

## HUMAN RIGHT TO HOUSING REPORT CARD

Student: United States of America

CATEGORY	2011	2012	2013
Security of Tenure			
Renters	<i>B-</i>	<i>C-</i>	<i>C</i>
Homeowners	<i>D+</i>	<i>D</i>	<i>D</i>
Access to Counsel	<i>D</i>	<i>F</i>	<i>D-</i>
Emergency & Dire Circumstances			
Criminalization of Homelessness	<i>F</i>	<i>D-</i>	<i>D</i>
Domestic Violence	<i>B-</i>	<i>C</i>	<i>A-</i>
Availability of Services, Materials & Infrastructure	<i>D</i>	<i>D</i>	<i>D</i>
Affordability	<i>D</i>	<i>D</i>	<i>F</i>
Accessibility	<i>C-</i>	<i>C-</i>	<i>C-</i>
Habitability	<i>C-</i>	<i>C-</i>	<i>D</i>
Location	<i>D</i>	<i>D</i>	<i>D</i>
Cultural Adequacy	<i>D</i>	<i>D</i>	<i>D</i>
<b>Overall</b>	<i>D+</i>	<i>D</i>	<i>D+</i>

### COMMENTS

*Some progress, but needs more work!*

## ABOUT THE NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

The National Law Center on Homelessness & Poverty is committed to solutions that address the causes of homelessness, not just the symptoms, and works to place and address homelessness in the larger context of poverty.

To this end, it employs three main strategies: impact litigation, policy advocacy, and public education. It is a persistent voice on behalf of homeless Americans, speaking effectively to federal, state, and local policy makers. It also produces investigative reports and provides legal and policy support to local organizations.

For more information about the Law Center and to access publications such as this report, please visit its website at [www.nlchp.org](http://www.nlchp.org).

## ACKNOWLEDGMENTS

This report card is an updated version of our 2011 report “Simply Unacceptable: Homelessness & the Human Right to Housing in the United States.” That report and this update were drafted by Eric S. Tars. Nicole McAllister provided assistance in researching and updating this edition, and Janelle Fernandez, Jeremy Rosen and Maria Foscarinis provided expert editorial guidance.

The Law Center acknowledges with gratitude the generous support of the W.K. Kellogg Foundation and the Sunrise Initiative.

The Law Center would also like to thank our LEAP member law firms: Akin Gump Strauss Hauer & Feld LLP; Covington & Burling LLP; Dechert LLP; DLA Piper; Fried, Frank, Harris, Shriver & Jacobson LLP; Hogan Lovells; Katten Muchin Rosenman LLP; Latham & Watkins LLP; Manatt, Phelps & Phillips, LLP; Microsoft; Schulte Roth & Zabel LLP; Sidley Austin LLP; Simpson Thacher & Bartlett LLP; Sullivan & Cromwell LLP and WilmerHale.

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## LAW CENTER STAFF

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**Tristia Bauman**

Housing Program Director

**Lisa Coleman**

Staff Attorney

**Janelle Fernandez**

Law & Policy Associate

**Maria Foscarinis**

Executive Director

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## CURRENT CONTEXT

In 2013, 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.”<sup>1</sup>

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.<sup>2</sup>

Since then, homelessness has increased dramatically:

- On a single night in January, 2013, the Department of Housing and Urban Development counted 610,042 people experiencing homelessness living in shelters and public places (the “HUD definition” of homelessness); 222,197 of those people were in families.<sup>3</sup>
- The above number is almost certainly a significant undercount of homelessness even according to the HUD definition. Moreover, it does not include people living doubled up with family or friends; this number increased by 9.4 percent, to 7.4 million people in 2011, the most recent year for which data is available.<sup>4</sup>

In the 2011-12 school year, over 1.1 million school children were homeless — an increase of 75 percent since the beginning of the economic crisis in 2007.<sup>5</sup>

### 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.”<sup>6</sup> However, 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.<sup>7</sup>

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.”<sup>8</sup> 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.<sup>9</sup>

The past year has brought some encouraging policy developments regarding the human right to housing. At the federal level, Congress expanded the housing protections of the Violence Against Women Act (VAWA) to all federally funded housing, covering over 4 million additional households, and the U.S. Interagency Council on Homelessness (USICH) took important steps to hold other federal agencies accountable to ensuring homeless persons’ rights under the International Covenant on Civil and Political Rights. At the state level, Connecticut and Illinois joined Rhode Island in passing a Homeless Bills of

Right.<sup>10</sup> Moreover, the American Bar Association and International Association of Official Human Rights Agencies both passed resolutions calling for governments at all levels to implement the human right to housing.<sup>11</sup>

In spite of these positive steps, signs for the future are not promising. Deep budget cuts to the Department of Housing and Urban Development (HUD) and other federal agencies due to the budget sequestration agreement have threatened the basic safety net for many people living in poverty. The resulting cuts have caused 125,000 households to lose assistance from the Housing Choice Voucher program, diminished funds available to other shelter and housing programs, potentially causing some of them to close, and resulted in 75,000 fewer households receiving foreclosure prevention assistance.<sup>12</sup> These cuts demonstrate 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 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 primarily consider the steps the federal government has taken to end and prevent homelessness, with reference to state and local practices where relevant. 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 2013 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.<sup>13</sup>

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.<sup>14</sup> 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.<sup>15</sup> 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 we are doing now, and more than a mere provision of emergency shelter – it requires affirmative steps to be 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 nation’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.<sup>16</sup> In 2012, out of the 22 high-income countries analyzed, the U.S. received one of the worst scores, fulfilling only 78.72 percent of their obligations, a slight decrease from 79.09 percent in 2011.<sup>17</sup> The fulfillment of obligations differed significantly between states and across racial groups.<sup>18</sup> In a state-by-state assessment, Wyoming fulfilled 79.12 percent of its obligations in regard to adequate housing, while California fulfilled only 11.68 percent of its obligations.<sup>19</sup> The fifty states, on average, fulfilled just over 45 percent of their adequate

housing obligations.<sup>20</sup>

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.<sup>21</sup> We recognize that for many Americans, the overall enjoyment of housing rights is better in the U.S. than it would be in some developing 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 ourselves to a higher standard. Our 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 percent of all foreclosures, and of families facing eviction due to foreclosure, approximately 40 percent are renters.<sup>22</sup> Renters, who are disproportionately low income and people of color, continue to lose their homes — and face homelessness — due to their landlords’ foreclosures. Raw numbers of renters affected by the foreclosure crisis has tripled in the past three years.<sup>23</sup> In 2011 alone, the U.S. added 1 million new renter households, constituting the largest annual increase since the 1980’s.<sup>24</sup> 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; bills to make it permanent have just been introduced in the House and Senate, but passage is by no means certain. Moreover, implementation and enforcement are lacking and, to date, no single federal agency has taken responsibility for monitoring compliance. Additionally, the Federal Housing Finance Agency (FHFA), 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:** By the end of 2010, over 5 million homes have been foreclosed upon, equaling 10 percent of all homes with a mortgage.<sup>25</sup> In just October of 2012, one in every 706 housing units received a foreclosure filing.<sup>26</sup> 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, thereby spending the nation’s “available resources,” but not in a way that progressively realizes the human right to housing, contrary to human rights obligations. **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, a number of states have initiated pilot projects to examine the impact of providing counsel in housing cases. 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 and in 2013 Illinois passed legislation establishing pilots funded at roughly \$5 million/year for five years that will provide and study representation in housing cases.<sup>27</sup> Meanwhile, in Massachusetts, following a report on a first round of eviction pilots released in 2012, the Massachusetts Attorney General announced funding for a second round.<sup>28</sup> In New York, Chief Judge Jonathan Lippman announced a plan to ensure all homeowners in foreclosure have legal representation.<sup>29</sup> 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.<sup>30</sup> The U.N. Special Rapporteur on Adequate Housing began a study on security of tenure last year, and issued her draft report in September, including recognition that legal assistance is critical to ensuring that aspect of the right.<sup>31</sup> D-

### **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 percent.<sup>32</sup> 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.<sup>33</sup> This year, following advocacy by the Law Center, the UN Human Rights Committee specifically questioned the U.S. about criminalization of homelessness in its review of the country's compliance with the International Covenant on Civil and Political Rights.<sup>34</sup> With the Law Center's collaboration, the U.S. Interagency Council on Homelessness (USICH) convened a meeting of the Departments of Justice, Health & Human Services, Housing and Urban Development, State, and Veterans Affairs to discuss responses to the inquiry, and is holding these agencies accountable to responding to the Law Center's recommendations to reduce criminalization.

However, to date, the federal government still has not conditioned its funding on cities' renunciation of such practices—indeed, some cities have carried out criminalization policies *using* federal funds. USICH has helped stop some criminalization policies from taking root at the local level, but it remains to be seen whether the other agencies will actively discourage cities from such laws and policies and promote constructive alternatives. At the local level, 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. Courts continue




to provide some measure of protection, where homeless people are able to present their claims. In 2013, a federal court in Dallas struck down that city's restrictions on food sharing, in *Big Hart Ministries v. Dallas*, finding they violated state law religious freedom guarantees.<sup>35</sup> D-

- **Domestic Violence:** Domestic violence is a leading cause of homelessness, particularly for women. The Violence Against Women Act (VAWA) in 2006 created new housing rights for survivors in some federally subsidized housing, and the 2013 reauthorization of the law expanded these protections to all federally funded housing. HUD has not yet issued implementing guidance for the new law, which will be a major test of the law in the coming year. As important as the federal protections are, they only cover federally funded housing - a small percent of all housing. In 2013, the Law Center issued a report collecting information on state expansions upon VAWA's housing protections: nearly every state has enacted some protections that expand housing protections for survivors to the private housing context, including thirteen which have expanded VAWA's non-discrimination provisions to private landlords.<sup>36</sup> A-
- **AVAILABILITY OF SERVICES, MATERIALS, AND INFRASTRUCTURE:** Title V of the McKinney-Vento Act requires government agencies to make available vacant properties to homeless service agencies to provide services. The Law Center filed a lawsuit decades ago, forcing government compliance, but last year, the government sought to have the order lifted. Instead, in March 2013, following vigorous advocacy by the Law Center, the court found that many government agencies have not been complying with the law or its injunction and mandated additional steps for compliance. HUD, HHS, and the General Services Administration recently held an outreach webinar that appears to be a step in the right direction.<sup>37</sup> Sites like these are essential because existing infrastructure in the U.S. inextricably links housing or other facilities with access to water, sanitation, and other basic services. For homeless individuals, lack of shelter often means loss of these basic resources, and for those living in poverty, water cut-offs often happen as people have to choose between paying for water or rent, resulting in a violation of both the right to adequate housing and the right to water.<sup>38</sup> On the state level, California passed a bill guaranteeing the human right to water in 2012, implementation, however, remains uncertain.<sup>39</sup> D
- **AFFORDABILITY:** A quarter of American renters spend more than half of their income on rent, putting these families one paycheck away from homelessness.<sup>40</sup> For extremely low-income (ELI) households, the percentage paying more than half of their income in rent jumps to 76 percent.<sup>41</sup> This problem is exacerbated by the lack of available, affordable housing for low-income renters. Average rents increased by an estimated 4.6 percent in 2013 across the nation, and are expected to increase by at least 4 percent per year through 2015.<sup>42</sup> In 2010, there were over 10 million very low-income renters and only 4.5 million affordable rental units, 40 percent of which were occupied by higher-income renters.<sup>43</sup> On top of the existing gap in availability of affordable units, the supply of low-cost rental units has declined since 2007.<sup>44</sup> In 2011, there were only 86 affordable units for every 100 very low-income households, creating an absolute deficit of 2.5 million units affordable to these renters.<sup>45</sup> Although the U.S. added 257,000 new rental units – the highest since 2004, this was 50,000 units below the average between 1997 and

2003 – when renter household growth was at a fraction of today’s.<sup>46</sup> 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.<sup>47</sup> On a positive note, the Affordable Care Act, which began its rollout in 2013, by providing access to healthcare for millions more Americans, will help limit the financial impact of health crises on families and their potential corresponding loss of their homes, and also help currently homeless persons be better able to afford and sustain housing.<sup>48</sup> **F**

- **ACCESSIBILITY:** HUD’s overly restrictive definition of homelessness prevents many in need of resources from receiving aid,<sup>49</sup> and identification barriers prevent numerous homeless persons from accessing federal resources.<sup>50</sup> Criminal and arrest records also prevent large populations from accessing housing, leading 1 in 11 released prisoners into homelessness.<sup>51</sup> 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 access affordable housing or obtain housing assistance, 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. There were 28,519 complaints registered in 2012, an increase from approximately 27,000 in 2011,<sup>52</sup> and many more go unreported.<sup>53</sup> Because this number is increasing, it is clear 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 percent, totaling 22.3 million households in 2012.<sup>54</sup> 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.. Beyond doubling up, low-income housing units are often poorly maintained—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 low-income youth, who, for example, experience double the rate of asthma of their moderate-income peers.<sup>55</sup> **D**
- **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.<sup>56</sup> 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.<sup>57</sup> 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 percent longer commutes to work than their neighbors with other transportation options.<sup>58</sup> **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 the Indian Housing Block Grant program by more than 7 percent (\$50 million) in FY 2011 and additional funding was reduced due to sequestration.<sup>59</sup> The Indian Housing Block Grant program will see a 5 percent reduction or approximately \$33 million less than the initial appropriation by Congress.<sup>60</sup> 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.<sup>61</sup> 

## RECOMMENDATIONS

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 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 Title V of the McKinney-Vento Act 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. 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. States should support and enact Homeless Bills of Rights, and local governments should stop enforcing laws that criminalize homelessness in the absence of shelter or housing.
8. HUD, the Department of Agriculture, and Treasury should implement the Violence Against Women Act's new housing protections through regulation and other guidance.
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 should increase the minimum wage and Supplemental Security Income benefits, so that both working and low-income disabled people can afford adequate housing as well as meet other basic needs while paying no more than 30 percent 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 See U.S. Department of Housing & Urban Development, *The 2013 Annual Homeless Assessment Report to Congress, Part 1 Point-in-Time Estimates of Homelessness* (2013), <https://www.onecpd.info/resources/documents/AHAR-2013-Part1.pdf>.
- 4 National Alliance to End Homelessness, *The State of Homelessness in America 2013 29* (2013).
- 5 National Center for Homeless Education, *Education for Homeless Children and Youths Program 4* (2013).
- 6 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).
- 7 The Housing Act of 1949, (Title V of P.L. 81-171).
- 8 United States Interagency Council on Homelessness, *Opening Doors: Federal Strategic Plan to Prevent and End Homelessness* (2010).
- 9 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).
- 10 See 2013 Conn. Pub. Acts 12-251; 775 ILL. COMP. STAT. 5/1-102, 103.
- 11 See ABA Annual Meeting 2013 at 117, <http://bit.ly/IhheEL>; In'tl Assoc. of Off. Hum. Rts. Ag. Res. 1 (2013).
- 12 *The Impacts of Sequestration: Hearing before the S. Comm. On Appropriations*, 113th Cong. (2013) (written testimony of United States Department of Housing & Urban Development Secretary Shaun Donovan), available at <http://portal.hud.gov/hudportal/documents/huddoc?id=sequestertestimony.pdf>.
- 13 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>.
- 14 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).
- 15 *Id.*
- 16 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/>.
- 17 Social and Economic Rights Fulfillment Index (on file with the Economic & Social Rights Initiative), available at [www.serfindex.org/wp-content/uploads/2011/02/Data-HighIncomeOECDCountry\\_SERF\\_IndexPDF.pdf](http://www.serfindex.org/wp-content/uploads/2011/02/Data-HighIncomeOECDCountry_SERF_IndexPDF.pdf).
- 18 *Id.* at 21.
- 19 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/>.
- 20 See *id.*

- 21 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.
- 22 National Law Center On Homelessness & Poverty, *Eviction (Without) Notice: Renters And The Foreclosure Crisis* 6 (2012) (citing 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](http://nlihc.org/sites/default/files/Renters_in_Foreclosure_2012.pdf)) hereinafter NLCHP, *Eviction (Without) Notice*.
- 23 *Id.*
- 24 David M. Abromowitz, Center for American Progress, *The Housing Market is Not Only for Homeowners: Policymakers Need to Focus on Renters to Facilitate a True ‘Housing Recovery’* 2 (2012), available at [www.americanprogress.org/wp-content/uploads/2012/12/AbromowitzRentalBrief.pdf](http://www.americanprogress.org/wp-content/uploads/2012/12/AbromowitzRentalBrief.pdf), hereinafter Abromowitz, *Focus on Renters*.
- 25 NLCHP, *Eviction (Without) Notice*, *supra* note 22 at 6 (citing Tony Guo, *Tenants at Foreclosure: Mitigating Harm to Innocent Victims of the Foreclosure Crisis*, DePaul J. For Soc. Just. (June 2011), available at [http://works.bepress.com/cgi/viewcontent.cgi?artucke=1002&context=tony\\_guo](http://works.bepress.com/cgi/viewcontent.cgi?artucke=1002&context=tony_guo)).
- 26 The United States Conference of Mayors, *Hunger and Homelessness Survey: A Status Report on Hunger and Homelessness in America’s Cities* 43 (2012), available at <http://usmayors.org/pressreleases/uploads/2012/1219-report-HH.pdf>.
- 27 *See* Sargent Shriver Civil Counsel Act, AB 590 (CA 2011), <http://bit.ly/1b0PXML>; 55 ILCS 5/5-39001; Access to Justice Act of 2013, 735 ILCS 5/5-105.5, <http://bit.ly/1gerr0G>.
- 28 Boston Bar Association Task Force on the Civil Right to Counsel, *The Importance of Representation in Eviction Cases and Homelessness Prevention*, (2013), <http://bit.ly/zkQu7Y>; Attorney General Martha Coakley, \$4 Million in HomeCorps Grants Awarded to Address Foreclosure Crisis Across the Commonwealth, Oct. 18, 2012, <http://1.usa.gov/TgOPIH>.
- 29 ProJusticeMN, NY Chief judge announces new foreclosure court part in state of judiciary speech, Feb. 16, 2012, <http://bit.ly/1e10LJW>.
- 30 *See* World Justice Project, WJP Rule of Law Index, <http://worldjusticeproject.org/rule-law-index-map>.
- 31 *See* 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, A/HRC/22/46, para. 69 (2012); 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, Recommendations on Security of Tenure for the Urban Poor (Draft for Consultation), Sep. 30 2013, <http://bit.ly/193bgh5>, para. 96.
- 32 National Law Center on Homelessness and Poverty, *Criminalizing Crisis: The Criminalization of Homelessness in U.S. Cities* 8 (2011).
- 33 National Law Center on Homelessness and Poverty, *supra* note 32 at 28-35.
- 34 Special Rapporteur on Extreme Poverty and Human Rights, *Extreme Poverty and Human Rights*, transmitted by *Note of the Secretary-General*, para. 21, U.N. Doc. A/66/265 (Aug. 4, 2011). U.S.
- 35 Federal Court Victory Protects Access to Food for Homeless in Dallas, RealEstateRama, Mar. 24, 2013, <http://www.realestaterama.com/2013/03/29/federal-court-victory-protects-access-to-food-for-homeless-in-dallas-ID019972.html#sthash.oNodeBhN.dpuf>.

- 36 National Law Center on Homelessness & Poverty, *There's No Place Like Home: State Laws that Protect Housing Rights for Survivors of Domestic and Sexual Violence* (2013), [http://www.nlchp.org/Theres\\_No\\_Place\\_Like\\_Home](http://www.nlchp.org/Theres_No_Place_Like_Home).
- 37 *Title V: The Roles and Responsibilities of HUD, GSA, and HHS Webinar* (OneCPD Resource Exchange 2013) (YouTube), <http://bit.ly/IRsckG>.
- 38 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 Human Rights to Water and Sanitation*, U.N. Doc. A/HRC/21/42 (July 2, 2012).
- 39 AB 685, ch. 524, 2012 Cal. Stat. 91 (Codified at Cal. Water Code § 106.3 (West 2012)).
- 40 John Griffith, Julia Gordon & David Sanchez, Center for American Progress, *It's Time to Talk About Housing 7* (August 15, 2012).
- 41 National Low Income Housing Coalition, *Out of Reach 2012 3* (March 2012).
- 42 Abromwitz, Focus on Renters, *supra* note 24, at 1.
- 43 Center for American Progress, *supra* note 40.
- 44 National Low Income Housing Coalition, *supra* note 41.
- 45 National Low Income Housing Coalition, *Housing Spotlight: America's Affordable Housing Shortage, and how to end it 1* (2013), [http://nlihc.org/sites/default/files/HS\\_3-1/pdf](http://nlihc.org/sites/default/files/HS_3-1/pdf).
- 46 Joint Center for Housing Studies of Harvard University, *The State of the Nation's Housing* (June 2013), <http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/son2013.pdf>.
- 47 *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).
- 48 Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 (2010).
- 49 42 U.S.C. § 11302.
- 50 *See* National Law Center on Homelessness & Poverty, *Photo Identification Barriers Faced by Homeless Persons: The Impact of September 11* (2004), <http://bit.ly/1bKjnVO>.
- 51 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).
- 52 National Fair Housing Alliance, *Modernizing the Fair Housing Act for the 21st Century: 2013 Fair Housing Trends Report 4*, (2013), available at [www.nationalfairhousing.org/LinkClick.aspx?fileticket=rJOodoEJhG4%3d&tabid=3917&mid=5321](http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=rJOodoEJhG4%3d&tabid=3917&mid=5321).
- 53 National Fair Housing Alliance, *Fair Housing in a Changing Nation – 2012 Fair Housing Trends Report* (April 30, 2012).
- 54 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).
- 55 Gary W. Evans & Elyse Kantrowitz, *Socioeconomic Status and Health: The Potential Role of Environmental Risk Exposure*, 23 Ann. Rev. Pub. Health 303, 307 (2002).

- 56 U.S. Interagency Council on Homelessness, *Opening Doors: Federal Strategic Plan to Prevent and End Homelessness*: Amendment 2012 8-9 (2012).
- 57 See National Law Center on Homelessness and Poverty, *Beds and Buses: How Affordable Housing Can Help Reduce School Transportation Costs* (2011).
- 58 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 minutes for those with other transportation options).
- 59 National American Indian Housing Coalition, *Legislative Alert September 14, 2012*, NAIHC (Sept. 14, 2012), <http://archive.constantcontact.com/fs075/1102839656375/archive/1111003426856.html>.
- 60 National American Indian Housing Council, *Annual Report 2012* 22 (2012), available at [www.naihc.net/uploads/annual-convention/NAIHC\\_2012-Annual-Report-FINAL.pdf](http://www.naihc.net/uploads/annual-convention/NAIHC_2012-Annual-Report-FINAL.pdf).
- 61 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](http://www.huduser.org/portal/native_american_assessment/home.html).