

Human Right to Housing

*The human right to adequate housing ... applies to everyone [and] ... is of central importance for the enjoyment of all economic, social and cultural rights.
- UN Committee on Economic, Social and Cultural Rights, General Comment 4*

What is the Human Right to Housing?

The right to housing guarantees the right to live in security, peace and dignity. This right must be provided to all persons irrespective of income or access to economic resources, and the housing provided must be adequate, meaning “adequate privacy, adequate space, adequate security, ... adequate basic infrastructure and adequate location.” Finally, the right to housing should not be narrowly defined or restricted to being viewed as a commodity, wholly dependent on market forces. Instead, housing should be viewed as a fundamental resource indispensable to ensuring human development and civic participation.

Where is the Right to Housing Protected?

The right to housing is guaranteed in human rights declarations and treaties, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, and the American Declaration on the Rights and Duties of Man.

*Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care.
- Article 25, Universal Declaration of Human Rights*

Does the United States Protect the Human Right to Housing for All People?

In 1949, the U.S. government passed the Housing Act, in which it pledged to realize: “as soon as feasible . . . the goal of a decent home and a suitable living environment for every American family, thus contributing to the development and redevelopment of communities and to the advancement of the growth, wealth, and security of the nation.” Additionally, at least twenty-five state constitutions provide the basis for a right to housing. Yet millions of families, particularly the economically vulnerable, are not protected from violations of their right to housing.

- ◆ ***Predatory Lending and the Foreclosure Crisis***
Minority groups are more than three times as likely to hold subprime mortgages as members of non-minority groups. In fact, roughly 46% of Hispanics and 55% of Blacks, compared to just 17% of Whites, were steered to subprime mortgages.¹ This has contributed to a national crisis, with more than 2.2 million foreclosure filings in 2007.²
- ◆ ***Demolitions of Public Housing***
Communities across the nation have lost over 100,000 public housing units to demolition, privatization, and conversion since Congress authorized the misnamed Housing Opportunities for People Everywhere (HOPE VI) program in 1992.³
- ◆ ***Homelessness***
An estimated 3.5 million Americans, including 1.35 million children, are affected by homelessness each year, and millions more live in substandard housing conditions comparable to those in developing nations.⁴

These and other factors have led to a national crisis in adequate housing. Government officials must be to rethink their current policies and development planning to ensure the protection of the human right to housing.

Key Components to the Human Right to Adequate Housing

<p>Security of Tenure Residents should possess a degree of security of tenure which guarantees protection against forced evictions, harassment, and other threats, including predatory redevelopment and displacement.</p>	<p>Accessibility Housing must be accessible to all, and disadvantaged and vulnerable groups must be accorded full access to housing resources.</p>	<p>Affordability Housing costs should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. For instance, one should not have to choose between paying rent and buying food.</p>	
<p>Habitability, Decent and Safe Home Housing must provide residents with adequate space that protects them from cold, damp, heat, rain, wind, and other threats to health, structural hazards, and disease.</p>	<p>Availability of Services, Materials, Facilities and Infrastructure Housing must provide certain facilities essential for health, security, comfort, and nutrition. For instance, residents must have access to safe drinking water, heating and lighting, washing facilities, means of food storage, and sanitation.</p>	<p>Location Housing should not be built on polluted sites or in immediate proximity to pollution sources that threaten the right to health of residents, and in general, the physical safety of residents must be guaranteed. Additionally, housing must be in a location which allows access to employment options, health-care services, schools, child-care centers, and other social facilities.</p>	<p>Culture Adequacy Housing and housing policies must guarantee the expression of cultural identity and diversity, including the preservation of cultural landmarks and institutions. Redevelopment or modernization programs must ensure that the cultural significance of housing and communities is not sacrificed.</p>

Government Obligations to Ensure the Right to Housing

Under a human rights framework, governments have the obligation to:

- ◆ Ensure that adequate and decent housing is accessible to all on a non-discriminatory basis, which may include opportunities for homeownership as well as public housing options.
- ◆ Ensure that individuals and communities are able to take an active role in decisions that affect their right to housing.
- ◆ Ensure that housing policies and laws do not violate the dignity of residents.
- ◆ Ensure residents' right to freedom of association, including guaranteeing the freedom of association for resident organizations and community-based groups.
- ◆ Ensure residents' right not to be subject to arbitrary or unlawful interference with their privacy, families or homes.

¹ "Minorities hit hard by rising costs of subprime loans"; Sue Kirchhoff and Judy Keen; *USA Today*; April 25, 2007; http://www.usatoday.com/money/economy/housing/2007-04-25-subprime-minorities-usat_N.htm.

² Foreclosure rate almost doubled in 2007"; *Reuters*; <http://www.reuters.com/article/hotStocksNews/idUSN2849823320080129>.

³ "Detailed Information on the HOPE VI (Severely Distressed Public Housing) Assessment"; Expect More.gov; <http://www.whitehouse.gov/omb/expectmore/detail/10001162.2003.html>.

⁴ "Increasing Homelessness in the United States Violates International Law", National Law Center on Homelessness and Poverty, 1/2004; http://www.nlchp.org/view_release.cfm?PRID=26.