
NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY

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The Human Right to Housing
In the U.S.

Submitted to the U.S. Government
For the NGO Consultation preceding the Universal Periodic Review

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I am Eric Tars, Human Rights Program Director of the National Law Center on Homelessness & Poverty (NLCHP). NLCHP's mission is to serve as the legal arm of the national movement to prevent and end homelessness. The organization was a member of the delegation to the UN Habitat II conference in 1996 and since that time has been working to ensure the human right to housing in the U.S. NLCHP is a founding member of both the US Human Rights Network and the Campaign for a New Domestic Human Rights Agenda.

Housing rights violations are some of the most visible human rights violations in our country. More than 3.5 million Americans each year experience homelessness, and the housing affordability crisis affects millions more. Housing is a basic necessity of living, and a basic human right. This is recognized in the Universal Declaration of Human Rights and in a wide range of other human rights treaties and declarations either signed or ratified by the U.S. Economic rights are an integral and indivisible part of our country's human rights obligations.

The U.S. has many of the elements of the right to housing in place, including funding for subsidized housing, protections for the security of tenure of residents, and homeless assistance programs. However, other elements are missing, and the existing programs and laws are under-funded and under-implemented.

Consequently, the international community has increasingly taken note of America's failure to uphold the right to housing.

In 2006, the UN Human Rights Committee expressed in its Concluding Observations its concern about the disparate racial impact of homelessness in the U.S. and called for "adequate and adequately implemented policies, to ensure the cessation of this form of de facto and historically generated racial discrimination."

In February 2008, the Committee on the Elimination of Racial Discrimination expressed additional concerns about the disparate racial impact of segregated housing communities, and called for a right to counsel in civil cases where housing is threatened.

Also in February, the UN Special Rapporteur on the Right to Adequate Housing and Independent Expert on Minority Issues issued a joint statement condemning the destruction of public housing in New Orleans without adequate community participation.

In June 2008, the UN Special Rapporteur on Racism conducted a visit to the U.S. and in his report condemned racial disparities in housing and local policies that criminalize homelessness.

Just a few months ago, the UN Special Rapporteur on the Right to Adequate Housing conducted her first official mission to the U.S. In her report, which was issued earlier this week, she expressed "deep concern about the millions of people living in the United States today who face serious challenges in accessing affordable and adequate housing,

issues long faced by the poorest people and today affecting a greater proportion of society.”

The Rapporteur made a series of recommendations including:

- Increasing funding for the maintenance and restoration of public housing;
- A moratorium on demolitions of public housing;
- One-for-one replacement of subsidized units;
- Incentives for protecting Section 8 buildings and legislating tenants right of first purchase;
- Expanding the use of vacant properties for housing;
- Developing alternatives to the criminalization of homelessness and allowing homeless persons to shelter themselves;
- Expanding the definition of homelessness to include doubled up families;
- Passing H.Res. 582 which supports children’s right to adequate housing and taking additional steps to achieve that goal;
- Strengthening fair housing enforcement;
- Expanding source-of-income discrimination protection at the national level;
- Removing barriers to accessing subsidized housing;
- And ratifying the International Covenant on Economic, Social & Cultural Rights.

Despite the fact that clear concerns and recommendations have been raised for years, the U.S. government has made no concerted effort to develop and execute an action plan to address these violations. Many officials in the relevant housing agencies are completely unaware that these recommendations had even been made.

The Administration should issue an Executive Order to re-establish the Inter-Agency Working Group on Human Rights, which could facilitate the State Department’s communications of our human rights obligations to relevant domestic agencies. Those relevant agencies should then devise an action plan to address these obligations in full consultation with civil society. We hope the government will be able to favorably report on its progress on these steps to the UN at its review in November.

Thank you.