

“Housing. We have heard more about housing than you would believe in these sessions. If I had to pick **the number one human rights issue brought to the U.S.** it would be housing.”

*-David Sullivan, U.S. Department of State, May 25, 2010
when asked what human rights issue was highlighted most in pre-UPR civil society consultations*

Housing issues are at the forefront of the human rights conversation in the U.S. The global economic crisis, which affects the enjoyment of economic and social rights of millions, began with the U.S. foreclosure crisis. Even before the recession, 3.5 - 4.5 million Americans experienced homelessness each year, and in no U.S. jurisdiction can a person working full time at the federal minimum wage afford a one-bedroom apartment. Yet even as the foreclosure crisis worsens and more families are forced onto the streets, millions of homes and buildings stand vacant, and cities pass laws criminalizing sitting, sleeping or eating outdoors, or disparately enforce other laws against homeless persons, despite lack of shelter space and even when homeless persons have no other place in which to perform these basic life activities. Social housing continues to be underfunded, and policies disparately affecting racial minorities, such as lifetime bans from receiving housing assistance due to arrest records, exclude millions from accessing affordable, adequate housing.

Despite the growing number of homeless families and the lack of affordable housing, the federal budget for developing and maintaining public housing and providing for low income housing subsidies has decreased. Laws requiring the participation of public housing tenants in decisions affecting them have been under-implemented. Approximately 3.7 million borrowers began the foreclosure process in 2007 and 2008, and a further 32 percent increase was noted in foreclosure filings from April 2008 to April 2009. Thousands of federal, state, and local government-owned properties, remain vacant even as families are forced onto the streets.

Although the U.S. has developed some laws and policies which assist with housing, housing is viewed primarily as a commodity, and there is no entitlement to any housing assistance or even to basic shelter.

Housing and Other Human Rights Standards Are Applicable to the U.S.

The United States (U.S.) has recognized the human right to housing by adopting the Universal Declaration of Human Rights (“UDHR”), signing, though not ratifying, the International Convention on Economic, Social and Cultural Rights (“ICESCR”), and signing the Habitat II Declaration. Additionally, the U.S. is a party to the International Convention on Civil and Political Rights (“ICCPR”), as well as the Convention on the Elimination of all forms of Racial Discrimination (“ICERD”), which protect the right to nondiscrimination with regards to housing.

UN Human Rights Monitors Are Taking Note of Human Rights Violations

In 2006, the Human Rights Committee condemned the disparate racial impact of homelessness on African Americans under the ICCPR, and in 2008, the Committee on the Elimination of Racial

Discrimination condemned the persistence of segregation and unequal housing opportunities in the U.S. for racial minorities.

In recent years, both the Special Rapporteur on Adequate Housing (2010) and the Special Rapporteur on Racism (2008) have issued reports criticizing the practice of criminalizing homelessness, lack of adequate social housing, and made extensive additional findings and recommendations on housing rights violations in the U.S.

Suggested Questions for the U.S. Government:

1. Does the U.S. Government accept the recommendations of the Special Rapporteurs on Racism and Adequate Housing that local laws and policies should not criminalize sleeping or conducting other life activities outside when there is inadequate shelter space, or disparately enforce other laws such as littering or jaywalking against homeless racial minorities? What steps has it taken to ensure compliance?
2. Does the U.S. Government accept the Concluding Observations of the Human Rights Committee and Committee on the Elimination of Racial Discrimination that the disparate racial impact of homelessness and continuing racial segregation require remedial action? What steps has it taken to ensure compliance?

Suggested Recommendations for the U.S. Government:

1. **Homes should not remain empty while people are on the streets.** Implement the recommendations of the Special Rapporteur on Adequate Housing, that foreclosed homes with federally-owned mortgages should be made available for use as low-income housing through the authorized, but defunct, Single Family Property Disposition Initiative, and the government should expand the types of vacant federal properties available under the Base Closure Community Redevelopment and Homeless Assistance Act.
2. **Stop decreasing the number of available public and subsidized units as the demand increases.** Implement the recommendation of the Special Rapporteur on Adequate Housing that the U.S. government should immediately enact a moratorium on demolitions of public housing and mandate one-for-one and like-for-like replacement of subsidized housing units.
3. **Stop policies that prevent people from accessing existing housing.** Implement the recommendations of the Special Rapporteur on Adequate Housing to create source-of-income discrimination protection at the national level and remove barriers to accessing subsidized housing that disparately penalize racial minority groups such as lifetime bans for minor arrests.

For more information on conditions and suggested questions and recommendations:

Read our UPR Housing Report:

http://www.nlchp.org/content/pubs/UPR_Housing_Report4.19.10.pdf

or contact:

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