

**HOUSING  
REPORT CARD  
PREVIEW:  
PRELIMINARY FINDINGS**

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# INTRODUCTION

The Human Rights Clinic at the University of Miami School of Law is collaborating with the National Homelessness Law Center (NHLC) to prepare a Housing Report Card, assessing the federal response to housing over the past few years.

The COVID-19 pandemic has exacerbated a housing crisis and exposed the inadequacy of the Nation's current policies addressing homelessness. The Housing Report Card analyzes key actions (or inactions) by United States (U.S.) executive agencies, Congress, and Federal Courts from a human rights perspective.

In doing so, we hope to inform future policies by addressing the seven key components of the right to adequate housing as addressed by the UN Committee on Economic, Social, and Cultural Rights (CESCR).

We are excited to share a brief overview of our work so far and welcome your feedback and contributions to the report to ensure it is as strong and accurate as possible.

# OVERVIEW OF THE RIGHT TO ADEQUATE HOUSING

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The Right to Adequate Housing was first recognized in 1948 by the Universal Declaration of Human Rights (UDHR)[1] and then codified into treaty law by the International Covenant of Social, Economic, and Cultural Rights (ICESCR). [2] Article 11 of this treaty affirms a State's duty to respect, protect, and fulfill the right to adequate housing as a component of an adequate standard of living. [3]

The Right to Adequate Housing is not merely four walls and a roof. Rather, as the Special Rapporteur on Adequate Housing explains, it is "the right to live somewhere in security, peace, and dignity, and should be ensured to all persons, irrespective of income or access to economic resources." [4] It is thus more than a right to shelter, and housing must be "adequate," fulfilling the seven dimensions set out by CESCR discussed below.

It is an exciting time to be a housing advocate! With President Biden, we finally have a president that has publicly recognized the right to housing, as well as publicly committed to addressing the federal government's history of discrimination in Housing practices in 2021.[5]

# COMPONENTS OF THE RIGHT TO ADEQUATE HOUSING

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**01**

**Security of Legal Tenure**

**05**

**Location**

**02**

**Accessibility**

**06**

**Habitability**

**03**

**Affordability**

**07**

**Cultural Adequacy**

**04**

**Availability of Services**

# (1) SECURITY OF LEGAL TENURE

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According to CESCR, security of legal tenure entails “legal protection against forced eviction, harassment and other threats” to residency. [6] Integral to the security of legal tenure is the elimination of criminalization of homelessness and protecting against forced evictions.

## CRIMINALIZATION OF HOMELESSNESS

Almost every state in the United States has at least one law that criminalizes homelessness, or basic activities people must engage in to stay alive, such as sleeping, sitting, or bathing in public. [7] In a 2019 report, 55% of cities surveyed prohibit sitting or lying in public; 72% prohibit camping in public; and 60% prohibit public loitering, loafing, or vagrancy. Since 2006, laws that prohibit sleeping in public have increased by 50%. [8] Homelessness falls disproportionately on Black communities, and they are more likely to be subject to police intervention and harassment. [9] Despite only making up 13% of the general population, almost 40% of people experiencing homelessness are black. [10]

### 01 — Informal settlements

People experiencing homelessness and living in encampments have core rights not to be displaced without consultation and an adequate alternative. [11] Currently, 15 states have laws restricting camping in particular public places, and 4 states have laws restricting camping in public places in general. [12]

### 02 — "Sweeps"

Sweeps resulting from a camping ban can result in arrests and the destruction of a person's personal property, including IDs and personal documents, medicine and medical devices, and other crucial items. Once displaced or given a citation they cannot pay, and without crucial identification items, the cycle of homelessness in individuals experiencing homelessness is perpetuated.

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**CICERO INSTITUTE:** In Lieu of solutions providing long term housing solutions and choice for those experiencing homelessness, the Cicero Institute is lobbying for legislation that “assists [individuals experiencing homelessness] through the provision of substance use, mental health treatment, and other services, as well as short-term shelter.” [17]



The Cicero Institute’s proposed bill suggests polices that further criminalize homelessness, such as allocating federal money towards heavily policed government monitored camping facilities, outside of places where services, food, and public transportation can be easily accessed. [18]



In addition to these “government monitored” camps, the bill suggests allocating federal funding to “outreach teams” whose primary focus is to police people experiencing homelessness. [19]

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**HUMAN RIGHTS LAW DEVELOPMENTS:** Just this summer, the U.S. was reviewed by the UN Committee on the Elimination of Racial Discrimination (CERD), which monitors compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which is binding on the United States. [15]. CERD called on the U.S. to “abolish laws and policies that criminalize homelessness; implement strong financial and legal incentives to decriminalize homelessness, including by conditioning or withdrawing funding from state and local authorities that criminalize homelessness and encourage them to redirecting funding from criminal justice responses to adequate housing and shelter programs, in particular for persons belonging to racial and ethnic minorities most affected by homelessness. [16]]

# FORCED EVICTION

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The harms of eviction fall disproportionately on minority communities. Black and Hispanic renters are twice as likely to be evicted as white renters. [13] According to a 2020 study, Black people account for 32.7% of all eviction filings defendants, despite only making up 19.9% of all adult renters in the counties addressed by the study. [14]



# POSITIVE DEVELOPMENTS

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A major obstacle in the protection of an individual’s right to security of tenure is the lack of access to adequate legal counsel. In 2016, no court legislature anywhere in the U.S. recognized a right to counsel in housing matters such as evictions, foreclosures, or housing discrimination. [20] Although there is still a significant deficit in legal protections for those facing evictions, there has been a positive trend toward legal representation in eviction proceedings since 2016. [21].

Since the Pandemic, the federal government has been doing more to create permanent housing solutions through House America which should continue [22].

RIGHT TO COUNSEL	OUTCOME	INITIATIVE
In 2022, 3 States and 13 cities had established a right to counsel for tenants facing eviction.	Legal representation increases the odds of unit retention by 75%	The right to legal representation in tenant eviction proceedings should be recognized nationwide.

HOUSE AMERICA	PURPOSE	OUTCOME
September 20, 2022, marks one year since U.S. Department of Housing and Urban Development (HUD) launched House America.	House America aimed to re-house at least 100,000 households experiencing homelessness, and to add at least 20,000 new units of affordable housing into the development pipeline.	States have issued nearly all of their Emergency Housing Vouchers, provided by the American Rescue Plan to American households and have dedicated over \$450 million in federal grants toward rehousing efforts.

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# RECOMMENDATIONS: FEDERAL

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Condition federal funding from the American Rescue Plan on diversion from criminal justice responses to investment in trauma informed, culturally sensitive shelters with supportive social services, as a means of temporary shelter and an entryway to permanent rehousing. Require local law enforcement agencies to collect and share data on the housing status of persons ticketed and arrested, by law enforcement, in addition to race and gender. Take enforcement action against communities that use law enforcement to criminalize persons experiencing homelessness.



Through the department of Housing and Urban Development, create and distribute guidelines for implementing Housing First programs at the local level.



Engage in broad public consultation on housing policy, including with people who have experienced housing insecurity. Develop a national housing strategy that prioritizes affordable housing solutions for those experiencing homelessness.

# RECOMMENDATIONS: STATES AND CITIES

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Ensure people in homeless encampments are not displaced without being offered alternative housing.



Engage with residents of encampments to improve conditions and keep their communities intact.



Implement a Housing First approach which allows people to access housing without additional barriers and regardless of mental health or substance abuse issues.



Require adequate legal representation to tenants facing eviction.



Increase the eviction notice requirement period to at least 60 days to allow renters facing evictions to find emergency housing or prevent their eviction, pass just-cause eviction protections, and ensure there is no rent deposit due to dispute an eviction.

# (2) ACCESSIBILITY

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According to CESC, accessibility requires prioritizing disadvantaged groups and taking their “special housing needs” into account. [23]



## 01 — Racial Discrimination

Current racial disparities in housing stem from a long history of official discrimination, exclusion, and segregation in housing policies, including redlining when the U.S. Federal Housing refused to insure mortgages in or near Black neighborhoods. [24] In a study conducted by Bloomberg, people with Black and Latino sounding names were less likely to get a response from landlords than those with “white sounding names.” [25]



## 02 — Disabilities

A study released by the U.S. Department of Housing and Urban Development (HUD) found that those with physical and mental disabilities were more likely to be told that rental units were unavailable than able-bodied people. [26]. People who have been hospitalized in inpatient mental health facilities often have difficulties finding affordable, stable housing once discharged. [27]



## 03 — Human Rights Law Developments

In August 2022, CERD released its Concluding Observations urging the U.S. to:

- “[S]trengthen the implementation of legislation to combat discrimination in housing, such as the Fair Housing Act;”
- A]ffirmatively further[] fair housing and protection against discriminatory effects;”
- “[A]ddress[] the impact of exclusionary zoning and law use laws and practices that disproportionately affect racial and ethnic minorities.” [28]

# RECOMMENDATIONS: FEDERAL

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Use a human rights framework to regularly monitor housing availability and address inequalities and unaffordability of housing.



Support and connect residents with local independent organizations that monitor and take action against potential discrimination in housing.



Strengthen the Fair Housing Act to include additional protected classes against discrimination, including source of income, sexual orientation, and eviction history.



Enact protections against discrimination by housing providers based on immigration status and prior arrests or interactions with the criminal justice system.



Prohibit housing providers from disclosing the immigration status of tenants to law enforcement or local authorities.

# RECOMMENDATIONS: STATES AND CITIES

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Take advantage of mechanisms, such as the Affirmatively Furthering Fair Housing provisions of the Fair Housing Act, to adopt race-conscious measures to remedy historically based and continuing discrimination



Limit background checks for ex-offenders and enable renters to be able to seal or expunge eviction records, increasing housing accessibility.



Provide housing subsidies to individuals with disabilities so they can afford units that are appropriately accessible and increase access to social housing overall.

# (3) AFFORDABILITY

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According to CESC, affordability requires that “[p]ersonal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised.” [29] States should provide housing subsidies, protect against unreasonable rents, and provide financial assistance so that housing remains affordable. [30]



## 01 — Price Increases

Since the onset of COVID-19, housing prices across the U.S. have skyrocketed, with some cities experiencing average price hikes of up to 40% [31] From March 2021 to March 2022, prices of homes increased 20.6% while rent increased 12%, increasing the number of households with unaffordable rent or mortgage payments. [32] In June 2022, buying a home in the U.S. was the least affordable it has been since June 1989. [33]



## 02 — Eviction Moratorium

The CDC extended the eviction moratorium in an attempt to slow the spread of COVID-19 so those infected could safely self-isolate. [34] However, in August 2021, the Supreme Court voted to end the eviction moratorium, allowing evictions to resume putting millions in danger of housing insecurity [35].



## 03 — Build Back Better

The Build Back Better framework would have ensured that middle-class families pay no more than 7% of their income on childcare and helped states expand access to high-quality, affordable childcare to about 20 million children per year – covering 9 out of 10 families across the country with young children [41].

# FINANCIALIZATION OF HOUSING

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The financialization of housing, in which housing is treated as a commodity and a means of wealth accumulation, has led to the displacement of communities of color from their long-term neighborhoods and social networks. As the Special Rapporteur on Adequate Housing explained, “Capital investment in housing increasingly disconnects housing from its social function of providing a place to live in security and dignity. [36]

Residents are displaced in favor of new luxury buildings that turn quick profits, but because the units are so unaffordable they are left empty at no consequence to the developers because to them “housing is as valuable whether it is vacant or occupied, lived in or devoid of life. [37] The Special Rapporteur noted that “racial displacement from urban centres and segregation in evidence in large cities in the [U.S.] have led to more severe impacts of financialization and the mortgage crisis being experienced by African-American households.” [38]



## Housing Shortage

The U.S. has a housing gap of 3.8 million homes primarily due to a lack of affordability. [39] Paradoxically, the U.S. has approximately 16 million vacant homes. [40]

# RECOMMENDATIONS: FEDERAL

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Extend the eviction moratorium for low-income renters affected by COVID-19



Permanently implement COVID-19 policies, like rental assistance and higher child tax credits, to aid and ease financial burdens of individuals and families.



Expand welfare benefits to ensure that citizens are not sacrificing basic needs to meet high housing costs.



# RECOMMENDATIONS: STATES AND CITIES

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Incentivize the private development of affordable housing, such as through simplified building codes, inclusionary zoning, or the Low-Income Housing Tax Credit.



Require public hearings in neighborhoods with new developments that are accessible with regards to both timing and language. Developers should prepare community impact assessments and mitigation plans for displacing vulnerable populations.



Use public funds to purchase abandoned properties and transform them into social housing, which also increases available jobs.



Raise the minimum wage.

# (4) AVAILABILITY OF SERVICES

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According to CESCR, adequate housing “must contain certain facilities essential for health, security, comfort, and nutrition.” [42] This encompasses “sustainable access to natural and common resources, safe drinking water, energy for cooking, heating, and lighting, sanitation and washing facilities, means of food, refuse disposal, site drainage and emergency services.” [43]

## Water Supply

In Alabama, a high proportion of the population is not served by public sewerage and water supply services. [44] Philip Alston, the United Nations (UN) Special Rapporteur on extreme poverty stated that he “had never seen such horrible sewage problems in the developed world.” [45]

Dr. Philip Alston noted that “the state health department had no idea of how many households exist in these conditions, despite the grave health consequences. Nor did they have any plan to find out or devise a plan to do something about it. But since the great majority of white folks live in the cities, which are well served by government-built and maintained sewerage systems, and most of the rural folks in areas like [Alabama’s Black Belt] are black, the problem does [not] appear on the political or governmental radar screen” [46]

# RECOMMENDATIONS

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Fund a comprehensive nationwide study of inadequate and unaffordable wastewater treatment and fund innovation in affordable wastewater treatment technologies, employing renewable energy strategies.



Learn from states that have tackled water and sanitation issues. EPA-funded septic systems have made a large impact in one of the poorest and most rural areas in West Virginia. The project involves “installing high-tech systems that use peat as a secondary treatment and ultraviolet light as the final disinfectant.”

# (5) LOCATION

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According to CESCR, “[a]dequate housing must be in a location which allows access to employment options, health-care services, schools, childcare centers, and other social facilities.” This is required in both large cities and rural areas. Further, “housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants.” [47]

## ENVIRONMENTAL RACISM

is a type of systemic racism “wherein policies and practices place industrial facilities in low-income communities,” promoting high-pollution environments, often causing severe health problems for residents. [48] This inequality disproportionately exposes People of Color to environmental hazards, such as pollution. A report published by the Shriver Center on Poverty Law found that, in the U.S., 70% of hazardous waste sites are located within one mile of public housing.[49] This amounts to ~77,000 families living in federal public housing and homes paid for with vouchers living near some of the most polluted Superfund sites or areas that have been improperly managed and designated for cleanup by the federal government. [50]



### 01 — 1964 Civil Rights Act

The Biden administration is testing a new legal approach by applying a provision from the 1964 Civil Rights Act. [51] Under this provision, environmental justice concerns have not been readily addressed because of the high legal standards. [52] However, current trends seem to suggest that the Department of Justice is looking to enforce this provision more aggressively than previously enforced. [53]

# FOOD APARTHEID

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Food apartheid is a system of segregation that divides those with access to an abundance of nutritious food and those who have been denied that access due to systematic injustice.

## 01 — Racial Disparities

Black and Hispanic neighborhoods have fewer large supermarkets and more small grocery stores than their white counterparts," rarely offering these community members with healthy whole-grain foods that supermarkets would provide. [54] Mark Green, New York's Consumer Affairs Commissioner in the 1990s, points to a "knee-jerk premise that Blacks are poor, and poor people are a poor market." [56]

## 02 — Supermarket redlining

Supermarket redlining is a phenomenon where "larger grocery stores either refuse to move into lower-income areas, shut existing outlets, or relocate to wealthier suburbs." [55]

## 03 — Food Insecurity

If not properly addressed, food insecurity can lead to stunted growth and behavioral problems in children. [57] Adults with food insecurity consume lower levels of vital nutrients, including protein, vitamin A, calcium, and iron, leading to insufficient nutrition that may cause malnutrition, vitamin deficiencies, and chronic diseases. [58] Additionally, adults who are food insecure are "65% more likely to be diabetic," [59] and more likely to suffer from conditions like "congestive heart failure, high blood pressure, asthma, obesity, and gum disease." [60]

## 04 — Human Rights Treaties

The UDHR [61] and ICESCR [62] affirm that every individual has the right to adequate food.

# RECOMMENDATIONS

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Provide tax incentives for large supermarkets to open in low-income communities.



Increase Supplemental Nutrition Assistance Program (SNAP) and Supplemental Nutrition Program for Women, Infants, and Children (WIC) benefits.



Provide funds to improve public transportation systems in rural areas to increase food access in areas where grocers are over 10 miles away.

# (6) HABITABILITY

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According to CESCR, “[a]dequate housing must be habitable, providing inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind, threats to health, structural hazards, and disease vectors.” Physical safety must also be guaranteed. [63]



## 01 — Enforcing Housing Codes

A. Housing “Code enforcement is a vital piece of effective housing policy, playing a role in both residents’ health and safety and in the cost of providing and maintaining housing.” [64] Blighted homes can lead to negative health outcomes, including mental health issues, asthma, and physical injury. [65]

# RECOMMENDATIONS

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Provide sufficient funding for Housing Code enforcement programs.



Provide more resources for home repairs, such as allocating recycling fines raised by city administrators into repairs for those who need them. [66]



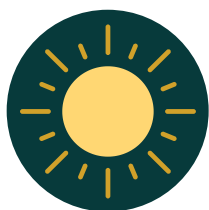
Develop programs to train residents to detect defective conditions that are known health-hazards.



# CLIMATE CRISIS

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As long as the climate crisis persists, housing stability will consistently be under threat. According to the Aspen Institute, more than 38 million US households live in housing that is unaffordable. [67] Thus, unaffordable, and insecure housing rent leaves households less adaptable and resilient to unexpected expenses, such as “extended repairs or building from flooding or wildfires.” [68] Accordingly, the Aspen Institute holds that “the frequency and occurrence of climate-related disasters have exacerbated affordable housing crises in areas prone to disasters.” [69]



## 01 — Extreme Heat

In 2018, extreme heat took the lives of 42 people experiencing homelessness in Maricopa County, Arizona. [70] One woman shared how she had three heat strokes within one year. [71] Low-income families and communities of color likely live in urban heat islands, where it can be as much as 22 degrees hotter than surrounding areas [72]. Across more than 100 cities, a recent study found that formerly redlined neighborhoods are 5 degrees hotter in summer than areas once favored for housing loans, with some cities seeing differences as large as 12 degrees. [73] These neighborhoods, which remain low-income and mostly contain Black or Hispanic residents, consistently have fewer trees and parks that help cool the air and contain more paved surfaces, like asphalt and highways, that absorb and radiate heat. [74]



## 02 — Air pollution

By 2050, air pollution-related mortality is expected to rise by an additional 20-30%. [75]. The Hub notes that people experiencing homeless experience higher rates of respiratory and cardiovascular conditions from air pollution due to the extended periods of time spent outside. [76]

# HUMAN RIGHTS LAW DEVELOPMENTS

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Human Rights Council Resolution 43/14, adopted on June 19, 2020, calls upon States “to take the right to adequate housing into account in strategies for adoption to and mitigation of climate change” and “to work with affected communities and individuals to develop and promote environmentally sustainable and sound housing design, construction, and maintenance to address the effects of climate change while ensuring the right to adequate housing.”

In October 2021, the UN Human Rights Council for the first time recognized the “human right to a clean, healthy and sustainable environment,” further highlighting its importance to enjoyment of the right to adequate housing. [77]

In July 2022, the UN General Assembly subsequently recognized the right to a “clean, healthy, and sustainable environment as a human right,” calling upon States, international organizations, businesses, and other stakeholders to “scale up efforts” to ensure a clean, healthy, and sustainable environment for all. [78]

In March 2022, the Human Rights Council appointed Ian Fry as the first Special Rapporteur on the promotion and protection of human rights in the context of climate change. [79]

# RECOMMENDATIONS

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Address the root causes of the climate crisis, including minimizing greenhouse gases emissions, which trap the sun's heat and contribute to respiratory diseases from smog and air pollution. [80]



Implement an equitable disaster response plan that prioritizes access to safe housing. [81]



Donate to local shelters items like fans, reusable water bottles, and cooling towels.

# (7) CULTURAL ADEQUACY

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According to CESCR, adequate housing must be culturally adequate: “The way the building is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity in housing. Activities geared towards development of modernization in the housing sphere should ensure that cultural dimensions of housing are not sacrificed and that modern technological facilities as appropriate are also ensured.” [82]

## 01 — Indigenous Communities

A. Indigenous communities are disproportionately affected by homelessness due to centuries of displacement and discrimination. [83] The federal government has recently taken steps to ensure culturally adequate housing for Indigenous communities.

## 03 — ICDBG

In 2021, the Federal government initiated the Indian Community Block Grant Program (ICDBG) which provides \$92,309,208 in funding to ensure the development of viable Indian and Alaska Native Communities, including “the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low and moderate incomes.” [84]

## 04 — Tribal HUD fund

Department of Housing and Urban Development (HUD) awarded Tribal HUD-Veterans Affairs Supportive Housing (Tribal HUD-VASH) expansion grants to three Tribally Designated Housing Entities (TDHEs). However, the grants only totaled \$841,113. [85]

# RECOMMENDATION

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These funding opportunities are a step in the right direction, as the federal government is exhibiting initiative in developing housing that is adequate with the cultural needs of Indigenous communities in mind. As such, through the American Rescue Plan, the federal government should continue to invest funding into culturally sensitive shelters for indigenous communities.

# ACKNOWLEDGEMENTS

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**We thank you for your continued support  
in our efforts to advance the Universal  
Human Right to Adequate Housing.**



# SOURCES

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[1] Universal Declaration of Human Rights art. 25, G.A. Res. 217 (III) A, U.N. Doc. A/810 (Dec. 10, 1948) [hereinafter UDHR].

[2] International Covenant on Economic, Social, and Cultural Rights art. 11, signed Oct. 05, 1977, 993 U.N.T.S. 3 [hereinafter ICESCR].

[3] Id.

[4] Hum. Rts. Council, Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-discrimination in this Context (paragraph sign) Guideline No.6 (34) U.N Doc. A/HRC/43/43 (2019) citing CESCR Gen. Co. No. 7 ¶ 3; See also Comm. On Econ., Soc., and Cultural Rts., General Comment No.4 The Right to Adequate Housing, ¶ 8, U.N Doc. E/1992/23 (Dec. 13, 1991) [hereinafter CESCCR General Comment No.4] (“Rather [the right to housing] should be seen as the right to live somewhere in security, peace, and dignity.”).

[5] President Joe Biden, Memorandum on Redressing Our Nation’s and the Federal Government’s History of Discriminatory Housing Practices and Policies, (January 26, 2021) <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-redressing-our-nations-and-the-federal-governments-history-of-discriminatory-housing-practices-and-policies/>.

[6] Comm. On Econ., Soc., and Cultural Rts. (“CESCR”), General Comment No. 4: The Right to Adequate Housing (Art.11(1) of the Covenant), ¶ 8(a), U.N Doc. CESCR/E/1992/23 (Dec. 13,1991) [hereinafter CESCR General Comment No.4].

[7] Nat’l L. Ctr. on Homelessness & Poverty, Housing Not Handcuffs 2021: State Law Supplement 7 (2021), <http://nlchp.org/wp-content/uploads/2019/12/HOUSING-NOT-HANDCUFFS-2021-FINAL.pdf>.

[8] Nat’l L. Ctr. on Homelessness & Poverty, Housing Not Handcuffs 2019: Ending the Criminalization of Homelessness in U.S. Cities 12 (2019), <http://nlchp.org/wp-content/uploads/2019/12/HOUSING-NOT-HANDCUFFS-2019-FINAL.pdf>.

[9] Racial Inequalities in Homelessness, by the Numbers, National Alliance to End Homelessness, (June 1, 2020), <https://endhomelessness.org/resource/racial-inequalities-homelessness-numbers/>.

[10] Id.

[11] Hum. Rts. Council, Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-discrimination in this Context, ¶ Guideline No.6 U.N Doc. A/HRC/43/43 (2019); See also Comm. On Econ., Soc., and Cultural Rts., General Comment No.7: The Right to Adequate Housing, ¶ 15, U.N. Doc. E/1998/22 (May 20, 1997).

# SOURCES

---

- [12] Nat'l L. Ctr. on Homelessness & Poverty, Housing Not Handcuffs 2021: State Law Supplement 7 (2021), <http://nlchp.org/wp-content/uploads/2019/12/HOUSING-NOT-HANDCUFFS-2021-FINAL.pdf>.
- [13] Judge Glock, Housing First is a Failure, Cicero Institute, (January 13, 2022), <https://ciceroinstitute.org/research/housing-first-is-a-failure/>.
- [14] Cicero Institute, Reducing Street Homelessness Act Model Bill Section 2(E) (2021), <https://ciceroinstitute.org/wp-content/uploads/2021/11/Reducing-Street-Homelessness-Act-Model-Bill.090821.pdf>.
- [15] *Id.* Section 2(H).
- [16] See generally International Convention on the Elimination of All Forms of Racial Discrimination, 660 U.N.T.S. 195, 212 [hereinafter ICERD].
- [17] Comm. on the Elimination of Racial Discrimination, Title of Concluding Observations, ¶ 40, U.N. Doc. CERD/C/USA/CO/10-12 (08. 30, 2022) [hereinafter CERD Concluding Observations: USA].
- [18] Sophia Weeden, Black and Hispanic Renters Face Greatest Threat of Eviction in Pandemic, Joint Center for Housing Studies of Harvard University, (January 11, 2021), <https://www.jchs.harvard.edu/blog/black-and-hispanic-renters-face-greatest-threat- eviction-pandemic>.
- [19] American Civil Liberties Union (ACLU), National Coalition for a Civil Right to Counsel No Eviction Without Representation: Evictions' Disproportionate Harms and the Promise of Right to Counsel, 1 (2022), <https://www.aclu.org/report/no- eviction-without-representation?redirect=evictionbrief>.
- [20] Nat'l L. Ctr. on Homelessness & Poverty, Housing Report Card 2016, 15 (2016), [https://homelesslaw.org/wp-content/uploads/2018/10/Right\\_to\\_Housing\\_Report\\_Card\\_2016-1.pdf](https://homelesslaw.org/wp-content/uploads/2018/10/Right_to_Housing_Report_Card_2016-1.pdf).
- [21] Intro to Tenant Right to Counsel, Nat'l. Coalition for a Civil Right to Counsel, (July, 2022), [http://civilrighttocounsel.org/highlighted\\_work/organizing\\_around\\_right\\_to\\_counsel](http://civilrighttocounsel.org/highlighted_work/organizing_around_right_to_counsel) (“for many years, it was regularly reported that tenants were represented 10% of the time, compared to 90% of landlords...most recent data from several dozen jurisdictions [however] actually puts the tenant representation figure at a mere 3% and the landlord figure at 81%.”)
- [22] U.S Dept. of Housing and Urban Dev., Fact Sheet: One-Year Anniversary of HUD’s “House America” Initiative to Address Homelessness (2022) [https://www.hud.gov/press/press\\_releases\\_media\\_advisories/hud\\_no\\_22\\_175](https://www.hud.gov/press/press_releases_media_advisories/hud_no_22_175).
- [23] Comm. on Econ., Soc., and Cultural Rts., General Comment No. 4: The Right to Adequate Housing (Article 11(1) of the Covenant), ¶ 8(e), U.N. Doc. CESCR/E/1992/23 (Dec. 13, 1991) [hereinafter CESCR General Comment No. 4].



# SOURCES

---

[24] Terry Gross, A “Forgotten History” Of How The U.S. Government Segregated America, Nat’l Public Radio, (May 3, 2017), <https://www.npr.org/2017/05/03/526655831/a-forgotten-history-of-how-the-u-s-government-segregated-america>.

[25] Kelsey Butler, Landlords Are Less Likely to Reply to Applicants with Black and Latino Names, Bloomberg, (November 29, 2021), [https://www.bloomberg.com/news/articles/2021-11-29/landlords-are-less-likely-to-reply-to-black-latino-names?](https://www.bloomberg.com/news/articles/2021-11-29/landlords-are-less-likely-to-reply-to-black-latino-names?fbclid=IwAR2XMf7bA4PHoxDdBBUBg8SmzBGEca0FwDlvgmK144TgM5zeLEgpxhbwUM0&leadSource=verify%20wall)

[fbclid=IwAR2XMf7bA4PHoxDdBBUBg8SmzBGEca0FwDlvgmK144TgM5zeLEgpxhbwUM0&leadSource=verify%20wall](https://www.bloomberg.com/news/articles/2021-11-29/landlords-are-less-likely-to-reply-to-black-latino-names?fbclid=IwAR2XMf7bA4PHoxDdBBUBg8SmzBGEca0FwDlvgmK144TgM5zeLEgpxhbwUM0&leadSource=verify%20wall).

[26] Study Finds the People with Mental Disabilities Experience Rental Housing Discrimination, Nat’l Low Income Housing Coalition, (September 11, 2017), <https://nlihc.org/resource/study-finds-people-mental-disabilities-experience-rental-housing-discrimination>.

[27] Finding Stable Housing, Nat’l Alliance on Mental Illness, <https://www.nami.org/Your-Journey/Individuals-with-Mental-Illness/Finding-Stable-Housing>.

[28] Comm. on the Elimination of Racial Discrimination, Concluding observations on the combined tenth to twelfth reports of the United States of America, ¶ 38, U.N. Doc. CERD/C/USA/CO/10-12 (Aug. 30, 2022) [hereinafter CERD Concluding Observations: United States of America].

[29] Comm. on Econ., Soc., and Cultural Rts., General Comment No. 4: The Right to Adequate Housing (Article 11(1) of the Covenant), ¶ 8(c), U.N. Doc. CESCR/E/1992/23 (Dec. 13, 1991) [hereinafter CESCR General Comment No. 4].

[30] *Id.*

[31] Michael Sainato, Renters across US face sharp increases – averaging up to 40% in some cities, The Guardian, (February 16, 2022), <https://www.theguardian.com/us-news/2022/feb/16/renters-rent-increases-us-lease>.

[32] 2022 State of the Nation’s Housing report, Habitat for Humanity (2022), <https://www.habitat.org/costofhome/2022-state-nations-housing-report-lack-affordable-housing>.

[33] Derek Saul, It Was Less Affordable To Buy A Home In June Than It’s Been in 33 Years, Forbes, (August 12, 2022), <https://www.forbes.com/sites/dereksaul/2022/08/12/it-was-less-affordable-to-buy-a-home-in-june-than-its-been-in-33-years/?sh=72dced2b717b>.

[34] Federal Eviction Moratorium, Nat’l Low Income Housing Coalition, (2021), <https://nlihc.org/coronavirus-and-housing-homelessness/national-eviction-moratorium>.

[35] *Id.*

[36] Hum. Rts. Council, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and the right to non- discrimination in this context, ¶ 1.8, U.N. Doc. A/HRC/34/51 (2017).

[37] *Id.* at ¶ 30, 31.

# SOURCES

---

- [24] Terry Gross, A “Forgotten History” Of How The U.S. Government Segregated America, Nat’l Public Radio, (May 3, 2017), <https://www.npr.org/2017/05/03/526655831/a-forgotten-history-of-how-the-u-s-government-segregated-america>.
- [25] Kelsey Butler, Landlords Are Less Likely to Reply to Applicants with Black and Latino Names, Bloomberg, (November 29, 2021), <https://www.bloomberg.com/news/articles/2021-11-29/landlords-are-less-likely-to-reply-to-black-latino-names?fbclid=IwAR2XMf7bA4PHoxDdBBUBg8SmzBGECa0FwDlvgmK144TgM5zeLEgpxhbwUM0&leadSource=uverify%20wall>.
- [26] Study Finds the People with Mental Disabilities Experience Rental Housing Discrimination, Nat’l Low Income Housing Coalition, (September 11, 2017), <https://nlihc.org/resource/study-finds-people-mental-disabilities-experience-rental-housing-discrimination>.
- [27] Finding Stable Housing, Nat’l Alliance on Mental Illness, <https://www.nami.org/Your-Journey/Individuals-with-Mental-Illness/Finding-Stable-Housing>.
- [28] Comm. on the Elimination of Racial Discrimination, Concluding observations on the combined tenth to twelfth reports of the United States of America, ¶ 38, U.N. Doc. CERD/C/USA/CO/10-12 (Aug. 30, 2022) [hereinafter CERD Concluding Observations: United States of America].
- [29] Comm. on Econ., Soc., and Cultural Rts., General Comment No. 4: The Right to Adequate Housing (Article 11(1) of the Covenant), ¶ 8(c), U.N. Doc. CESCR/E/1992/23 (Dec. 13, 1991) [hereinafter CESCR General Comment No. 4].
- [30] Id.
- [31] Michael Sainato, Renters across US face sharp increases – averaging up to 40% in some cities, The Guardian, (February 16, 2022), <https://www.theguardian.com/us-news/2022/feb/16/renters-rent-increases-us-lease>.
- [32] 2022 State of the Nation’s Housing report, Habitat for Humanity (2022), <https://www.habitat.org/costofhome/2022-state-nations-housing-report-lack-affordable-housing>.
- [33] Derek Saul, It Was Less Affordable To Buy A Home In June Than It’s Been in 33 Years, Forbes, (August 12, 2022), <https://www.forbes.com/sites/dereksaul/2022/08/12/it-was-less-affordable-to-buy-a-home-in-june-than-its-been-in-33-years/?sh=72dced2b717b>.
- [34] Federal Eviction Moratorium, Nat’l Low Income Housing Coalition, (2021), <https://nlihc.org/coronavirus-and-housing-homelessness/national-eviction-moratorium>.
- [35] Id.
- [36] Hum. Rts. Council, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context, ¶ 1.8, U.N. Doc. A/HRC/34/51 (2017).
- [37] Id. at ¶ 30, 31.

# SOURCES

---

[38] Id. at ¶ 35, citing Jacob Rugh and Douglas Massey, “Racial segregation and the American foreclosure crisis”, *American Sociological Review*, vol. 75, No. 5 (October 2010).

[39] There’s a massive housing shortage across the U.S. Here’s how bad it is where you live, Nat’l Public Radio, (July 14, 2022), <https://www.npr.org/2022/07/14/1109345201/theres-a-massive-housing-shortage-across-the-u-s-heres-how-bad-it-is-where-you-l>.

[40] Id.

[41] The Build Back Better Framework, The White House, <https://www.whitehouse.gov/build-back-better/>.

[42] CESCR General Comment No. 4, *supra* note 5, ¶ 8 (b).

[43] Id.

[44] Catherine Coleman Flowers, A County Where the Sewer Is Your Lawn, *NEW YORK TIMES* (Oct. 28, 2022, 10:00 AM) <https://www.nytimes.com/2018/05/22/opinion/alabama-poverty-sewers.html>

[45] Id.

[46] Id.

[47] CESCR General Comment No. 4, *supra* note 5, ¶ 8 (f).

[48] Helen Millar, What is environmental racism? *MEDICAL NEWS TODAY*, (Oct. 29, 2022) <https://www.medicalnewstoday.com/articles/environmental-racism>

[49] Elle Meyers, Report Finds 70% of Public Housing Is Located Near Toxic Waste Sites, *THE KEYSTONE*, (Oct. 25, 2022) <https://keystonenewsroom.com/story/report-finds-70-of-public-housing-is-located-near-toxic-waste-sites/>

[50] Id.

[51] Andrea Riquier, A Mostly Black Alabama County Has No Municipal Sewer Service. Can the 1964 Civil Rights Act be used for Environmental Justice? *MARKET WATCH*, (Oct. 20, 2022).

<https://www.marketwatch.com/story/a-mostly-black-alabama-county-has-no-municipal-sewer-service-can-the-1964-civil-rights-act-be-used-for-environmental-justice-11637080976>

[52] Id.

[53] Id.

[54] Kelly Brooks, Research Shows Food Deserts More Abundant in Minority Neighborhoods, *JOHN HOPKINS MAGAZINE*, (Nov. 3, 2022) <https://hub.jhu.edu/magazine/2014/spring/racial-food-deserts/>

[55] Julian Agyeman, The ugly truth about how food deserts came to be, *MIC*, (Nov. 3, 2022)

<https://www.mic.com/life/racism-created-the-food-deserts-that-still-plague-too-many-cities-65411672>

[56] Id.

[57] Effects of Hunger, *FEEDING AMERICA*, (Nov. 2, 2022) <https://www.feedingamerica.org/hunger-in-america/impact-of-hunger#:~:text=Hunger%20and%20child%20development&text=Research%20shows%20an%20association%20bet%20ween,aggression%20in%20school%20days%20children.>

# SOURCES

---

[58] Get the Facts on Food Insecurity and Older Adults, NATIONAL COUNCIL ON AGING, (Nov. 4, 2022)

<https://www.ncoa.org/article/what-is-food-insecurity-get-the-facts>

[59] *Id.*

[60] *Id.*

[61] UDHR, *supra* note 1, art. 25.

[62] ICESCR, *supra* note 2, art. 11.

[63] CESCR General Comment No. 4, *supra* note 5, ¶ 8 (d).

[64] Cracking Code Enforcement: How Cities Approach Housing Standards, NYU FURMAN CENTER, (Nov. 1, 2022) <https://furmancenter.org/thestoop/entry/cracking-code-enforcement-how-cities-approach-housing-standards>

[65] *Id.*

[66] Christina Stacey & Joseph Schilling, Housing Code Should Protect Public Health, Not Penalize Low-Income Homeowners, URBAN WIRE (October 31, 2022) <https://www.urban.org/urban-wire/housing-codes-should-protect-public-health-not-penalize-low-income-homeowners>

[67] Taylor Gauthier, The Devastating Effects of Climate Change on US Housing Security, ASPEN INSTITUTE (Oct. 24, 2022) <https://www.aspeninstitute.org/blog-posts/the-devastating-effects-of-climate-change-on-us-housing-security/> 68 *Id.*

[69] *Id.*

[70] Tony Shu, Climate Justice: How Climate Change is Exacerbating the Homelessness Crisis, BREAKTIME, (Oct. 19, 2022) <https://www.breaktime.org/post/how-climate-change-exacerbates-the-homeless-crisis>

[71] *Id.*

[72] Angel Hsu, Glenn Sheriff, Tirthankar Chakraborty, & Diego Manya, Disproportionate exposure to urban heat island intensity across major US cities, NATURE COMMUNICATIONS, (Oct. 30, 2022) <https://www.nature.com/articles/s41467-021-22799-5>

[73] Brad Plumer & Nadja Popovich, How Decades of Racist Housing Policy Left Neighborhoods Sweltering, NEW YORK TIMES, (Nov. 1, 2022) <https://www.nytimes.com/interactive/2020/08/24/climate/racism-redlining-cities-global-warming.html>

[74] *Id.*

[75] Stacey, *supra* note 39.

[76] Stacey, *supra* note 39.

[77] Human Rights Council, U.N. Doc. A/HRC/RES/48/13 (Oct. 2021), <https://undocs.org/A/HRC/RES/48/13>.

[78] *Id.*

# SOURCES

---

[79] Ricardo Franco, Connection between human rights and climate change must not be denied, UNITED NATIONS, (Nov. 1, 2022)

<https://news.un.org/en/story/2022/10/1129767#:~:text=lan%20Fry%2C%20Australian%20National%20University,a%20Healthy%20Environment%2C%20in%202021>.

[80] Christina Nunez, Carbon dioxide levels are at a record high. Here's what you need to know, NATIONAL GEOGRAPHIC, (Nov. 3, 2022) <https://www.nationalgeographic.com/environment/article/greenhouse-gases>

[81] Anita Snow, Extreme heat can be deadly for people who are homeless, PBS, (Nov. 2, 2022)

<https://www.pbs.org/newshour/nation/extreme-heat-can-be-deadly-for-people-who-are-homeless>

[82] CESCR General Comment No. 4, *supra* note 5, ¶ 8 (a).

[83] Joy Moses, State of Homelessness: A look at Race and Ethnicity, National Alliance to End Homelessness, (May 27, 2020), <https://endhomelessness.org/blog/state-of-homelessness-a-look-at-race-and-ethnicity/>

[84] U.S. Dept. of Housing and Urban Development, Indian Community Development Block Grant Program, [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/ih/grants/icdbg](https://www.hud.gov/program_offices/public_indian_housing/ih/grants/icdbg)

[85] U.S. Dept. of Housing and Urban Development, Resources for Tribal TDHES

[https://www.hud.gov/program\\_offices/public\\_indian\\_housing/ih/codetalk/tribalhousing](https://www.hud.gov/program_offices/public_indian_housing/ih/codetalk/tribalhousing)