

## In the United States

“ We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence. “Necessitous men are not free men.” People who are hungry and out of a job are the stuff of which dictatorships are made.

In our day these economic truths have become accepted as self-evident. We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all—regardless of station, race, or creed.

Among these are...the right of every family to a decent home.

**Franklin D. Roosevelt, 1944**  
**The Economic Bill of Rights<sup>1</sup>**

### Does the United States recognize the Right to Housing?

Currently, the United States has not ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) and does not recognize the human right to housing as defined in international law. The human right to housing however, does have a history in the United States. It was introduced by President Roosevelt in 1944, even before the Universal Declaration of Human Rights, as part of his ambitious second “Bill of Rights.”

### The Right to Housing in U.S. law

- Federal law – It is not clear whether a right to housing exists under federal constitutional law though it is unlikely such a right would be found if brought before the Supreme Court. Federally administered public assistance programs, such as public housing, offer some housing assistance but offer neither a right to housing nor sufficient support. Public housing waitlists are often years long or even closed and many who are in need do not actually qualify for assistance because of program limitations.
- State law – In contrast to the federal constitution, there are a number of state constitutions that explicitly mention government housing or subsistence requirements. While a positive right to housing has not yet been found, there is potential that it could be found under state constitutional and statutory law.

### The Right to Housing in international law

The United States has signed but not ratified the ICESCR which is a binding document that recognizes the human right to adequate housing as a government obligation. The United States has signed international treaties on racism, civil and political rights, and refugee status, all of which mention the right to housing. While non-binding, the U.S. also signed the Habitat Agenda, a global call to action at all levels, by governments and non-governmental organizations, to improve housing for everyone.

## The seven elements of adequate housing in the United States.<sup>ii</sup>

A formal comment to the ICESCR gave government seven elements of adequate housing to serve as guidelines. Below are just a few examples of how housing needs remain unmet in the United States.

### 1. **Security of Tenure**

Security of tenure can be nonexistent for public housing residents in the U.S. The government agency providing the housing has the authority to place conditions on residents tenure, some of which have led to arbitrary evictions. For example, so-called “one strike” laws encourage public housing providers to evict tenants immediately if criminal activity takes place in their homes. In practice, this policy has resulted in the eviction of innocent tenants for criminal activity over which they had no knowledge or control. These evictions deprive public housing tenants of grievance opportunities and render tenants ineligible for housing assistance following the eviction.

### 2. **Availability of Services, Materials, Facilities, and Infrastructure**

Rural poverty in the United States is a persistent problem. According to 2003 American Housing Survey indicators, 1.5 million or 6.6 percent of nonmetro housing units are either moderately or severely substandard. As a result, approximately 14 percent of impoverished rural households are either moderately or severely inadequate – over twice the national average for impoverished households in general. Even in cities, hospitals, grocery stores, etc. are disparately located in affluent rather than poor neighborhoods, and lack of adequate public transportation infrastructure makes daily living difficult for many poorer residents.

### 3. **Affordability<sup>iii</sup>**

Currently, neither home ownership nor rental housing is affordable to the lowest-wage earners in the U.S. There is no jurisdiction in the country where a full-time worker earning the federal minimum wage (\$7.25/hr) can afford a two-bedroom rental home. Where families have to choose between paying the rent and nutritious food, or necessary medical care, both the rights to housing and health are violated.

### 4. **Habitability**

The right to housing is closely related to the right to health and habitability is a testament to that connection. There is an immense amount of research documenting a great number of health risks borne disproportionately by racial minority and low-income individuals, particularly through unsafe housing conditions.

### 5. **Accessibility**

Discrimination against people with physical and mental disabilities is the second most reported type of housing discrimination in the United States.

### 6. **Location**

Families in all but two of Texas’ border counties have been deemed “medically underserved” by the U.S. Department of Health and Human Services, due to the shortage of health services in the region. Easily preventable diseases such as salmonellosis, dysentery, and cholera are common. Environmental racism results in the locating of toxic facilities close to poor communities.

### 7. **Cultural Adequacy**

Housing on Native American reservations has long been grossly inadequate. “Cluster housing,” the Department of Housing and Urban Development’s attempts at solving the housing crisis on reservations, where single-unit detached houses placed very close together. Cluster housing bears no resemblance to the traditional housing of Native Americans and quickly fostered overcrowding triple the rate of the national average. Today, clusters are often referred to “reservation ghettos” and suffer from high crime rates and drug use. Cluster housing has been cited as a cause of the sharp increase in gang activity on reservations and a process of “multiple marginalization” which has weakened the traditional fiber of Native communities.

---

<sup>i</sup> Franklin D. Roosevelt: “The Economic Bill of Rights.” <http://www.worldpolicy.org/projects/globalrights/econrights/fdr-econbill.html> (last visited 7/29/09).

<sup>ii</sup> National Law Center on Homelessness and Poverty, *Housing Rights for All: Promoting and Defending Housing Rights in the United States 2007*.

<sup>iii</sup> National Low Income Housing Coalition, *Out of Reach 2009*. <http://nlihc.org/oor/oor2009/> (last visited 7/29/09).