
NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY

Testimony of Eric Tars
Human Rights Program Director
National Law Center on Homelessness & Poverty

The Human Right to Housing
In the U.S.

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

February 26, 2010
New York City, NY

Good morning. My name is Eric Tars, and I am the Human Rights Program Director at the National Law Center on Homelessness & Poverty. Our mission is to prevent and end homelessness, and to do that, we believe it is essential for our government at all levels to recognize housing as a human right, and take the necessary steps to ensure that right is protected.

President Obama has stated publicly “it is not acceptable for children and families to be without a roof over their heads in a country as wealthy as ours.”

But look around you and you’ll quickly see that we do accept this. The foreclosure crisis has millions of homes standing empty while 4.5 million people are on the streets. 2 million children are estimated to have become homeless due to the foreclosure crisis in the past two years, millions more families are arbitrarily evicted with no access to legal counsel, experience poor housing conditions, and live in neighborhoods without adequate schools, transportation, or other services.

Meanwhile federal and local budgets to create affordable housing options are being slashed.

And of course, these problems disparately impact poor people of color, women, persons with physical and mental disabilities, indigenous peoples and the LGBTQ community.

Having the right to housing does not necessarily mean that the government must build a house for every person in America and give it to them free of charge.

Under human rights law, adequacy of housing is more than just a roof over your head. The right is broken down into seven elements: Security of Tenure; Availability of Services, Materials, and Infrastructure; Affordability; Accessibility; Habitability; Location; and Cultural Adequacy.

The government can choose whether these elements should be satisfied through public housing, Section 8, incentives for private development, legal protection from evictions and foreclosure, housing codes, transitional or permanent housing, affirmative enforcement of fair housing laws, or other means, but it has to fulfill all of these elements.

Right now, some of these elements are in place. 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 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 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.

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 last week, she made a series of recommendations to bring the U.S. into compliance with the human right to housing.

If the Obama Administration wants to take the necessary steps to ensure that no family goes without housing in this country and the U.S. can proclaim that it is taking steps to implement the right to housing in its report to the UN, there are three easy steps it can take consistent with the recommendations of the Rapporteur and other human rights monitors:

1. Don't let homes remain empty while people are on the streets. When homes with federally-owned mortgages are foreclosed upon, those properties should be made available for use as housing by re-implementing the already-authorized single-family home disposition program. Additionally the Administration should expanding the types of properties available under the base closure another federal vacant property programs, and create incentives for state and local vacant property programs. These programs create affordable housing without requiring the expenditure of federal dollars.
2. Stop decreasing the number of available public and subsidized units even as the demand increases. The Administration can immediately implement a moratorium on demolitions of public housing and mandate one-for-one replacement of subsidized units.
3. Stop policies that preventing people from accessing existing housing. Create source-of-income discrimination protection at the national level and removing barriers to accessing subsidized housing that disparately penalize racial minority groups such as lifetime bans for minor arrests. Make a clear statement that local policies that criminalize sleeping or conducting other life activities outside when there are no available shelter spaces should be abolished.

By taking clear and concrete steps on these items, as well as the other issues raised by the Special Rapporteur and other monitors, the government will be able to demonstrate in its report under the UPR that it is taking its obligations seriously.

Thank you.