

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

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I was welcomed everywhere I visited by government officials, civil society and residents themselves in communities across the nation. My feeling after this trip is that everyone is engaged in trying to effectively address the serious affordable housing crisis that the nation is facing. I encountered a strong network of vibrant communities and non profit organizations, a highly organized civil society and committed government officials working to optimize housing policies and practices.

The US has a longstanding and established history of commitment to decent, safe, and affordable housing, dating back to the National Housing Act of 1934, though certain groups such as minorities and Native Americans have not benefitted on an equal basis. Despite this, millions of people living in the US today are facing serious challenges in accessing affordable and adequate housing. These are issues which have long been faced by the poorest people in the U.S. and today are affecting a greater portion of society.

A new face of homelessness is appearing with increasing numbers of working families and individuals finding themselves on the streets. The subprime mortgage crisis increased an already large gap between the supply and demand of affordable housing. The economic crisis which followed, led to increased unemployment and even greater need for affordable housing. This gap will continue to grow due to predatory equity and the impending foreclosures of multi-family buildings. The Obama Administration has already committed significant resources to housing, addressing mortgage modification programmes, neighborhood enhancement and emergency recovery initiatives through the American Recovery and Reinvestment Act. Additional funds for housing have been requested in the fiscal year 2010 budget.

Federal funding for low income housing has been cut over the past decades leading to decreased stock and quality of subsidized housing. At the same time, a new housing policy based on mixed income developments on public housing sites was promoted, especially in those sites located on prime locations within cities. There are many instances in which housing projects were demolished and land made available to developers, without replacement housing being made available to tenants. Some of this land has remained vacant for years.

The policy goal of creating diverse and inclusive mixed neighborhoods is a positive one. However, an approach to housing redevelopment has overly emphasized housing as real estate rather than as a basic social need. This approach has led to displacement of public housing residents, disruption of families and the social fabric of neighborhoods. Displaced residents often need to move to other subsidized housing in neighborhoods which are as distressed as their original one, or are discriminated against in the new neighborhood. Specific complaints I received during this course of this visit include units being demolished without sufficient mechanisms for tenants to find comparable housing in the interim; the period of redevelopment has been much longer than forecasted leading to more distress and lack of services for remaining residents in the projects; insufficient efforts were made to keep track of tenants in order to offer them housing once redevelopments were complete; and the number of units re-built did not match the number of units demolished.

The social problems which seem to be concentrated in public housing projects are complex and clearly do not occur only in public housing projects. These social problems often overshadow the fact that public housing developments are also communities of families, neighbors and friends with long term social networks. The stigmatization of public housing and government assisted housing residents has led to residents being treated with contempt and disrespect for their basic human dignity. As in the case with

policies for homelessness, criminalization has been the main response to social problems in subsidized housing, instead of a focus on protection for those who are most vulnerable. In designing solutions, tenants, residents, and community members have been excluded from decision making processes regarding their housing and wider communities.

### **Discrimination**

Strong anti-discrimination legislation exists within the U.S. both at the national and local levels. However, discriminatory criteria are utilized for eligibility for subsidized housing, such as drug testing, credit histories, and criminal records. One-strike policies which lead to evictions if any member of the family (even if not a resident) has a criminal charge, even if that charge did not lead to a conviction, are highly discriminatory. Public housing residents are required to contribute mandatory hours of community service; while homeowners who benefit from tax exemptions have no such requirement. Discriminatory lending practices have targeted lower-income groups and minorities

### **Accountability, transparency and participation**

The public is not sufficiently informed of housing opportunities. Residents of redeveloped public housing are not given adequate information and opportunities to meaningfully participate in the planning, decision-making, and implementation of programs and policies that directly affects them.

### **Public responsibility to provide for the needs of the most vulnerable**

Public resources were used to subsidize homeownership for high income purchasers. Public land and subsidized credits has been available for private developers, without adequate compensation and sufficient quantities of affordable housing for the most vulnerable.

### **Native American housing**

Native American housing on the reservations represents some of the poorest conditions in the US. I witnessed overcrowding, lack of sufficient infrastructure and unsanitary conditions.

### **Looking forward**

I am pleased to note that the new Administration is thinking critically and broadly about the housing issues in the US and ways to confront and solve the affordable housing crisis

### **Preliminary recommendations:**

The present affordable housing crisis is an opportunity for policy reform. Such reform should be based on a broad national consultation process in order to hear tenants' voices and concerns and to collect innovative responses. A comprehensive housing survey is also necessary to assess housing needs, taking into account the specificities of different groups and locations.

- Public resources should focus and provide for the needs of the most vulnerable, including homeless people.
- The definition of homelessness needs to be further expanded to include all those who truly lack adequate and affordable housing
- The federal government provides much higher levels of subsidies to high income homeowners via tax exemptions as compared to subsidies for low income housing assistance. Low income housing assistance should receive higher funding.
- The criteria to distribute federal housing assistance should be based on a real survey of housing needs and should be distributed on a per capita basis.
- In some cases the geographic area used to define the Area Median Income (AMI) should be reexamined, so that income threshold criteria actually lead to access to affordable housing.
- Preserve and upgrade the stock of subsidized housing, while maintaining them at affordable levels.
  - Ensure one for one replacement of public housing units within the same area
  - Proper maintenance is required in order to address widespread health issues in rental housing caused by pest infestation and mold

- Legislative mechanisms should be passed in order to encourage the extension of expiring Section 8 units as well as other expiring affordable housing programmes with private landlords
- Legislative mechanisms should be passed to enhance the ability of preservation purchasers (e.g. city, community development organizations, non-profit developers etc.) to preserve, upgrade and increase affordable housing stock.
- New housing should be available for displaced residents before any unit is demolished.
- Following demolition or rehabilitation, residents right to return must be ensured to the area where new developments are located
- Tenant protection legislation should be further strengthened for renters of foreclosed properties
- The legislation which allows for discriminatory criteria for access to subsidized housing and grounds for eviction should be repealed.
- Create mechanisms to improve real, direct participation of affected tenants in planning and decision making processes. Resident Councils should be directly elected by residents and not appointed by housing agencies.
- Public private partnerships of housing developments should include residents at all stages of planning, implementation, and decision-making. Committees to oversee redevelopments should consist of one third residents; one third government; and one third private sector
- The Making Home Affordable Program is addressing foreclosure prevention. Further measures are necessary to address at-risk mortgages in the medium and long term.
- Significantly increased funding is required for Native American housing on the reservations
- Culturally appropriate housing models are required for Native American housing, for example the cultural adequacy of cluster housing has been questioned.
- The US should ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR)