



Testimony of Eric Tars, Legal Director

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Inter-American Commission on Human Rights

December 16, 2021 Hearing:
The Situation of the Right to Housing in the United States

Introduction

Thanks to the Commissioners for granting this hearing and the U.S. Government for joining us.

I am Eric Tars, the Legal Director at the [National Homelessness Law Center](#) (formerly the National Law Center on Homelessness & Poverty), which has advocated for more than three decades *against* the criminalization of homelessness and *for* housing as a human right.

Unfortunately, the right to adequate housing is in crisis in the U.S. Even before the pandemic, the federal government was only meeting the affordable rental needs of one in four poor renters, meaning three in four renters was paying unaffordable rates.

And while these issues impact across race, affordability [disparately impacts](#) Black, Indigenous and other People of Color, or BIPOC communities, due to a centuries-long legacy of discrimination and wealth-extraction from these communities. For example, although Black Americans make up 13% of the overall population, they make up 26% - double their rate in the population – of people in poverty. But then they make up [40% of people experiencing homelessness](#), almost doubling again.

The Right to Housing During the Pandemic

The pandemic exacerbated all of this. Millions of Americans, disparately BIPOC, lost their income and their ability to pay rent, putting more than 30 million at risk of eviction and homelessness.

Thanks to tremendous advocacy explicitly calling for housing as a human right, many cities and states, and eventually the federal government instituted eviction moratoria, and appropriated billions of dollars in emergency rental assistance. The Centers for Disease Control issued guidance stating homeless encampments should be provided with sanitation measures and not be evicted unless individual housing units like hotel rooms could be provided, and FEMA guaranteed 100% reimbursement for renting those rooms. These sorts of steps showed that the U.S. could find a way to protect the right to housing where there was a will.

But unfortunately, that will was short lived. The eviction moratoria expired or were litigated out of existence by landlords and courts have returned to kicking people out, despite the ongoing pandemic. The rental assistance never made it to many who needed it because of bureaucratic barriers erected by states, and a lack of infrastructure for distribution caused by an affordable housing system chronically starved of resources. While tens of thousands of homeless individuals were housed in hotel rooms, many are being kicked out already despite the aid being in place until April, and most communities never even took advantage of the program.

Criminalization of Homelessness Punishes the Victims of The Housing Crisis

Now [homeless encampments](#) are growing again, and unfortunately when people see visible homelessness, our communities too often respond not with care and concern but by blaming the victims of this affordable housing crisis for their own homelessness, reinforcing racist and ableist stereotypes, and pushing for law enforcement responses. In some communities, more than half the people in jail each night are there for simply sleeping, resting, or sheltering themselves, acts that are legal in private but when performed in public by necessity, have been deemed criminal. In fact, in 187 [cities we've tracked](#) between 2006 and 2019, we have seen a 92% growth in citywide ordinances criminalizing camping, a 103% growth in laws prohibiting loitering, and a whopping 213% growth in laws criminalizing living in vehicles. And again, because homelessness disparately impact BIPOC communities, and those communities are also disparately targeted by law enforcement, [the intersection of homelessness and race means these populations are 5 to 9 times more likely to harmed by criminalization](#), putting the trauma of jail, arrest records, and fines and fees in the way of people returning to housing.

Housing As A Human Right in the U.S.

The good news is President Biden rode into office with an [official platform](#) stating housing should be a right, not a privilege, for every American, and HUD Secretary Fudge has echoed that pledge. The US Interagency Council on Homelessness established the right to housing as a core value in shaping its plan to end homelessness. The Department of Justice has opened civil rights investigations into police treatment of homeless persons in Phoenix, Minneapolis, and Louisville. And Congress is poised to enact the Build Back Better Act, which would make the biggest investment in affordable housing in 4 decades.

Conclusion

But all of this won't be enough to cure the previous 4 decades of disinvestment, let alone make reparations for the centuries of stealing land from, and preventing homeownership for, BIPOC communities.

We call on this Commission to hold the U.S. to account to ensure it makes a formal, equitable plan to implement the human right to adequate housing and end the criminalization of homelessness for all Americans.