

HUMAN RIGHT TO HOUSING REPORT CARD

Student: United States of America

CATEGORY	2011	2012
Security of Tenure		
Renters	<i>B-</i>	<i>C-</i>
Homeowners	<i>D+</i>	<i>D</i>
Access to Counsel	<i>D</i>	<i>F</i>
Emergency & Dire Circumstances		
Criminalization of Homelessness	<i>F</i>	<i>D-</i>
Domestic Violence	<i>B-</i>	<i>C</i>
Availability of Services, Materials & Infrastructure	<i>D</i>	<i>D</i>
Affordability	<i>D</i>	<i>D</i>
Accessibility	<i>C-</i>	<i>C-</i>
Habitability	<i>C-</i>	<i>C-</i>
Location	<i>D</i>	<i>D</i>
Cultural Adequacy	<i>D</i>	<i>D</i>
Overall	<i>D+</i>	<i>D</i>

COMMENTS

We need to discuss your grades, immediately.

CURRENT CONTEXT

In 2012, the United States continues to face a housing crisis of proportions not seen since the Great Depression, when President Franklin D. Roosevelt lamented in his Second Inaugural Address that he saw “one third of our nation ill-housed, ill-clad, and ill-nourished.”¹

Prior to the foreclosure crisis and economic recession, homelessness was already a national crisis, with 2.5 to 3.5 million men, women and children experiencing homelessness each year, including a total of 1.35 million children and over a million people working full or part time — but unable to pay for housing.²

Since then, homelessness has increased dramatically:

- In 2011 alone, family homelessness rose at a shocking average of sixteen percent in U.S. cities.³ And from 2007 to 2010, family homelessness rose 20% nationally.⁴ In the year from 2009 to 2010, the number of people living doubled up with family or friends out of economic necessity increased by 13%, to 6.8 million people.⁵
- In the 2010-11 school year, over 1 million school children were homeless — up 13% from the 2009-10 school year.⁶

THE HUMAN RIGHT TO HOUSING

In 1948, the U.S. led the world in shaping the Universal Declaration of Human Rights, which provides, among other things, that “everyone has the right to an adequate standard of living...including the right to housing.”⁷ The following year, the 1949 federal Housing Act stated a goal of “a decent home and suitable living arrangement for every American family,” but that goal was never enshrined as a right for every American.⁸

More recently, in 2010, President Obama stated that it is “simply unacceptable for individuals, children, families and our nation’s veterans to be faced with homelessness in this country.”⁹ In March 2011, the U.S. acknowledged for the first time that rising homelessness implicates its human rights obligations and made commitments to the United Nations (U.N.) Human Rights Council to “reduce homelessness,” “reinforce safeguards to protect the rights” of homeless people, and to continue efforts to ensure access to affordable housing for all.¹⁰

The past year has brought some encouraging policy developments regarding the human right to housing. At the federal level, the U.S. Interagency Council on Homelessness (USICH) and Department of Justice (DOJ) issued a report, *Searching Out Solutions: Constructive Alternatives to the Criminalization of Homelessness*, which, for the first time, recognizes that, in addition to possible violations under the U.S. Constitution, the criminalization of homelessness may implicate our human rights treaty obligations under the International Covenant on Civil and Political Rights and Convention Against Torture. At the local level, Madison, WI passed a city resolution recognizing the human right to housing and pledging to take concrete steps to realize that right.

In spite of these positive steps, signs for the future are not promising. As of the drafting of this report card, looming 8% cuts to the Department of Housing and Urban Development (HUD) and other federal agencies’ budgets under the budget sequestration agreement threaten the basic safety net for many

people living in poverty. This proposed cut demonstrates the opposite of a human rights-based approach to housing. The rights-based approach would ask, “what is the need, and how can we progressively meet it, through a combination of spending, regulation, or other tools?” Instead, we are faced with the prospect of retrogressive cuts to already inadequate resources, with no proposed compensatory changes to other laws or regulations, that will certainly lead us further from full enjoyment of the right to housing.

THIS REPORT CARD: HOLDING THE U.S. ACCOUNTABLE

This report card assesses the current level of U.S. compliance with the human right to housing in the context of American homelessness. In doing so, we consider the country as a whole, and policy at all levels of government, as it relates to homelessness, including its prevention. It is not, and is not intended to be, a comprehensive review and assessment of implementation of all aspects of the right to housing, which is interconnected and interdependent with the enjoyment of many other civil, political, economic, social, and cultural rights. The 2012 report card is a shortened version of our much larger 2011 report, “Simply Unacceptable: Homelessness & the Human Right to Housing in the U.S.,” which goes into more depth in its analysis of each of the below issues.¹¹

According to international standards, the human right to housing consists of seven elements: security of tenure; availability of services, materials, and infrastructure; affordability; accessibility; habitability; location; and cultural adequacy.¹² Human rights law requires that countries take progressive steps to respect, protect, and fulfill the right, to the maximum of the country’s available resources, in a non-discriminatory manner.¹³ The government can use a wide variety of measures, from market regulation to subsidies, public-private partnerships to tax policy, to help ensure the right. Implementing the human right to housing would not require the government to immediately build a home for each person in America or to provide housing for all free of charge. But it does require much more than the U.S. government is doing now, and more than a mere provision of emergency shelter – it requires affirmative steps being taken to ensure fully adequate housing, based on all the criteria outlined above.

While this report card is based on a qualitative, rather than a quantitative, assessment, some efforts have been made to assess the U.S.’s performance based on quantitative data. The Economic and Social Rights Fulfillment (ESRF) Index assesses how well countries perform in meeting economic and social rights, such as the right to housing, in light of their available resources.¹⁴ Out of the 24 high-income countries analyzed, the U.S. received the worst score, fulfilling only 76.97% of their obligations.¹⁵ The fulfillment of obligations differed significantly between states and across racial groups.¹⁶ In a state-by-state assessment, Wyoming fulfilled 79.12% of its obligations in regard to adequate housing, while California fulfilled only 11.68% of its obligations.¹⁷ The 50 states, on average, fulfilled just over 45% of their adequate housing obligations.¹⁸

Consistent with these findings, our report card shows there is much work to do to realize the right to housing. We have given a letter-grade ranking for the current status of each aspect of the right.¹⁹ We recognize that overall enjoyment of housing rights is better in the U.S. than in many nations, but the human right to housing is one that is progressively realized based on the resources available to the country. Given that the U.S. is still the wealthiest nation in the world, with a well-developed democratic and judicial system, we need to hold our government to a higher standard. Our government failure to meet those standards is reflected in the poor grades assigned below:

- **Security of Tenure:** According to international standards, all persons — whether renters, homeowners or occupants of emergency housing or informal settlements — should possess legal protection against forced eviction and harassment. In the U.S. today, these protections are often lacking:
 - **Renters.** Research indicates that rental properties constitute 20% of all foreclosures, and of families facing eviction due to foreclosure, approximately 40% are renters.²⁰ Renters, who are disproportionately low income and people of color, continue to lose their homes — and face homelessness — due to their landlords’ foreclosures. The landmark Protecting Tenants at Foreclosure Act (enacted in 2009 and amended in 2010), provides, for the first time, some crucial federal protections for renters in foreclosure; some states have enacted stronger protections. But the law is scheduled to expire in 2014; implementation and enforcement are lacking; and to date, no single federal agency has taken responsibility for monitoring compliance. Additionally, the Federal Housing Finance Agency, which regulates Fannie Mae and Freddie Mac, launched an REO-to-Rental pilot program that makes federally-controlled foreclosed properties available to investors who will rent the properties, but with no obligation to make those rents affordable to displaced homeowners, thus diminishing public resources to meet the right to housing without seeking to ensure the right. **C**
 - **Homeowners.** Over 2.5 million homes have been foreclosed upon since 2007;²¹ many of these foreclosures were preceded by predatory lending practices, which target primarily poor and minority borrowers (who may have no other options) with agreements that incorporate insecure tenure by their terms. At the same time, banks received billions in public dollars with no corresponding commitment to keeping victims of foreclosure in their homes, diminishing the nation’s “available resources” to progressively realize the human right to housing, contrary to human rights obligations. The U.N. Special Rapporteur on the Right to Adequate Housing issued a report on the impact of housing finance policies on the right to adequate housing of those living in poverty, calling for “a paradigm shift from housing policies based on the financialization of housing to a human rights-based approach to housing policies,” and made a number of important recommendations in that regard.²² **D**
 - **Access to Counsel:** To date, the U.S. Supreme Court has not recognized a right to counsel for any type of civil proceeding other than juvenile delinquency (which is quasi-criminal), and while other federal and state courts have identified federal or state constitutional rights to counsel in some types of civil proceedings, no court anywhere as of yet has recognized a right to counsel in housing matters such as evictions and foreclosures. At the state level, in 2012, California began a number of pilot projects to prove the benefits of the right to civil counsel, with a particular focus on housing matters. However, the vast majority of litigants in housing cases are unrepresented, and the World Justice Project’s Rule of Law Index routinely ranks the U.S. at or near the bottom of industrialized countries for access to civil legal counsel.²³ The U.N. Special Rapporteur on Extreme Poverty & Human Rights issued her report on access to justice for persons living in extreme poverty this year, concluding, among other items, that countries must “ensure access to free and competent civil legal assistance for persons living in poverty where the enjoyment of human rights — civil, political, economic, social and/or cultural — is at stake.”²⁴ **F**

○ **Emergency and Dire Circumstances:**

- Criminalization of Homelessness. Despite a dire lack of adequate shelter and affordable housing, homeless persons are increasingly criminalized for engaging in necessary, life-sustaining activities – like sleeping and sitting – that they often have no choice but to perform in public spaces. Between 2009 and 2011, such laws criminalizing homelessness increased by as much as 10%.²⁵ This approach has been criticized by international experts including the U.N. Special Rapporteur on Extreme Poverty and Human Rights.²⁶ Criminalization does not address the root causes of homelessness and is actually counterproductive – it saddles homeless individuals with criminal records, making it more difficult for them to secure or maintain employment, housing and benefits; burdens the criminal justice system; and violates homeless individuals’ civil and human rights.²⁷ Significantly, the USICH and DOJ report, *Searching out Solutions*,²⁸ criticizes such measures and notes that they may violate not only federal constitutional rights but also international human rights—the first time a federal agency report has done so. While the report was in response to a Congressional mandate enacted following advocacy by the Law Center and others, it is still an important step forward. Nevertheless, the federal government still has not conditioned its funding on cities’ renunciation of such practices—indeed, some cities carry out criminalization policies using federal funds—and it remains to be seen whether USICH, HUD, or DOJ will actively discourage cities from enacting and enforcing such laws and policies and promote constructive alternatives. Meanwhile, a few communities have adopted constructive alternative approaches, such as those profiled in *Searching Out Solutions*, but unfortunately, examples like these are limited and some cities that have adopted positive approaches continue to adopt and enforce measures criminalizing homelessness. **D-**

- Domestic Violence. Domestic violence is a leading cause of homelessness, particularly for women. The Violence Against Women Act in 2006 created new housing rights for survivors in federal public and subsidized housing. Nearly every state has enacted some protections that expand housing protections for survivors to the private housing context, including 13 which have expanded VAWA’s non-discrimination provisions to private landlords. However, while positive steps, these rights are often not enforced. Further, VAWA’s federal housing protections must be reauthorized, which Congress has as yet failed to do in 2012, and the reauthorization must include, among other provisions, vital protections for survivors of sexual assault and expansion of housing protections to all federal housing programs. Regulations issued by HUD are another positive step, as is the appointment of a special White House Advisor on Domestic Violence. **C**

- **Availability of Services, Materials, and Infrastructure:** The existing infrastructure in the U.S. inextricably links housing with access to water and sanitation. For homeless individuals, lack of shelter often means loss of these basic resources.²⁹ Like housing, access to water and sanitation is considered a human right under international law and, following a mission to the

U.S. in 2011, the U.N. Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation issued a broad report critiquing the violations of those rights.³⁰ The Rapporteur also issued a letter to the Mayor of Sacramento, specifically addressing the lack of sanitation facilities that led the homeless community there to create their own make-shift sanitation system, which she concluded potentially implicated the right to freedom from cruel, inhuman, and degrading treatment.³¹ The Special Rapporteur additionally noted that low-income individuals who were fortunate enough to have shelter were often threatened with discontinuation of water services by local municipalities.³² These conditions are threats to basic human rights according to international law and should be remedied as such by the U.S. **D**

- **Affordability:** A quarter of American renters spend more than half of their income on rent, putting these families one paycheck away from homelessness.³³ For extremely-low income (ELI) households, the percentage paying more than half of their income in rent jumps to 76%.³⁴ This problem is exacerbated by the lack of available, affordable housing for low-income renters. In 2010, there were over 10 million very low-income renters and only 4.5 million affordable rental units, 40% of which were occupied by higher-income renters.³⁵ On top of the existing gap in availability of affordable units, the supply of low-cost rental units has declined since 2007.³⁶ While the affordable housing stock declines each year and more families and individuals end up living on the streets, the rental market for higher-income households continues to grow, foreclosed homes stand vacant, and abandoned government-owned properties remain empty.³⁷ **D**
- **Accessibility:** The overly restrictive federal definition of homelessness prevents many in need of resources from receiving aid, and identification barriers prevent numerous homeless persons from accessing federal resources. Criminal and arrest records also prevent large populations from accessing housing, leading 1 in 11 released prisoners into homelessness.³⁸ Post-disaster relief policies that fail to provide assistance by right leave many people in crisis unable to access needed resources. And even where needy applicants are able to obtain housing assistance or access affordable housing, they face discrimination in the private housing market on the basis of race, disability, gender, source of income, or other status, despite some strong de jure protections: over 27,000 complaints were registered in 2011 with housing protection agencies, and many more go unreported.³⁹ Although this number has decreased slightly since 2009, more work needs to be done to ensure equal access to housing resources. **C-**
- **Habitability:** While much of the U.S. enjoys high quality housing stock, many poor families experience dangerous or unhealthy conditions. Between 2007 and 2012, the number of shared households increased by 13.2%, totaling 22.3 million households in 2012.⁴⁰ Although these families are fortunate enough to have a place to stay, doubled-up living situations are often unstable, overcrowded, and potentially unsafe if families are forced to move into unhealthy or abusive households to avoid living on the streets. While captured by some federal agencies' definitions, these families are excluded from HUD's definition of homelessness and therefore unable to access HUD resources.⁴¹ Beyond doubling up, low-income housing units are often poorly maintained, often in violation of housing codes that lack adequate enforcement mechanisms. Without a right to counsel, many violations go unpunished and un-remedied, leading to health problems for residents – particularly youth, who, for example, experience double the rate of asthma of their moderate-income peers.⁴² **C-**
- **Location:** Adequate housing requires more than four walls and a roof, it also must be in a

location that makes it possible to access necessary resources. For poor families, location can be a major disadvantage to education, employment, and access to services. Children who are homeless or whose housing is unstable face frequent disruptions in education which can negatively impact cognitive development.⁴³ Although the McKinney-Vento Homeless Assistance Act requires schools to keep homeless students enrolled in the last school where they were permanently housed if feasible, lack of available shelter or housing within the district often forces students to face long transit rides at high costs to the district, or even transfer schools altogether.⁴⁴ While youth struggle to succeed academically, their families struggle to find adequate resources in their community, including quality healthcare, and poor families who live in metro areas and take public transportation face at minimum 70% longer commutes to work than their neighbors with other transportation options.⁴⁵ **D**

- **Cultural Adequacy:** The poor state of housing for Native Americans violates not only human rights, but also tribal treaty obligations through overcrowding, lack of maintenance, and destruction of historical cultural connections to land. Despite an existing lack of adequate resources, Congress reduced funding for an Indian Housing Block Grant program by more than 7% (\$50 million) in FY 2011 and an additional 8.2% of funding is at risk this fall through sequestration.⁴⁶ HUD is developing a report, expected to be released in December 2014, on the housing needs of Native Americans, Alaska Natives, and Native Hawaiians, which could bring much-needed attention to this ongoing issue.⁴⁷ **D**

Our country's current struggle with budget deficits is not a reason to defer actions to improve Americans' access to adequate housing. Rather, it is precisely in this time of economic crisis that the need to do so is most acute, and a rights-based approach to budgeting decisions would help generate the will to protect people's basic human dignity first, rather than relegating it to the status of an optional policy. There are many steps that would bring us closer to compliance with our human rights obligations and require few additional resources, including laws and regulations to rebalance rights within the private housing market. Where additional public resources are required, framing these expenditures as part of our government's basic obligations to its citizens, the same as its duty to ensure freedom of speech or a speedy and fair trial, allows us to establish a new baseline as budget debates intensify.

Because the human right to housing framework itself is so broad, the list of remedies to present violations is similarly broad. We have highlighted the ten most critical—and most relevant—first steps to ending and preventing homelessness:

INCREASE HOUSING FUNDING AND ACCESS TO RESOURCES

1. Congress and HUD should allocate at least \$1 billion per year to homelessness prevention programs to fund emergency housing, rental assistance, and rapid re-housing resources, and expand HUD's definition of homelessness to include doubled-up families, as other federal agencies have done.
2. Congress and HUD should ensure every person can afford adequate housing through a combination of new construction of subsidized units, expanded funding for Section 8 and other subsidies, and funding the National Housing Trust Fund at a minimum of \$1 billion per year.
3. FHFA should incorporate affordable housing requirements into their REO-to-Rental initiative and provide incentives to investors to market the properties to those at risk of homelessness.

4. Congress and HUD should protect and strengthen the McKinney-Vento Title V and the Base Realignment and Closure surplus property programs, which require vacant or underutilized federal property and military bases be made available to homeless service providers at no cost, by increasing the number of useful properties made available and easing the application process.

STRENGTHEN RIGHTS

5. Congress and the Administration should make permanent the Protecting Tenants at Foreclosure Act (PTFA), with the addition of a private right of action to enable better enforcement of the law, and vest authority in the Consumer Protection Financial Bureau to regulate and enforce compliance with the PTFA.
6. Congress and states should provide a right to counsel in all civil cases involving the potential loss of housing or inadequate housing conditions, and significantly expand funding to legal aid services to facilitate the implementation of this right.
7. Local governments must stop enforcing laws that criminalize homelessness when shelter is unavailable. The federal government should take concrete steps to limit local criminalization efforts by providing incentives for constructive alternative approaches and decriminalization, and by discontinuing its own funding of local law enforcement practices that criminalize homelessness.
8. Congress and HUD should expand the Violence Against Women Act's housing protections to other federal housing programs so that victims and their families are not prevented from obtaining and maintaining safe housing because of unjust discrimination.
9. In order to facilitate access to housing, voting, and other services, states should take steps to reduce barriers to homeless persons obtaining identification, such as providing cost waivers and assisting persons with obtaining necessary documentation.

IMPROVE ECONOMIC JUSTICE AND FAIRNESS

10. Congress and the Social Security Administration should create a federal living wage, and increase Supplemental Security Income benefits, so that both working and disabled people can afford adequate housing while paying under 30% of their income for housing costs.

1 President Franklin Roosevelt, Second Inaugural Address (Jan. 20, 1937).
2 *See* National Alliance to End Homelessness, *Homelessness Looms as Potential Outcome of Recession* (2009).
3 The United States Conference of Mayors, *Hunger and Homelessness Survey: A Status Report on Hunger and*
Homelessness in America's Cities 21 (2011).
4 U.S. Department of Housing & Urban Development, *The 2010 Annual Homeless Assessment Report to Congress*,
iii, (2011).
5 Peter Witte, National Alliance to End Homelessness, *The State of Homelessness in America 2012* 5 (2012).
6 National Center for Homeless Education, *Education for Homeless Children and Youths Program* 4 (2012).
7 Universal Declaration of Human Rights, G.A. Res. 217, U.N. GAOR, 3d Sess., pt. 1, art. 25(1), U.N. Doc. A/810
(1948).
8 The Housing Act of 1949, (Title V of P.L. 81-171).
9 United States Inter-Agency Council on Homelessness, *Opening Doors: Federal Strategic Plan to Prevent and*
End Homelessness (2010).
10 Report of the Working Group on the Universal Periodic Review, United States of America, *Addendum: Views on*
conclusions and/or recommendations, voluntary commitments and replies presented by the State under
review, A/HRC/16/11/Add.1, ¶ 19 (Mar. 8, 2011).
11 National Law Center on Homelessness & Poverty, *Simply Unacceptable: Homelessness & the Human Right to*
Housing in the U.S. (2011), <http://nlchp.org/content/pubs/SimplyUnacceptableReport1.pdf>.
12 General Comment 4, The right to adequate housing (Sixth session, 1991), U.N. Doc. E/1992/23, annex III at 114
(1991), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights*
Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.6 at 18 (2003).
13 *Id.*
14 Susan Randolph, Sakiko Fukada-Parr & Terra Lawson-Remer, *Working Paper Version of Economic and Social*
Rights Fulfillment Index: Country Scores and Rankings 4 (2010) (working paper) (on file with the Economic &
Social Rights Empowerment Initiative), available at <http://www.serfindex.org/research/>.
15 *Id.* at 18.
16 *Id.* at 21.
17 Susan Randolph, Sakiko Fukada-Parr & Terra Lawson-Remer, *Economic Rights in the Land of Plenty:*
Monitoring State Fulfillment of Economic and Social Rights Obligations in the United States 17-18 (October
1, 2009) (unpublished draft) (on file with the Economic & Social Rights Empowerment Initiative), available at
<http://www.serfindex.org/research/>.
18 *See id.*
19 Grades were assigned based on the following criteria: 1) Was a law passed or policy adopted that protects the right
to housing? 2) Are laws that are in place to protect the right to housing being implemented and enforced? 3) Have
laws been enacted or are laws being enforced that undermine the right to housing? 4) Have resources to further the
right to housing been added or are they being taken away? Starting with a “neutral” C grade, points were added or
taken away based on these criteria, with + or – used to reflect nuance such as the significance of a law or the
magnitude of harm.
20 National Low Income Housing Coalition, *Renters In Foreclosure: A Fresh Look at an Ongoing Problem*
(September 2012), available at http://nlihc.org/sites/default/files/Renters_in_Foreclosure_2012.pdf
21 Debbie Gruenstein Bocian, Wei Li, and Keith S. Ernst, Center for Responsible Lending Research Report,
“Foreclosures by Race and Ethnicity: Demographics of a Crisis” (June 18, 2010).
22 Special Rapporteur on the right to adequate housing, Annual Report, A/67/286 (2012).
23 *See* World Justice Project, WJP Rule of Law Index, <http://worldjusticeproject.org/rule-law-index-map>.
24 Report of the Special Rapporteur on Extreme Poverty and Human Rights, A/67/278 (2012).
25 National Law Center on Homelessness and Poverty, *Criminalizing Crisis: The Criminalization of Homelessness*
in U.S. Cities 8 (2011).
26 Special Rapporteur on Extreme Poverty and Human Rights, *Extreme Poverty and Human Rights,*
transmitted by Note of the Secretary-General, ¶ 21, U.N. Doc. A/66/265 (Aug. 4, 2011). U.S.
27 National Law Center on Homelessness and Poverty, *supra* note 25 at 28-35.
28 Interagency Council on Homelessness, *Searching out Solutions: Constructive Alternatives to the*
Criminalization of Homelessness 8 (2012) (USICH and the Access to Justice Initiative of the U.S. Dep’t
of Justice, with support from the Department of Housing and Urban Development, convened a summit to
gather information for this report).
29 *See* U.N. Independent Expert on the Right to Water and Sanitation, Preliminary remarks to the press following the
Independent Expert’s Mission to the United States of America from 22 February to 4 March 2011 (Mar. 4, 2011),
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10807&LangID=E>.

30 *Id.*; Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de
Albuquerque, Addendum, Mission to the United States of America, A/HRC/18/33/Add.4, Aug. 2, 2011; *see also*
Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation, *Stigma and the Realization of the*
31 *Human Rights to Water and Sanitation*, U.N. Doc. A/HRC/21/42 (July 2, 2012).

32 U.N. Independent Expert on the Right to Water and Sanitation, Letter to Sacramento Mayor Kevin Johnson, Jan. 23,
2012, available at <http://www.scribd.com/doc/80310395/Letter-to-Mayor-Johnson-from-UN>.

33 *See* Report of the Special Rapporteur on the human right to safe drinking water and sanitation, *supra*, note 30.
John Griffith, Julia Gordon & David Sanchez, Center for American Progress, *It's Time to Talk About Housing* 7
(August 15, 2012).

34 National Low Income Housing Coalition, *Out of Reach 2012* 3 (March 2012).

35 Center for American Progress, *supra* note 33.

36 National Low Income Housing Coalition, *supra* note 34.

37 *Id.* National Law Center on Homelessness & Poverty, Statement to U.S. House of Representatives Committee
on Oversight and Government Reform, Disposal of Federal Real Property: Legislative Proposals (July 27,
2011).

38 Bureau of Justice Statistics, 2009. "Prisoners In 2008", *available at*
<http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1763> (last visited Jan. 21, 2011).

39 National Fair Housing Alliance, *Fair Housing in a Changing Nation – 2012 Fair Housing Trends Report* (April
30, 2012).

40 Laryssa Mykyta & Suzanne Macartney, U.S. Census Bureau, *Sharing a Household: Household Composition*
and Economic Wellbeing: 2007-2010 1 (June 2012); Carmen DeNavas-Walt et al., U.S. Census Bureau, *Income,*
Poverty, and Health Insurance Coverage in the United States: 2011 19 (Sept. 2012) (Calculation based on 19.7
million shared households in 2007 and 22.3 million shared households in 2012).

41 42 U.S.C. § 11302.

42 Gary W. Evans & Elyse Kantrowitz, *Socioeconomic Status and Health: The Potential Role of Environmental*
Risk Exposure, 23 *Ann. Rev. Pub. Health* 303, 307 (2002).

43 U.S. Interagency Council on Homelessness, *Opening Doors: Federal Strategic Plan to Prevent and End*
Homelessness: Amendment 2012 8-9 (2012).

44 *See* National Law Center on Homelessness and Poverty, *Beds and Buses: How Affordable Housing Can Help*
Reduce School Transportation Costs (2011).

45 U.S. Census Bureau, *Commuting in the United States: 2009, an American Community Survey Report* 16 (Sept.
2011) (Calculation based on average travel time of 47.8 minutes for metro area residents taking public transportation
to work and a maximum average travel time of 28 mins. for those with other transportation options).

46 National American Indian Housing Coalition, *Legislative Alert September 14, 2012*, NAIHC (Sept. 14, 2012),
<http://archive.constantcontact.com/fs075/1102839656375/archive/1111003426856.html>.

47 U.S. Dep't of Housing and Urban Development, *Assessment of Native American, Alaska Native, and Native*
Hawaiian Housing Needs, HUD (last visited Nov. 1, 2012),
http://www.huduser.org/portal/native_american_assessment/home.html.