has had one drink the past month and has not used any drugs for 3 months.
- Also says she used crack "off and on" for about 18 months following her mother's death, but she stopped using it 10 years ago.
- Says drugs were a problem for her up until 3 months ago; drug of preference was crystal meth.
- Says alcohol was a "bit of a problem" when she was a young adult.

- Says alcohol and drug use is “not an issue for me anymore;” thinks she used them mostly to cope with the deaths of her sister, brother and mother.
- Sometimes sees a counsellor at the REACH Community Health Centre, was in daytox treatment three years ago and was in three other treatment programs before that. [Daytox is an outpatient withdrawal management program.]
- Says she has never been hospitalized for alcohol/drug use.

Communication: 1

- Good communicator, no specific issues apparent.

Social Behaviours: 1

- Says she has no current or past legal issues.
- Has three children; a daughter lives in the West End, “don’t see her often enough,” and sees her sons once in a while.
- Says she has “a few” friends that she sees occasionally.
- Indicated no real preference for being on her own or with others, describes herself as “friendly” but is fine on her own.
- Says she is the type of person to walk away from conflicts, but likes to deal with any conflict “in a reasonable way.”
- Says she was once in a relationship where she was scared/fearful of the other person, but doesn’t think other people have ever been scared/fearful of her. Says she has no current safety issues.
- For housing plans, says she has some friends helping her look in the neighbourhood where the shelter is.
- As for long-term plans, says that she really cares about people, but right now she just needs to “get some solitude, get grounded.” She also said her long-term dream goal is to open her own business.

Homelessness: 3

- Has been homeless for approximately 2-1/2 years, staying in a shelter for the last 2 years.

Total Score = 19

61

Appendix C.

Vulnerability Assessment Tool scoring table

From pages 76 to 84 of Canadian Observatory of Homelessness (2016) document.

SURVIVAL SKILLS

Vulnerability, safety, dependency on others, ability to manoeuvre independently in safe manner, judgement.



NO EVIDENCE OF VULNERABILITY	EVIDENCE OF MILD VULNERABILITY	EVIDENCE OF MODERATE VULNERABILITY	EVIDENCE OF HIGH VULNERABILITY	EVIDENCE OF SEVERE VULNERABILITY
Strong survival skills; capable of networking and self-advocacy; knows where to go and how to get there; needs no prompting regarding safe behaviour.	Has some survival skills; is occasionally taken advantage of (e.g., friends only present on paydays); needs some assistance in recognizing unsafe behaviours and willing to talk about them.	Is frequently in dangerous situations; dependent on detrimental social network; communicates some fears about people or situations; reports being taken advantage of (e.g., gave money to someone for an errand and individual never returned or short-changed them).	Spends most of their time alone and lacks street smarts; possessions often stolen; may be 'befriended' by predators; lacks social protection; presents with fearful, childlike or helpless demeanour; has marked difficulty understanding unsafe behaviours; is or was recently a domestic violence survivor; may trade sex for money or drugs.	Easily draws predators; vulnerable to exploitation; has been victimized regularly (e.g., physical assault, robbery, sexual assault); no insight regarding dangerous behaviour (e.g., solicitation of sex/drugs); clear disregard for individual safety (e.g., walks into traffic).
1	2	3	4	5

INDICATED MORTALITY RISKS

Mortality Risks:

1. Three or more hospitalizations in 12 months;
2. Three or more emergency department visits in previous 3 months (for medical reasons);
3. Aged 60 or older;
4. Cirrhosis of the liver;
5. Renal disease;
6. Diabetes;
7. Heart disease;
8. Tri-morbidity – co-occurring psychiatric issue, substance abuse and (any) chronic medical condition.

HAS NONE OF THE 8 IDENTIFIED RISK FACTORS	HAS 1 OF THE IDENTIFIED RISK FACTORS	HAS 2 OF THE IDENTIFIED RISK FACTORS	HAS 3 OF THE IDENTIFIED RISK FACTORS	HAS 4+ OF THE IDENTIFIED RISK FACTORS
1	2	3	4	5

BASIC NEEDS

Ability to obtain/maintain food, clothing, hygiene, income, etc.

NO TROUBLE MEETING NEEDS	MILD DIFFICULTY MEETING NEEDS	MODERATE DIFFICULTY MEETING NEEDS	HIGH DIFFICULTY MEETING NEEDS	SEVERE DIFFICULTY MEETING NEEDS
Generally able to use services to get food, clothing, etc.; takes care of hygiene; adequate self-care.	Some trouble staying on top of basic needs, but usually can take care of self (e.g., hygiene/clothing are usually clean/good).	Occasional attention to hygiene; has some openness to discussing issues; generally poor hygiene, but able to meet needs with assistance (e.g., prompting from support staff); may not be spending money on basic needs.	Doesn't wash regularly; uninterested in receiving referrals or other help, but will access services in emergency situations; low insight regarding needs; is not spending money on basic needs and has limited insight about it.	Unable to access food on own; very poor hygiene/clothing (e.g. clothes very soiled, body very dirty, goes through garbage & eats rotten food); resistant to offers of help on things; no insight.
1	2	3	4	5

MEDICAL RISKS

Medical conditions that impact individual's ability to function.

NO IMPAIRMENT	MINOR OR TEMPORARY HEALTH PROBLEM(S)	STABLE SIGNIFICANT MEDICAL OR PHYSICAL ISSUE(S), OR CHRONIC MEDICAL CONDITION(S) THAT IS/ ARE BEING MANAGED	CHRONIC MEDICAL CONDITION(S) THAT IS/ ARE NOT WELL MANAGED OR SIGNIFICANT PHYSICAL IMPAIRMENT(S)	TOTALLY NEGLECTFUL OF PHYSICAL HEALTH, EXTREMELY IMPAIRED BY CONDITION, SERIOUS HEALTH CONDITION(S)
<p>No health complaints; appears well; would likely access medical care if needed.</p>	<p>Cast or splint, but able to take care of daily activities; recovering from minor surgery and doing well with self-care; acute medical problem such as a respiratory issue or skin infection, but takes medications; follows up with medical provider; doesn't appear ill currently.</p>	<p>Chronic but stable medical problems such as diabetes, emphysema, high blood pressure, heart disease, seizure disorder, Hepatitis C or B, HIV disease; cancer in remission; has clinic or doctor and takes medications more often than not; significant visual or hearing impairment; has not been in hospital for overnight stay in last 3 months.</p> <p>OR</p> <p>Over 60 years old without reported conditions but does not access care even for routine checkups.</p>	<p>Poorly managed chronic medical condition due to individual's inability/unwillingness/lack of access to medical care. Examples may be: diabetes or hypertension; needs home oxygen; liver failure; kidney failure requiring dialysis; sleep apnea requiring C-PAP; HIV not adequately treated; severe arthritis affecting several joints; pregnancy; frequent asthma flares; recurrent skin infections; cancer.</p> <p>Symptoms with no known explanation: swelling, untreated open wounds, shortness of breath, chest pains, or unexplained weight loss, chronic cough, incontinent of urine or stool.</p> <p>Not taking medications as prescribed or frequently loses them; can't name doctor or last time seen; hospitalized overnight in last 3 months; illiterate or does not speak English or French.</p>	<p>Untreated chronic medical condition; terminal illness that is worsening; missing limb(s) with significant mobility or life activity issues; obvious physical problem that is not being cared for (e.g., large sores or severe swelling); uncontrolled diabetes; refuses to seek care; breathing appears difficult with activity; more than one extended hospitalization in past year for serious medical condition.</p>
1	2	3	4	5

MENTAL HEALTH

Issues related to mental health (MH) status, MH services, spectrum of MH symptoms, and how these impair functioning.

NO MH ISSUES	MILD MH ISSUES	MODERATE MH ISSUES	HIGH MH ISSUES	SEVERE MH NEEDS
Reports no MH issues; doesn't present with any symptoms.	Reports feeling down about situation, circumstances (e.g. situational depression).	Reports having MH issues; reports having service connection already in place or soon to be; may be taking prescribed medications; does not present as highly symptomatic.	Tenuous service engagement; possibly not taking medications that are needed for MH; not interested in services due to mental illness/ low insight or presents with fairly significant symptoms; describes history of suicide attempts AND recent attempts.	No connection to services (but clearly needed) or extreme symptoms that impair functioning (e.g., talking to self, distracted, severe delusions/ paranoia, fearful/phobic, extremely depressed or manic mood); no insight regarding mental illness.
1	2	3	4	5

COMMUNICATION

Ability to communicate with others.

NO COMMUNICATION BARRIER	MILD COMMUNICATION BARRIER	MODERATE COMMUNICATION BARRIER	HIGH-LEVEL COMMUNICATION BARRIER	SEVERE COMMUNICATION BARRIER
No language barriers; able to communicate clearly with staff about needs; responds appropriately to questions.	Has occasional trouble communicating needs; language barrier may be an issue.	Very limited English or French, making it difficult to understand what individual is communicating.	Physical impairment making communication very difficult (e.g., hearing impairment and unable to use sign language); doesn't speak English or French at all; simple communication is hard to understand.	Significant difficulty communicating with others (e.g., not able or willing to speak either verbally or through sign language, or uses fragmented speech); likely unable to understand basic communication altogether.
1	2	3	4	5

ORGANIZATION/ORIENTATION

Thinking, developmental disability, memory, awareness, cognitive abilities, and how these present and affect functioning.

NO IMPAIRMENT	MILD IMPAIRMENT	MODERATE IMPAIRMENT	HIGH IMPAIRMENT	SEVERE IMPAIRMENT
Good attention span; able to keep track of appointments.	Occasional difficulty in staying organized; may require minimal prompting re: appointments; possible evidence of mild developmental disability; dementia or other organic brain disorder; some mild memory problems.	Appearance is sometimes disorganized; occasional confusion with regard to orientation; moderate memory or developmental disability problems.	Disorganized or disoriented; poor awareness of surroundings; memory impaired, making simple follow-through difficult; severe dementia.	Highly confused; disorientation in reference to time, place or individual; evidence of serious developmental disability, dementia or other organic brain disorder; too many belongings to manage; memory fully (or almost fully) absent/ impaired.
1	2	3	4	5

SUBSTANCE USE

Issues related to substance use, services, spectrum of substance use, and how use impairs functioning.

NO OR NON-PROBLEMATIC SUBSTANCE USE	MILD SUBSTANCE USE	MODERATE SUBSTANCE USE	HIGH SUBSTANCE USE	SEVERE SUBSTANCE USE
<p>No substance use, or strictly social use, having no negative impact on level of functioning.</p>	<p>Sporadic use of substances not obviously affecting level of functioning; is aware of substance use; is still able to meet basic needs most of the time.</p>	<p>90 to 180 days into addiction recovery; co-occurring disorder without any follow-up care; relapse risk still present.</p> <p>OR</p> <p>Substance use affecting ability to follow through on basic needs; has some support available for substance use issues but may not be actively involved; some trouble making progress in goals.</p>	<p>In first 90 days of chemical dependency treatment or addiction recovery; still enmeshed in alcohol- or drug-using social group; high relapse potential.</p> <p>OR</p> <p>Use obviously impacting ability to gain/maintain functioning in many areas (e.g., clear difficulty following through with appointments, self-care, interactions with others, basic needs); not interested in support for substance use issues.</p>	<p>Active addiction with little or no interest in chemical dependency treatment involvement.</p> <p>Obvious deterioration in functioning (e.g., mental health) due to substance use; severe symptoms of both substance use and mental illness; low or no insight into substance use issues; clear cognitive damage due to substances; no engagement with substance use support services (and clearly needed).</p>
1	2	3	4	5

HOMELESSNESS (REVISED FOR CANADIAN CONTEXT)*

Length of time homeless

NEWLY HOMELESS	MODERATE HISTORY OF HOMELESSNESS	CHRONICALLY OR EPISODICALLY HOMELESS (NATIONAL HOMELESSNESS PARTNERING STRATEGY DEFINITION)
<p>Has been homeless less than 3 months and has experienced no other episodes of homelessness within the last 5 years. May be new to the area (e.g., moved here looking for work or only here for the season).</p>	<p>Has been homeless for 3 to 6 months in the past 12 months.</p> <p>OR</p> <p>Has experienced 2 episodes of homelessness in the past 12 months.</p> <p>OR</p> <p>Has experienced less than 1 month of homelessness out of the past 12 months, but has experienced other episodes of homelessness in the past 5 years.</p> <p>Few prospects for housing at present. May have no options for housing due to history; ability to participate in process, etc.</p> <p>May be living in transitional housing; couch-surfing or living in overcrowded/'doubled up' conditions in someone else's home; living day-to-day or week-to-week in motels or hostels; or living in another type of provisional accommodation.</p>	<p>Is experiencing chronic or episodic homelessness:</p> <ul style="list-style-type: none"> ■ Chronic homelessness. Has been homeless for 6 months or more in the past year (i.e., has spent more than 180 cumulative nights in a shelter or place not fit for human habitation). ■ Episodic homelessness. Has experienced three or more episodes of homelessness in the past year (episodes are defined as periods when a person would be in a shelter or place not fit for human habitation, and after at least 30 days would be back in the shelter or place not fit for human habitation). <p>These definitions also include individuals exiting institutions (e.g., child welfare system, mental health facilities, hospitals, and correctional institutions) who have a history of chronic and episodic homelessness and cannot identify a fixed address upon their release.</p>
1	2	3