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Right to Adequate Housing

Submitted by:¹

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National Center for Family Homelessness
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National Fair Housing Alliance
National Health Care for the Homeless Council
National Law Center on Homelessness & Poverty
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Women Organized to Respond to Life-threatening Disease

Endorsed by the 56 Organizations and 14 Individuals listed on the following page:

¹ Submitting and endorsing organizations jointly endorse this report as a statement of solidarity, but do not necessarily endorse every assertion made herein.

Endorsed by:

Organizations: Advocates for Environmental Human Rights; The Advocates for Human Rights; Afro-Americans C.A.R.E.; Boalt Hall Committee for Human Rights; Center for Community Alternatives; Centre on Housing Rights & Evictions; Chicago Coalition for the Homeless; Clare Housing; Cleveland Tenants Organization; Coalition for Economic Survival, Los Angeles; Corazon Del Pueblo Cultural Center; Community HIV/AIDS Mobilization Project (CHAMP), New York, NY; Davidson/Site 166 Resident Association Inc.; DC Statehood Green Party; Equity and Inclusion Campaign; Fuerza Mundial; Give US Your Poor: The Campaign to End Homelessness; Jewish Council on Urban Affairs; Housing Is A Human Right; Housing Rights Committee of San Francisco; Human Rights Caucus, Northeastern University School of Law; International Alliance of Inhabitants; International Human Rights Clinic, George Washington University Law School; International Indian Treaty Council; Labour, Health and Human Rights Development Centre; Land & Housing Action Group, US Human Rights Network; Lawyers' Committee for Civil Rights Under Law; Los Angeles Coalition to End Hunger and Homelessness; Los Angeles Community Action Network; Malcolm X Center for Self Determination; Malcolm X Grassroots Movement; Meiklejohn Civil Liberties Institute; Miami Coalition for the Homeless; Minnesota Chapter of the National Lawyers Guild; Minnesota Tenants Union; National AIDS Housing Coalition; National Economic & Social Rights Initiative; National Lawyers Guild; Network to End Domestic Violence; National Policy & Advocacy Council on Homelessness; National Network for Youth; Northside Neighbors for Justice; Peace Action of San Mateo County; Picture the Homeless; Poor People's Economic Human Rights Campaign; Public Interest Projects; Resident Action Council; Rhode Island Homeless Advocacy Project; Social Justice Center of Marin; Sociologists Without Borders; South Bay Communities Alliance; Survivors Village NOLA; Three Treaties Task Force of the Social Justice Center of Marin; UNANIMA International; Western Regional Advocacy Project; Zi Teng

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² Individual Endorsers organizational affiliations included for identification purposes only.

I. Executive Summary

1. The U.S. has recognized the human right to housing in the Universal Declaration of Human Rights as well as a number of other international covenants and declarations.
2. The U.S. has received findings and recommendations on its failure to uphold the right to housing from numerous UN human rights monitors over the past four years, including a comprehensive report from the Special Rapporteur on the Right to Adequate Housing in 2010.
3. 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. Many homeless children are removed from their families into foster care when providing housing could have saved the whole family. Thousands of federal, state, and local government-owned properties, remain vacant even as families are forced onto the streets. Cities pass laws criminalizing sitting, sleeping or eating outdoors, or disparately enforce other laws against homeless persons, despite lack of shelter space.
4. In no U.S. jurisdiction can a person working full time at the federal minimum wage afford a one-bedroom apartment, according to federal guidelines. Yet there are no binding requirements on jurisdictions to plan for and create incentives for the production of sufficient adequate, affordable housing for low- income persons and families, or to require employers to raise wages to a level sufficient to pay for housing.
5. 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.
6. Governments participate in the forced evictions of homeowners and renters, often using safety concerns as a guise for quickly and brutally evicting families from their homes..
7. To comply with its human rights obligations, the U.S. should:
 - Create a comprehensive plan to address the concerns raised by the Special Rapporteur on the Right to Adequate Housing;
 - Implement a moratorium on the demolition of public housing and re-create a policy of one-for-one and like-for-like replacement of subsidized units prior to demolition;
 - Expand, and expedite the process for, the use of vacant properties so that buildings do not stand empty while people are on the streets;
 - Condemn the criminalization of homelessness;
 - Require lenders to refinance mortgages made under unfair circumstances and provide assistance to help homeowners remain in their homes;
 - Make permanent the Protecting Tenants At Foreclosure Act;
 - Increase enforcement of anti-discrimination laws, including cases of disparate impact of housing policies that create segregation; and

- Ensure adequate pre-eviction notice and that no family is evicted without a place to go.

II. Background and Framework

a. National Framework:

i. Scope of International Obligations:

8. The United States adopted the Universal Declaration of Human Rights (“UDHR”) in 1948, signed the International Convention on Economic, Social and Cultural Rights (“ICESCR”) in 1977ⁱ, and signed the Habitat II Declaration in 1996, though it has not yet ratified the ICESCR. All of these agreements specifically protect the right to adequate housing.ⁱⁱ Additionally, the U.S. is a party to the International Convention on Civil and Political Rights (“ICCPR”) ⁱⁱⁱ as well as the Convention on the Elimination of all forms of Racial Discrimination (“ICERD”) ^{iv}, which protect the right to non-discrimination with regards to housing.^v In the past four years, the U.S. has received specific concerns and recommendations from the U.N. Human Rights Committee (“HRC”) in 2006^{vi}, the Committee on the Elimination of Racial Discrimination (“CERD”) in 2008^{vii}, Independent Experts on Extreme Poverty (2006)^{viii} and Minority Issues (2008), Special Rapporteurs on Racism (“SR Racism”) (2008)^{ix} and Adequate Housing (“SR Housing”) (2010),^x and the UN HABITAT Advisory Group on Forced Evictions in 2010.^{xi} To date, no comprehensive or specific action plan addressing the concerns and recommendations raised by any of these human rights monitoring bodies has been proposed by the Administration.

ii. Constitutional and Legislative Framework:

9. The U.S. has included as legislation and/or policy some of the elements of the right to housing at both the federal and local levels, but many significant elements are missing, and others are under-funded and under-implemented. Housing is not protected as a right in the Constitution or by legislation, though legislation including the 1949 Housing Act, the 1968 Fair Housing Act, and the 1987 McKinney-Vento Homeless Assistance Act has improved access to housing for some. Legislative programs include funding for subsidized housing, protections for the security of tenure of residents, housing codes, housing discrimination enforcement bodies, and homeless assistance programs. The SR Housing provided extensive discussion of existing housing programs in her recent report on the U.S.^{xii}

iii. Institutional and Human Rights Infrastructure:

10. Housing program infrastructure is discussed in each of the below sections. In terms of human rights infrastructure it should be noted that no formal mechanism exists within the government to transmit the recommendations of human rights bodies from the State Department, which receives them, to the domestic agencies at the federal and state level which would implement them, or to legislative bodies, including with regards to the right to housing.

iv. Policy Measures:

11. There is currently no federal plan to provide sufficient affordable housing for all. HUD’s overall budget has decreased significantly since its high in 1978, though there

have been recent improvements with the HEARTH Act^{xiii} and the creation of an affordable housing trust fund. In a forthcoming plan by the Interagency Council on Homelessness (“ICH”), emphasis is being placed on first addressing the chronic homeless population, followed by families, and finally individuals. Advocates however firmly believe that rather than a piecemeal population approach, the Council should take create one plan that addresses the needs of all homeless people equally.

v. National Jurisprudence:

12. Both the CERD and SR Housing have raised concerns that unlike in criminal cases, there is no right to a lawyer in a civil case, including those cases where a person’s housing is being threatened.^{xiv} There is no federally enforceable right to housing or housing assistance, and, though some protections exist at the state and local level, they are often inconsistent arbitrary.

b. National UPR Consultative Process:

13. NGOs welcome the government’s willingness to reach out to civil society to engage in a consultative process, including regional “listening sessions” and site visits in 7 cities across the country. However, serious concerns have been raised about the manner in which the consultative process was carried out. In particular, the lack of adequate notice provided for participating organizations and lack of transparency on the government’s part as to how they are making decisions, prevented this process from being a model participatory consultation. We thereby reserve the right to comment on the final accepted product.

III. Promotion & Protection of Human Rights on the Ground

a. Public & Subsidized Housing

14. The mainstream historical narrative of public housing asserts that the driving purpose for its development was a genuine effort to house the poor. However, a closer examination of history reveals that the federal government has used the public housing program to meet many different objectives - only some of which were about meeting the needs and wants of low-income residents.^{xv}
15. Public housing was born during the Great Depression. The government saw the construction of public housing as a way to give people construction jobs and stimulate the economy in addition to providing housing. The first public housing development in the nation was First Houses (1935) in the Lower East Side of Manhattan, New York. The Housing Act of 1937 established public housing as a national program. In the 1940s, public housing was used for returning World War II veterans, but these veterans had to struggle and protest before the Housing Act of 1949 was passed promising to construct 810,000 new public housing units. In the 1950s, national housing policy encouraged the white working and lower middle class to move out of public housing and purchase homes in suburban communities. Thus the racial make up of public housing residents shifted to a majority being low-income people of color. As the Civil Rights movement and urban rebellions took hold in American cities in the 1960s, public housing was used as an anti-poverty program to quiet the racial and class unrest of the decade. The Housing Act of 1965 created the Department of Housing and Urban

Development (HUD) and the Housing Act of 1968 made it a goal to produce 26 million units of housing in 10 years with 6 million units targeted for low-income people. In the end, only 375,000 units were created between 1968-1973. Finally, the Brooke Amendment of 1969 ensured that low-income residents could remain in public housing by capping public housing rent at 25% of a resident's income (later increased to 30%).

16. With the economic crisis of the 1970s, the federal government reacted against the social welfare projects of the 1960s. Public housing was perceived as inefficient and policymakers began to push a market-based privatized social policy. In 1973, President Nixon called a moratorium on new public housing construction. The Housing and Community Development Act of 1974 established the Section 8 voucher program as a way to disperse low-income residents and subsidize the private market to provide affordable housing. This Act took the focus off of improving public housing development. The disinvestment in public housing continued into the 1980s. The HUD budget was reduced from \$80 billion in 1978 to \$18 billion in 1983 (a 77.5% reduction in funding). In 1992, the National Commission on Severely Distressed Public Housing reported that 86,000 of the country's 1.4 million units of public housing were distressed and recommended revitalization in 3 areas: 1) physical improvements, 2) management improvements, and 3) social and community services to address resident needs. The HOPE VI Program was established to address these issues, but resulted in the demolition of about 155,000 public housing units, with only about 50,000 of those units being replaced with public housing units. Frequently, residents were, and still are, expected to find housing with Section 8 vouchers and end up being displaced by higher income residents who move into new mixed-income public housing developments.
17. The HOPE VI program was created in 1996 to "eradicate distressed public housing" and replace it with mixed-income developments. The end result is that many residents are displaced and very few are able to return to new apartments, which are predominantly affordable housing for middle-income residents or market-rate housing. Since 1996, 57,000 units of public housing have been demolished across the country.
18. In his proposed FY 2011 budget, President Obama included money for public housing developments around the country to be privatized by converting them to Project-Based Section 8 buildings, which are privately owned but receive rental subsidies. While only \$250 million was included in the budget for this pilot program, HUD announced plans to eventually privatize ALL public housing by converting it to Project-Based Section 8. This plan is viewed by public housing residents and advocates as a huge threat to the U.S.'s long-term commitment to ensuring affordable housing.
19. The 964 HUD regulations lay out the rights, roles, and powers of residents and Resident Associations. These regulations are under-enforced, and residents are often left out of any decision-making processes.
20. On November 1st 2009, the UN Special Rapporteur on Adequate Housing visited Pine Ridge Indian Reservation (Lakota/Sioux Nation, South Dakota) . The Human Right to Adequate Housing is affirmed in the 1868 Ft Laramie Treaty between the US and the

Great Sioux Nation, and in addition the US has specific Trust responsibilities to ensure the adequate living conditions of Indian Nations in the US. Nevertheless the SR Housing reported that “The conditions in the houses on the Reservation were the worst seen by the Special Rapporteur during her mission, evidence of the urgent and severe need for additional subsidized housing units there.”^{xvi}

b. Homelessness:

21. Despite government officials making a political commitment to “a human right related to housing,”^{xvii} there is currently no national right to any sort of shelter in the United States. Rather than recognizing the lack of housing as a cause of homelessness and providing sufficient housing, many communities have actually criminalized homelessness by enacting ordinances against the act of sleeping, sitting, begging, or eating outdoors, even when homeless persons have no other place in which to perform these basic life activities. Similarly, other laws, such as prohibitions against jaywalking and littering, are disproportionately enforced against homeless persons.^{xviii} Both the SR Housing and the SR Racism criticized the practice of criminalizing homelessness in recent reports, and the HRC condemned the disparate racial impact of homelessness on African Americans.^{xix}
22. Currently there is a severe shortage of shelter space throughout the nation. 22 of 27 cities surveyed by the U.S. Conference of Mayors reported an increase in the demand for shelter over the past year. 14 cities reported having to turn away homeless persons due to a lack of available beds; several of these cities reported pervasive problems with the lack of shelter availability. Los Angeles, for instance, cited a survey of homeless persons in the city and found that 13% of respondents had tried to access shelter in the 30 days prior, and 68% were turned away because no beds were available.^{xx}
23. In many cases, children are removed from homeless families and placed into foster care when shelter or housing is not available for the entire family.^{xxi} Studies have documented irreparable psychological harm to children removed from their parents and, as is usual in foster care, transfers from one foster placement to another, resulting in higher rates of illness, mental illness, delinquency, poor school performance, and crime. At least 30 percent of all youth in foster care could be reunited with their biological families if safe affordable housing were available to them. The Family Unification Program (FUP) provides vouchers to these families, and both produced documented savings and resulted in an 88 percent retention rate among homeless families.^{xxii}
24. In 1987, Congress enacted what is now known as the McKinney-Vento Homeless Assistance Act, recognizing the Federal Government’s “clear responsibility and . . . existing capacity to meet the basic needs of all the homeless.” Under the Act, surplus federal property must be made available to serve homeless people.^{xxiii} In 1994, Congress enacted the Base Closure Community Redevelopment and Homeless Assistance Act, which requires consideration of the needs of the homeless population in the redevelopment process. Local governments and non-profit organizations have used surplus federal property to provide services to hundreds of thousands of homeless people throughout the country each year. However the laws remain under-implemented.

The Single-Family Property Disposition Initiative authorized by Congress has been administratively shut down since the mid-1990s, preventing thousands of homes from being made available for use as transitional or low-income housing. Awareness remains low of the other federal vacant property programs, and state and local entities have many more properties that could be made available for use as temporary or permanent housing. Homes and buildings should not be vacant when people are homeless on the streets.

25. There is also a lack of affordable housing in the U.S, which is a primary cause of homelessness. From 2003 to 2005 the number of affordable and available low income housing units dropped by 1,658,000, not including the damage done by Hurricane Katrina.^{xxiv} Furthermore, many cities construct more high-income housing than is needed and renters at the bottom end of the market are further squeezed.^{xxv} Inadequate incomes are also directly linked to this problem: a person working a regular work week at the legal minimum wage cannot afford the fair market rent for even a one-bedroom apartment anywhere in the United States.^{xxvi} Homelessness also impacts the right to health, and the right to life. A person experiencing homelessness is 3 to 4 times more likely to die prematurely than their housed counterparts.^{xxvii} More than 90% of homeless women report having experienced severe physical or sexual abuse, and many victims of abuse become homeless after escaping violence because adequate housing is not available.^{xxviii} Compared to the general population in the U.S., homeless individuals have an HIV prevalence rate three to nine times higher and are seven to nine times more likely to die from HIV/AIDS.^{xxix} This also disparately impacts women, who, as caretakers for their children, head most homeless families^{xxx} and are more likely than men in similar situations to find themselves having to exchange sex for shelter, food, or money^{xxxi} or remain in abusive relationships that could make them more vulnerable to HIV, or less able to care for themselves and their children if already HIV-positive.^{xxxii} Homeless women with children are less likely to prioritize their own health needs as they focus on finding shelter for their families. Without providing access to affordable, adequate housing – a first concern of those most at risk for HIV and those with HIV – the U.S. cannot effectively fight the HIV/AIDS epidemic.

c. Foreclosure

26. As detailed by the SR Housing in her report, HUD reported that approximately 3.7 million borrowers began the foreclosure process in 2007 and 2008 and RealtyTrac reported a 32 percent increase in foreclosure filings from April 2008 to April 2009.^{xxxiii} The foreclosure crisis has taken many people out of the homeownership market and put them into the rental market, thus increasing the burden on an already tight rental market.^{xxxiv} The cost of rent increased as more and more people began renting, areas became gentrified, and the already disadvantaged poor and homeless became even less able to afford housing.
27. The Protecting Tenants at Foreclosure Act was a victory in terms of protecting peoples' housing rights. This act allows tenants to remain in their apartments even though their buildings are being foreclosed on. Unfortunately, this legislation expires in three years, and will need to be renewed.^{xxxv}

28. In spring 2009, the Federal Government also announced the Making Home Affordable Program which provides incentives for private industry to offer affordable loan refinancing and loan modifications. Criticism exists however due to the low number of banks and investment funds which are adhering to the program and the modest number of homeowners who are actually benefiting.^{xxxvi} In general, the government's response to the foreclosure crisis has been focused on ensuring that banks do not lose too much on their investments rather than on ensuring that people are able to remain stably housed.
29. In most cities there is no requirement to construct adequate affordable housing, much less regulations requiring regional and local planning for such housing. In 2008 the CERD commended California for its Housing Element Law, which requires planning for adequate housing for all income levels.^{xxxvii} Such laws should be encouraged throughout the U.S., and those already in place should be strengthened to be legally enforceable at both the state and federal level.

d. Forced Eviction:

30. Government agencies collaborate to forcibly evict both homeowners and renters in areas that are primarily inhabited by working class, artists, and poor persons.^{xxxviii} Agencies such as the Fire Department, the Office of Emergency Management, the Police Department and the Department of Buildings work together to carry out preemptive forced eviction. The common practice in New York City is that the Fire or Buildings Department will discover a danger in a building, often a condition that has existed for years; officials order all residents to vacate immediately; and experts are hired to swear the danger is imminent. Often the removal of residents is aggressively implemented through threats of fines and jail time, the use of battering rams and heavy police presence. Media coverage tends to side with the authorities, and reports on those being evicted in a manner that diminishes their dignity. There is no notice, no process, and no right to appeal. No other housing is arranged beyond two days, and if the residents cannot find alternate housing on their own, they become homeless.
31. After Arthur Wood of the Broken Angel building won a court case against the NYC Department of Buildings in the 1980's, the Woods were forced to tear down their building despite engineer testimony that it was structurally sound, repeatedly prevented by the Department from rebuilding their home, were subject to numerous spot inspections, had officials lie to judges about the state of their building, were repeatedly fined by the Department, and had legal claims against the Department dismissed. This building was deemed to be in immediate danger of collapse, yet judicial hearings were conducted with the Woods, a judge and government officials, on the top floor of the building. The Woods ended up homeless. Mrs. Wood died and Mr. Wood lives in the foreclosed dwelling as a guardian.
32. In the case of the 475 Kent building factory and grain silo in the basement had been inspected multiple times by the Fire Department but were suddenly deemed in imminent danger of explosion. All that was required was to remove the grain from the

factory and remove the old sprinkler system, but authorities instead quickly evacuated the over 200 residents of the building, took a full week to remove the danger, and then banned residents for three months without providing alternative accommodations while they installed a new, unnecessary sprinkler system. Though the factory was deemed an immediate danger of explosion, no emergency personnel blocked off the area or acted with any sense of urgency.

33. Victims and surrounding communities of forced evictions suffer irreparable psychological harm. As Dr. Mindy Fullilove suggests in the book Root Shock, they are uprooted like a plant from the nurturing and familiar surroundings and never recover. The suffering induced by forced evictions is cruel and degrading treatment.^{xxxix}

e. Housing Discrimination

34. Under ICERD, the United States government has an obligation to ensure that all people enjoy the right to housing and to own property, without distinction as to race. Similar to the requirements of the Fair Housing Act (42 U.S.C. §§ 3601-3631) and the Equal Credit Opportunity Act (15 U.S.C. §§ 1691-1691f), ICERD requires, and the United States agreed to, eliminate racial discrimination in the housing market and take proactive steps to increase residential integration. Due to a long and continuing history of racial segregation enabled by both federal, state, and local public policy and private discriminatory actions in the real estate sales, rental, lending, and insurance markets, the United States has struggled to fulfill its obligations under international convention and federal law.^{xi} Indeed, United Nations Special Rapporteur on Adequate Housing Raquel Rolnik recently reiterated the 2008 observation of the Committee on the Elimination of Racial Discrimination^{xli}, which lamented:

[R]acial, ethnic and national minorities, especially Latino and African American persons, are disproportionately concentrated in poor residential areas characterised by sub-standard housing conditions, limited employment opportunities, inadequate access to health care facilities, under-resourced schools and high exposure to crime and violence.^{xlii}

35. Today, minority residents continue to live in isolated, segregated communities.^{xliii} In order to confront this opportunity-restricting segregation, the United States government must adequately examine its own policies to determine the effects of the policies have on perpetuating racial segregation, and it must better enforce its anti-discrimination laws against private actors that discriminate intentionally or in effect against the public protected under its laws.
36. Current housing policies of the United States government that seek to increase the supply of affordable housing often perpetuate residential segregation that became entrenched because of those policies implemented in the middle of the twentieth century.^{xliv} In 2008, the National Commission on Fair Housing and Equal Opportunity reported that the federal government's three largest federal housing programs oftentimes maintain segregated housing patterns by limiting affordable housing options to segregated census tracts.^{xlv} Moreover, federal grant money for housing and urban

development projects has been used illegally by local municipalities due to their allocation of funds and zoning laws that perpetuate segregation.^{xlvi}

37. Programs designed to mitigate the foreclosure crisis^{xlvi} could continue this trend. Both Making Home Affordable and the Neighborhood Stabilization Program seek to stem the effects of the crisis by keeping individual families from foreclosure and reducing the economic impact of blight and foreclosure in neighborhoods. However, these programs risk perpetuating segregation through their ineffectiveness,^{xlvi} and continued concentration of affordable housing opportunities in low-income census tracts.^{xlvi} These programs require a comprehensive fair housing analysis.
38. There are an estimated 4 million incidents of housing discrimination that occur each year. In 2008, over 30,000 incidents were reported to private fair housing organizations, state and local agencies, the Department of Housing and Urban Development, and the Department of Justice.¹
39. The federal government has failed to adequately address private discrimination, and has instead relied upon private non-profits to enforce the Fair Housing Act.^{li} Congress has historically underfunded these activities, leaving millions of incidents of housing discrimination unaddressed. Although both agencies have recently indicated a greater willingness to address private discrimination, they must address issues of systemic discrimination particularly in the lending markets, and HUD must take steps to address internal conflicts of interest and processing delays that hinder the enforcement of the Fair Housing Act.
40. If the federal government is not committed to enforcing civil rights statutes against private actors and eradicating discrimination in the housing and lending markets, or committed to examining its own programs to ensure that they reduce, and do not reinforce, segregation, the United States will remain a nation segregated by both race and opportunity.

IV. Recommendations

41. In order to meet its obligation to ensure the right to housing, the U.S. government should make the following changes to address the recommendations made by the Rapporteurs, Independent Experts, CERD, and the HRC:
 - i. The Administration should ensure that public resources are used wisely to meet urgent needs by implementing the already-authorized single-family home disposition program to make foreclosed homes owned by the government available to house homeless people, expand the types of properties available under the base closure and other federal vacant property programs, and create financial and tax-based incentives for state and local vacant property programs.
 - ii. The Administration should stop the decrease in the number of available public and subsidized units even as the demand increases by mandating one-for-one and like-for-like replacement of lost subsidized units, and by providing

incentives and subsidy structures to enable private owners to more easily continue participation in subsidized housing programs.

- iii. The Administration and Congress should protect homeless and low-income people from discrimination by creating federal protections against source-of-income housing discrimination; remove lifetime bans from subsidized housing for minor arrests; and ensure that localities that receive federal funds do not criminalize sleeping or conducting other life activities outside when there are no available shelter spaces.
- iv. The Administration should stop privatization of public housing and not convert it to Project-based Section 8, stop funding programs such as HOPE VI, and fully fund public housing to ensure it will be maintained and preserved for the future.
- v. The Administration should enforce current 964 regulations that require housing authorities to inform residents of all proposed policy and budget decisions and allow time for their input, and strengthen the 964 regulations to give Resident Associations real power to decide the policies and budget for their Housing Authority.
- vi. The Administration should better integrate Housing Opportunities for People with Aids (HOPWA) and other housing programs with supportive services for HIV-positive people.
- vii. The Administration should stop all preemptive evictions immediately.
- viii. Congress should pass legislation consistent with the requirements of the ICESCR such that residents are provided the greatest security of tenure possible, provide protections for the circumstances under which evictions may be carried out, provisions for legal remedies for violations of these procedures, and a right to civil counsel for those in need to seek redress from the courts.
- ix. The Administration should ensure that no actions are carried out in a discriminatory manner either intentionally or in effect.
- x. The Administration should provide adequate and alternative housing to those people who are evicted and cannot provide new housing for themselves.
- xi. The Administration should put a ceiling on rents, change occupancy laws, change work/living space laws to allow those of moderate income to live and work in the same space.
- xii. Congress should pass H.Res. 582 recognizing children's right to housing together with their families, and adequately fund the FUP voucher program to ensure children are not separated from their families due to homelessness.
- xiii. The Administration should pass an executive order creating an inter-agency working group on human rights implementation to ensure recommendations from treaty bodies and other human rights monitors are transmitted to, and implemented by, relevant domestic agencies and state and local governments.
- xiv. The Administration should honor its legal, Treaty and Trust obligations to American Indians and Alaska Natives by providing adequate resources to ensure housing rights, in full collaboration with impacted Peoples and Tribes.
- xv. Past recommendations from the United Nations continue to remain relevant and include increasing federal efforts to enforce federal civil rights laws,

funding testing programs and “pattern and practice” investigations to assess housing discrimination, eliminating obstacles to affordable housing choice and mobility opportunities, and enacting policies to end historically generated discrimination.^{lii}

V. References

- ⁱ International Convention on Economic, Social and Cultural Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52.
- ⁱⁱ International Convention on Economic, Social and Cultural Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, Art. 11(1); Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948), Art. 25.
- ⁱⁱⁱ International Convention on Civil and Political Rights G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52.
- ^{iv} International Convention on the Elimination of all forms of Discrimination, 660 U.N.T.S. 195, *entered into force* Jan. 4, 1969.
- ^v International Convention on the Elimination of all forms of Discrimination, 660 U.N.T.S. 195, *entered into force* Jan. 4, 1969, Art. 5; International Convention on Civil and Political Rights G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, Art. 12, 17.
- ^{vi} Human Rights Committee, Concluding Observations, CCPR/C/USA/CO/3, Sept. 15 2006 (hereinafter "HRC CO").
- ^{vii} Committee on the Elimination of Racial Discrimination, Concluding Observations, CERD/C/USA/CO/6, Feb. 2008 (hereinafter "CERD CO").
- ^{viii} Independent Expert of the question of human rights and extreme poverty, Report on Mission to the United States of America, E/CN.4/2006/43/Add.1 (2006).
- ^{ix} Special Rapporteur on contemporary forms of Racism, Xenophobia, and Related Forms of Intolerance, Report on Mission to the United States of America, A/HRC/11/36/Add.3 (2009) (hereinafter "SR Racism Report").
- ^x Special Rapporteur on the Right to Adequate Housing, Report on Mission to the United States of America, A/HRC/13/20/Add 4 (2010) (hereinafter "SR Housing Report").
- ^{xi} Advisory Group on Forced Evictions, Report on Mission to New Orleans, (2010).
- ^{xii} SR Housing Report, *supra*.
- ^{xiii} PL 111-22 (2009).
- ^{xiv} CERD CO, *supra*, at para. 22; SR Housing Report, *supra*, at para. 99.
- ^{xv} The following discussion of public housing is based largely on: "Democracy (In)action: How HUD, NYCHA and Official Structures Undermine Resident Participation in New York City Public Housing" by Vincent Villano with Sondra Youdelman, Community Voices Heard. *See also*, SR Housing Report, 2010.
- ^{xvi} SR Housing Report, at para. 39.
- ^{xvii} U.S. Response to SR Housing Report (2010).
- ^{xviii} The National Law Center on Homelessness & Poverty and The National Coalition for the Homeless, *Homes not Handcuffs: The criminalization of Homelessness in U.S. Cities* (July 2009) at 9-10.
- ^{xix} SR Housing Report, *supra*, at para. 56, 95; SR Racism Report, *supra*, at para. 65, HRC CO, *supra*, at para. 22, .
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