

# OUR VOICES MUST BE HEARD

A Grassroots Report on the U.S. Mission of the UN Special Rapporteur on the Right to Adequate Housing



Oct 25, 2010



Campaign to Restore  
National Housing Rights

**NESRI** NATIONAL ECONOMIC &  
SOCIAL RIGHTS INITIATIVE

## STATEMENT OF INTENT

The purpose of this report is to document the critical role that community-based groups, in particular members of the Campaign to National Restore Housing Rights, played in ensuring that the United Nations Special Rapporteur on the Right to Adequate Housing's first mission to the United States captured the housing struggle a significant number of people in the U.S. have been facing for many years. We hoped to demonstrate the links between this long standing struggle and the crisis facing the newly impacted after the financial and housing crisis that emerged in 2007-2008. This report also celebrates and acknowledges the growing human right to housing movement in the United States, a movement of activists, grassroots organizations and advocates that traverse geographic, racial, and economic boundaries.

## EXECUTIVE SUMMARY

During the fall of 2009, Raquel Rolnik, the UN Special Rapporteur on the Right to Adequate Housing, toured the country to assess the impact of the current U.S. housing crisis and determine the extent of violations of the human right to housing in the United States. From October 22nd to November 8th 2009, the Rapporteur visited six cities, meeting with over 70 community-based organizations. The Rapporteur's visit had the distinction of being the first official visit of its kind focusing on the failure of U.S. housing policy as a human rights concern. A central part of the Rapporteur's mission was to meet with members of impacted communities, hear testimony from those most-affected, and dialogue with government officials at the local, state and federal level about the issues uncovered.

During the Rapporteur's U.S. mission, the visit focused on these major facets of the U.S. housing crisis:

- The rapid rise of foreclosures;
- The increase in homelessness throughout the U.S.;
- The demolition of public housing in many municipalities; and
- The general shortage of accessible and affordable housing, including inadequacies in federal rent subsidy programs.

The different U.S. cities and towns visited by the Rapporteur illustrate that there is more than one face to the U.S. housing crisis. The Rapporteur visited such varied locations and communities as: New York City; Wilkes-Barre, Pennsylvania;<sup>1</sup> Chicago; New Orleans; Pine Ridge, South Dakota; Los Angeles; and Washington, D.C. The National Economic and Social Rights Initiative (NESRI) and members of the Campaign to Restore National Housing Rights, with assistance from the National Law Center on Homelessness and Poverty (NLCHP), coordinated visits to the locations featured in the Rapporteur's mission. The primary objective in assembling these locations was to ensure diversity, in order to communicate the breadth of the housing crisis. Such an approach was designed to help illustrate that seemingly disparate struggles, in different locations, are interconnected via the inequitable nature of failed federal housing policies. Thus, the Rapporteur's schedule included visits to urban communities, as well as rural (Wilkes-Barre, Pennsylvania) and indigenous (Pine Ridge Indian Reservation, South Dakota) communities.

In organizing the mission, we sought to ensure that directly impacted communities fully participated and led each city visit. In each city, members of the Campaign to Restore National Housing Rights, served as city organizational chairs for the mission.<sup>2</sup> The city chairs were as follows:

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<sup>1</sup> Her trip to Wilkes-Barre had to be canceled due to inclement weather.

<sup>2</sup> Community groups allied with the CRNHR organized the Rapporteur's visits to Pine Ridge and Washington, D.C.

- New York City, NY: Picture the Homeless
- Wilkes-Barre, PA: Northeast Pennsylvania Organizing Center
- Chicago, IL: The Coalition to Protect Public Housing and the Chicago Anti-Eviction Campaign
- New Orleans, LA: Mayday New Orleans
- Pine Ridge, SD: The Oglala Tribal Community
- Los Angeles, CA: The Los Angeles Community Action Network
- Washington, D.C.: Friends and Residents of Arthur Cappers and Carrollsburg

At the close of the Rapporteur's mission, meetings were held with federal officials, including representatives from the Department of Housing and Urban Development (HUD) and the State Department. In these meetings, the Rapporteur discussed how the damaging effects that the housing crisis wrought on the different communities with whom she met implicate the failings of U.S. housing policy. Given the historic nature of the visit – the first time the UN came to monitor housing rights violations – the Rapporteur's mission received significant press coverage, from local papers to international press.<sup>3</sup>

Following the U.S. mission, the Rapporteur released her official report chronicling the U.S. housing crisis and presented her findings to the UN Human Rights Council in March of 2010.<sup>4</sup> The findings will be featured in the UN Human Rights Council's periodic review of the United States to take place on November 5th, 2010.

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<sup>3</sup> See *infra* Appendix II for more information concerning media coverage.

<sup>4</sup> The Special Rapporteur on the Right to Adequate Housing, *Report of the Special Rapporteur on adequate housing as a component of the right to adequate standard of living, and on the right to non-discrimination in this context: Addendum: Mission to the United States of America, delivered to the Human Rights Council*, U.N. Doc. A/HRC/13/20/Add 4 (Feb. 12, 2010). [hereinafter *US Mission Report*].

## THE U.S. HOUSING CRISIS

Currently in the United States, housing policies are structured according to a private market model - competition and demand dictate one's ability to secure decent and adequate housing. While this approach benefits some, a pure market-based approach is unable to provide a significant number of people adequate housing.<sup>5</sup> This is particularly true for those who have been shut out of or have difficulty accessing the private market.<sup>6</sup> The institutionalized reliance on the private market in crafting housing policy leaves individuals, families, and communities at the mercy of a system that places profit maximization above the needs of people, and falls short of the human right to housing mandate.<sup>7</sup>

Over the past 30 years, while the federal government has starved public and subsidized housing programs of funding,<sup>8</sup> homelessness has skyrocketed.<sup>9</sup> The recent collapse of the U.S. housing market has illuminated the consequences of this long-term, systematic assault on programs that were designed to assist those who had fallen on hard times. Specifically, as communities that were initial targets of these policies continue to struggle to find affordable housing they are now joined by the millions more who are newly impacted by the foreclosure crisis. On her visit, the Special Rapporteur expressed concern that the market-based system that led to disastrous results and immeasurable human suffering for poor communities across the country has begun to impact middle income families, demonstrating that such a model is not sustainable for any community.

While recent U.S. housing policies have been rooted in unrestrained market ideology, the United States has historically acknowledged that decent housing is so fundamental that it should not be left to market devices alone. In fact, a fundamental belief in providing decent housing for all has been a central component of U.S. housing policy for the better part of a century. President Franklin D. Roosevelt's New Deal, as well as President Lyndon B. Johnson's Great Society, institutionalized America's commitment to ensuring access to adequate housing for all.<sup>10</sup> The creation of the public housing system, and later federally-funded rental subsidy programs, attest to the historic role the U.S. government has played in fulfilling basic housing needs.<sup>11</sup> Yet, this commitment has been largely undermined and even abandoned in recent years.

Beginning in the 1980s, the U.S. government abruptly departed from longstanding policies that regarded housing as a fundamental need.<sup>12</sup> Between 1980 and 1988, President Ronald Reagan, decreased the funding for housing programs designed to assist those unable to access housing through the market,

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5 Amanda Huron, et al., Written testimony to the House Committee on Financial Services regarding full committee hearing on "The Administration's Proposal to Preserve and Transform Public and Assisted Housing: The Transforming Rental Assistance Initiative" 2 (May 25, 2010) (on file with author) ("In 1970 there were 130 affordable units for every 100 low-income household whereas today there only are 38 units. For low-income tenants, 1978 marks the tipping point to greater need than to supply while very low-income households reached that point in 1970 and by 1978 the shortfall ballooned to 1.8 million units.").

6 TIFFANY GARDNER, SELLING OFF PUBLIC HOUSING: A HUMAN RIGHTS ANALYSIS OF HUD'S NEW FUNDING PLAN, Issue Brief (March 2010), available at [http://www.nesri.org/fact\\_sheets\\_pubs/Privatizing%20Public%20Housing.pdf](http://www.nesri.org/fact_sheets_pubs/Privatizing%20Public%20Housing.pdf).

7 Comm. on Human Rights Res. 2004/21, ¶ 3, U.N. Doc. E/CN.4/RES/2004/21 (Apr. 16, 2004).

8 WESTERN REGIONAL ADVOCACY PROJECT, WITHOUT HOUSING: DECADES OF FEDERAL HOUSING CUTBACKS, MASSIVE HOMELESSNESS, AND POLICY FAILURES i (2006), available at [http://www.wraphome.org/downloads/without\\_housing.pdf](http://www.wraphome.org/downloads/without_housing.pdf) [hereinafter WITHOUT HOUSING].

9 *Id.* at 6. While many factors contribute to homelessness, "the historical policy decision in the last quarter century to de-fund the federal production and subsidization of affordable housing is the primary cause of homelessness in the United States today."

10 GARDNER, *supra* note 6.

11 WESTERN REGIONAL ADVOCACY PROJECT, WITHOUT HOUSING: DECADES OF FEDERAL HOUSING CUTBACKS, MASSIVE HOMELESSNESS, AND POLICY FAILURES: 2010 UPDATE 2-3 (2006), available at [http://www.wraphome.org/downloads/without\\_housing.pdf](http://www.wraphome.org/downloads/without_housing.pdf) [hereinafter 2010 UPDATE].

12 GARDNER, *supra* note 6.

slashing HUD's budget by 76 percent.<sup>13</sup> As these funding cuts denied public housing communities the resources and capital needed for maintenance and repairs, structural deterioration occurred.<sup>14</sup> These cuts also drastically reduced the number of Section 8 vouchers available to those in need of affordable housing,<sup>15</sup> marking the beginning of lengthy waiting lists for both public housing and Section 8 programs.<sup>16</sup> This resulted in the nation's worst and longest homeless crisis.

The budget cuts and policy decisions that led to this large-scale disinvestment in public housing and underfunding of rent subsidy programs are inextricably linked to today's shortage of adequate and affordable housing across the United States. Official housing policy utterly fails to protect the right to housing for millions of families, particularly those with the lowest incomes. Instead, these families are left with few options in a housing system that requires a demonstration of demand via financial capacity, and not actual need.<sup>17</sup> With the defunding of federal housing programs, those impacted by the foreclosure crisis also find that they have limited options with respect to affordable housing, which has contributed to the recent surge in homelessness.<sup>18</sup>

## A National Housing Crisis<sup>19</sup>

### Predatory Lending and the Foreclosure Crisis

As foreclosure rates continue to rise, more people are in danger of becoming homeless. Roughly 3.4 million families experienced foreclosure in 2009.<sup>20</sup> Recent revelations, captured in newspapers across the nation, have exposed the prevalence of unlawful foreclosure practices and troubling conflicts of interests that has perversely encouraged banks to pursue mass foreclosures without proper paperwork.<sup>21</sup>

### Demolitions of Public Housing

Communities across the nation have lost over 180,000 public housing units to demolition, privatization, and conversion since Congress authorized the misnamed Housing Opportunities for People Everywhere (HOPE VI) program in 1992,<sup>22</sup> while gaining 0 new units since the institution of a moratorium on the construction of new public housing units in 1996.<sup>23</sup> Meanwhile, HUD has introduced a legislative

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13 WITHOUT HOUSING, *supra* note 8, at 26 (noting the patent inequalities in housing assistance as tax benefits for homeownership began to dwarf HUD's entire budget).

14 RIGHT TO THE CITY ALLIANCE, WE CALL THESE PROJECTS HOME: SOLVING THE HOUSING CRISIS FROM THE GROUND UP 27 (May 2010), available at <http://www.righttothecity.org/we-call-these-projects-home.html>

15 WITHOUT HOUSING, *supra* note 8, at 11. The Section 8 Housing Choice Voucher Program (HCVP) currently consists of Tenant-Based Vouchers and Project-Based Vouchers, which are based on a direct government subsidy of a family's rent. GARDNER, *supra* note 2.

16 THE U.S CONFERENCE OF MAYORS, HUNGER AND HOMELESSNESS SURVEY: A STATUS REPORT ON HUNGER AND HOMELESSNESS IN AMERICA'S CITIES 101 (Dec. 2004) available at <http://usmayors.org/hungersurvey/2004/online-report/HungerAndHomelessnessReport2004.pdf> (stating that the average wait for Section 8 vouchers was 35 months).

17 *Id.*

18 2010 UPDATE, *supra* note 11, at 33.

19 Tiffany Gardner, *Human Right to Housing Info Sheet no. 1*, July 2008.

20 WITHOUT HOUSING, *supra* note 8, at 33.

21 Gretchen Morgenson and Andrew Martin, *Battle Lines Forming in Clash Over Foreclosures*, NY TIMES, Oct. 20, 2010, <http://www.nytimes.com/2010/10/21/business/21standoff.html?scp=2&sq=foreclosure&st=cse>; Barry Meier, *Foreclosures Profit Some Equity Firms*, NY TIMES, Oct. 20, 2010, [http://www.nytimes.com/2010/10/21/business/21equity.html?\\_r=1&scp=4&sq=foreclosure&st=cse](http://www.nytimes.com/2010/10/21/business/21equity.html?_r=1&scp=4&sq=foreclosure&st=cse).

22 2010 UPDATE, *supra* note 11, at 4. ("Urban Revitalization Demonstration became HOPE VI in 1999, leading to the loss of large amounts of guaranteed affordable housing.")

24 *Id.*

proposal, the Preservation, Enhancement and Transformation of Rental Assistance,<sup>24</sup> which threatens to further the process of public housing privatization and displacement of residents, while providing no guarantee that these deeply affordable units will remain permanent assets to our communities.<sup>25</sup>

### Homelessness

An estimated 3.5 million Americans, including 1.35 million children, are affected by homelessness each year.<sup>26</sup> One of the fastest growing segments of the homeless population is families with children. In 2007, families constituted 23 percent of the homeless population.<sup>27</sup> In addition, households with “worst case needs,” i.e. very low-income unassisted renters who either pay half or more of the income from housing or who are living in severely substandard housing, rose to 6 million in 2005.<sup>28</sup>

### Insufficient Investments in Affordable Housing

While there is a severe shortage of housing for extremely low-income renters (under 30 percent of Area Median Income (AMI)), *there is no shortage of housing nationwide for housing affordable to incomes at or above 60 percent of AMI. Nationwide, there is a surplus of housing at or above 60 percent of AMI.*<sup>29</sup> Since the 1980s, most federal development and preservation activities have been supported through the federal Low Income Housing Tax Credit Program (LIHTC). Rents in LIHTC properties, however, are not based on the income of individual tenants, but rather are set at or just below 60 percent AMI. Consequently, the vast majority of units created by the LIHTC program are still not truly affordable for the lowest income families.<sup>30</sup>

Additionally, in contradiction to the longstanding government commitment to providing decent housing for all, federal policies subsidize wealthy households at rates that dwarf the housing assistance provided to low-and middle-income households.<sup>31</sup> In 2006, total funding for affordable housing and community development programs was only \$3.3 billion, while wealthy homeowners and investors received \$157 billion in housing subsidies from the federal government in the form of tax breaks.<sup>32</sup> Moreover, the highest-income taxpayers with the largest houses get a disproportionate share of these federal tax expenditures.<sup>33</sup> It is in this context that national housing rights organizations, grassroots groups, and individuals petitioned the UN for intervention.<sup>34</sup>

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24 Preservation, Enhancement, and Transformation of Rental Assistance Act of 2010, H.R. \_\_\_\_\_, 111th Cong. (2d Sess. 2010) [hereinafter PETRA].

25 GARDNER, *supra* note 6.

26 National Coalition for the Homeless, NCH Fact Sheet #12: Homeless Families with Children, <http://www.nationalhomeless.org/factsheets/families.html> (last accessed Sep. 28, 2009).

27 *Id.*

28 RIGHT TO THE CITY ALLIANCE, *supra* note 14, at 19.

29 HABITAT FOR HUMANITY NEW YORK CITY, NATIONAL HOUSING STATISTICS, available at [www.habitatnyc.org/pdf/Toolkit/NationalHousingStatistics.pdf](http://www.habitatnyc.org/pdf/Toolkit/NationalHousingStatistics.pdf).

30 2010 UPDATE, *supra* note 11, at 24.

31 CENTER ON BUDGET AND POLICY PRIORITIES, THE EFFECTS OF THE FEDERAL BUDGET SQUEEZE ON LOW-INCOME HOUSING ASSISTANCE 9 (Feb. 1, 2007), available at <http://www.cbpp.org/files/2-1-07hous2.pdf>. Tax breaks for homeowners disproportionately benefit the wealthy, with over half of all housing-related assistance provided by the federal government going to families with an annual household income of over \$100,000. *Id.* Over the past 30 years, the federal government has tripled its investment in homeownership through tax breaks. WITHOUT HOUSING, *supra* note 10, at 26.

32 TIFFANY GARDNER, NESRI, HUMAN RIGHTS PRINCIPLES TO ENSURING THAT FEDERAL HOUSING POLICY FULFILLS OUR SOCIAL GOOD OF PROVIDING ADEQUATE HOUSING FOR EVERYONE (Draft 2009) (on file with author).

33 Peter Dreier, *Federal Housing Subsidies: Who Benefits and Why?*, in A RIGHT TO HOUSING: FOUNDATION FOR A NEW SOCIAL AGENDA 107 (Rachel G. Bratt, et al., ed. 2006).

34 The 2004 visit of former UN Special Rapporteur on the Right to Adequate Housing Miloon Kothari to Chicago’s Cabrini Green public housing development, followed by the 2008 informal visit of Special Rapportuer Rolnik to San Francisco and New

## THE UN INTERVENES

During the Rapporteur's U.S. mission, site visits were conducted in six cities across the country. In each city, the Rapporteur met with residents directly impacted by housing rights violations, and attended town hall meetings that provided a forum for additional dialogue. The site visits in each location allowed the Rapporteur to witness firsthand the disastrous outcomes of the U.S. government's free market emphasis to housing policy.

### FEDERAL HOUSING PROGRAMS: DISINVESTMENT, DEMOLITION AND PRIVATIZATION

Communities living in public housing around the country have been forced to contend with federal policies of chronic underfunding and the increased presence of profit-driven motives in affordable housing programs. Underfunding has resulted in dilapidation of public housing developments and opened the door to policies that promote the demolition of these same developments, which, in turn, displaces residents.<sup>35</sup> The trend of disinvestment in and displacement from public housing is easily observable in Chicago, where municipal housing policies have aggressively targeted communities living in public housing for displacement. Chicago's "Plan for Transformation," initiated in 1999, sought to eliminate all public housing complexes in the city and replace them with mixed-income developments. Through the conversion process, the city of Chicago failed to replace the majority of the public housing units that were destroyed. As a result, displaced residents were transferred to the private market, replacing hard units of public housing with Section 8 vouchers.<sup>36</sup> Between 1991 and 2001, 51 high-rise apartment buildings were demolished and fewer than 20 percent of residents have been able to return to their former neighborhoods, leaving communities in tatters.<sup>37</sup>

While the city has committed to a 10-year plan to End Homelessness, Chicago's Plan for Transformation has destroyed public housing at a faster rate than it has created alternative housing, resulting in a devastating loss of units.<sup>38</sup> The over 16,000 displaced families that were living in public housing have been provided with less than half the units required to house them.<sup>39</sup> Much of the replacement housing comes with new requirements set by private developers, which disqualify many residents. This policy has led to an increase in homelessness and displacement.<sup>40</sup> Both the Chicago government's Plan for Transformation and Ten Year Plan to End Homelessness have been shown to be categorical failures in providing those in need with adequate housing.<sup>41</sup>

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York City and the 2009 fact-finding mission to New Orleans conducted by the UN Advisory Group on Forced Evictions all brought international attention to the issues of forced evictions and demolition of public housing in the United States.

35 RIGHT TO THE CITY ALLIANCE, *supra* note 14, at 52, 54.

36 NATIONAL LOW INCOME HOUSING COALITION, ET AL., FROM HOUSING TO HOMELESSNESS: THE TRUTH BEHIND CHA'S PLAN FOR TRANSFORMATION, available at [www.limits.com/cpph/Public%20Housing%20Flier.pdf](http://www.limits.com/cpph/Public%20Housing%20Flier.pdf) [hereinafter HOUSING TO HOMELESSNESS].

37 *Id.*

38 *Id.*

39 *Id.*

40 Brian J. Rogal, *Uncertain Prospects*, THE CHICAGO REPORTER, Sep. 26, 2007, [http://www.chicagoreporter.com/index.php/c/Inside\\_Stories/d/Uncertain\\_Prospects](http://www.chicagoreporter.com/index.php/c/Inside_Stories/d/Uncertain_Prospects).

41 HOUSING TO HOMELESSNESS, *supra* note 36.



**Chicago:** As organizational chair of the Chicago site visit, the Chicago Coalition to Protect Public Housing organized a broad array of local housing rights organizations and groups to coordinate the site visit. During the Rapporteur's visit to Chicago, approximately 100 people attended the town hall meeting. Residents came from a wide range of economic, racial and ethnic backgrounds and spoke to their individual difficulty in finding and maintaining affordable housing. A representative from the Chicago Housing Authority (CHA) was also present.

In order to witness the fallout from these policies, the Rapporteur visited two public housing developments: Cabrini Green and Altgeld Gardens. Local community groups led the visits and shared their expertise on local housing issues with the Rapporteur.<sup>42</sup> At Cabrini Green, the Rapporteur heard concerns from community members about inadequate living conditions on site, institutional barriers to return for those who have been displaced following demolition, and punitive eviction policies that target many of those who remain.<sup>43</sup> While those in support of Section 8 voucher programs often claim that vouchers provide tenants access to better living conditions, residents are often met with similar, as well as new, challenges on the private market.<sup>44</sup>

While the city of Chicago's damaging policies have had real impacts on communities and the available housing stock, the exact number of public housing residents who have been forced to leave the state of Illinois as a result of demolitions is unknown. However, this displacement has clearly disrupted communities, families, and the collective political force of public housing residents.<sup>45</sup> The side effects of the aggressive demolition policies that damaged Chicago's public housing stock have been compounded by the inadequacies of Chicago's Section 8 voucher program. In 1997, shortly after a private firm took over managing the city's Section 8 program, the firm received 104,162 applications in a two-week period.<sup>46</sup> While 35,000 were randomly selected for the list, only about 2,000 Section 8 vouchers become available each year through turnover.<sup>47</sup> The inadequacies of the Section 8 program have continued to be severe. For instance in 2008, the city held a housing voucher lottery that added 40,000 people to the Section 8 waiting list, many of which only won a chance to wait indefinitely for housing<sup>48</sup>

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42 Organized by the Chicago Coalition to Protect Public Housing, the organizational chair of the Chicago site visit, the Chicago Independent Human Rights Council, and People for Community Recovery.

43 In January of 2010, Lenise Forrest and her family were evicted from their home in Cabrini Green. After being laid off from her job in 2009, Forrest, a grandmother and 19 year Cabrini resident, arranged a rental payment plan with the building management, only to be removed from the plan when a new management company took over. After receiving a demand for the back rent, Forrest's payment was rejected because it missed the short deadline by days. Despite the efforts of housing activists, her eviction was carried out immediately after the legally mandated Christmastime eviction moratorium. Megan Cottrell, *Lenise Forrest evicted from Cabrini Green*, TRUE/SLANT, Jan. 5, 2010, <http://trueslant.com/megancottrell/2010/01/05/lenise-forrest-evicted-from-cabrini-rowhouses/>.

44 GARDNER, *supra* note 6.

45 *US Mission Report*, *supra* note 4; Jess Kelly Lowenstein and Alden K. Loury, *Lost Voters, Lost Voices*, THE CHICAGO REPORTER, Dec. 19, 2007, [http://www.chicagoreporter.com/index.php/c/Web\\_Extras/d/Lost\\_Voters\\_Lost\\_Voices](http://www.chicagoreporter.com/index.php/c/Web_Extras/d/Lost_Voters_Lost_Voices).

46 Brian J. Rogal, *Families Still Waiting on CHA, Section 8 Lists*, THE CHICAGO REPORTER, Sep. 28, 2007, [http://www.chicagoreporter.com/index.php/c/Inside\\_Stories/d/Families\\_Still\\_Waiting\\_on\\_CHA\\_Section\\_8\\_Lists](http://www.chicagoreporter.com/index.php/c/Inside_Stories/d/Families_Still_Waiting_on_CHA_Section_8_Lists).

47 *Id.*

48 *Applicants for CHA housing waitlist top 125,000*, CHICAGO BREAKING NEWS CENTER, Jun. 16, 2010, <http://www.chicagobreakingnews.com/2010/06/applicants-for-cha-housing-waitlist-top-125000.html>.



The Chicago Department of Housing's five-year affordable housing plan, released in 1998, recognized the widening gap between demand and supply of affordable housing for low-income renters.<sup>49</sup> Yet, between 1999 and 2003, of the 1,467 affordable units created under the plan, only 21 were for families earning less than 30 percent of median income.<sup>50</sup>

The housing crisis in New Orleans echoes the policy failures in Chicago, where privatization of rental subsidy programs and the destruction of public housing developments have led to homelessness. After Hurricane Katrina hit the Gulf Coast in 2005, the city of New Orleans elected to demolish the four largest public housing developments in New Orleans,<sup>51</sup> eliminating 3,832 units of permanent affordable housing.<sup>52</sup> Since Katrina, the city has also seen a 46 percent increase in the average price of rental apartments on the private market.<sup>53</sup> This has presented challenges for all renters in New Orleans and added to the difficulties faced by Section 8 voucher holders, who must now compete for the limited supply of available affordable housing. The changes in the rental market, combined with the demolition of public housing, have helped to double New Orleans' homeless population since the storm.<sup>54</sup> Currently, it is estimated that 12,000 people are homeless in New Orleans.<sup>55</sup>



*New Orleans: As organizational chair of the New Orleans site visit, Mayday New Orleans partnered with several groups from around the Gulf Coast region. The town hall meeting, which was attended by close to 75 residents, discussed the ways in which Hurricane Katrina has been used by federal, state and local government to advance a policy that is geared towards private development and market-based solutions at the expense of housing needs.*

Mayday New Orleans, organizational chair of the New Orleans site visit, led a tour of some of the demolished public housing developments. Beginning with the St. Bernard development, community members explained the difficulties displaced residents face in gaining access to newly constructed, mixed-income developments. Former residents face significant hurdles to returning to their communities, since developers of mixed-income developments have used restrictive screening processes that disadvantage poor communities with the most vulnerable housing needs. These practices have included: reviewing tenant records, looking for past-due utility bills, performing credit checks, and screening for past arrests (not convictions) for minor criminal offenses.<sup>56</sup> These rules all appear to make it increasingly difficult for former public housing residents to return home and access their communities after the storm.

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49 *Id.*

50 *Id.*

51 *US Mission Report*, *supra* note 4, at 13; Ethan Brown, *New Orleans' epic housing crisis*, *GUARDIAN.CO.UK*, Mar. 20, 2008, <http://www.guardian.co.uk/world/2008/mar/20/hurricanekatrina.usa>.

52 Tiffany Gardner, NESRI, *No Shelter From the Storm*, Issue Brief (Apr. 2008), available at [http://www.nesri.org/fact\\_sheets\\_pubs/Housing\\_Issue\\_Brief\\_No2.pdf](http://www.nesri.org/fact_sheets_pubs/Housing_Issue_Brief_No2.pdf).

53 Rick Jervis, *Hurricanes' displaced 'fighting to find a place to live,'* *USA TODAY*, Aug. 26, 2008, [http://www.usatoday.com/news/nation/2008-08-25-katrina-inside\\_N.htm](http://www.usatoday.com/news/nation/2008-08-25-katrina-inside_N.htm); Ethan Brown, *supra* note 49.

54 Ethan Brown, *supra* note 51.

55 *Id.*

56 TIFFANY GARDNER, NESRI, *CONSTANT THREAT* (Draft 2010) (on file with author); *see also* 2010 UPDATE, *supra* note 11, at 20-22 (addressing HUD's draconian policies that deem certain households "unworthy" of obtaining rental assistance).

The Special Rapporteur ended her public housing tour at Iberville housing development, the last full-scale public housing development in New Orleans. She spoke with residents about the failure of the Housing Authority of New Orleans (HANO) to make repairs. Residents stated their concerns that this last vestige of public housing in the city may be facing the threat of demolition. Community members also spoke about their concerns with the high-rate of eviction for reasons other than lack of payment, and the sealing off of vacant units after a resident has been evicted. Since the visit, HANO has indeed moved hastily to secure Neighborhood Choice funds from HUD to finally “convert” Iberville into a mixed-income development.<sup>57</sup> Along with HANO’s aggressive demolition policies, a number of HUD multi-family complexes have remained closed since the storm, contributing to the general shortage of affordable housing. The Special Rapporteur visited these multi-family complexes with staff members of Southeast Louisiana Legal Services, who informed the Rapporteur of the bureaucratic barriers that have prevented these units from being repaired and opened to those in need of affordable housing.

Not surprisingly, the Special Rapporteur witnessed the effects of similar failed public housing policies in Los Angeles, most strikingly the mixed-income developments created through the HOPE VI program in Boyle Heights community. She visited Pico Aliso (now Pico Gardens) and saw the relatively upscale development that had replaced a majority of the former public housing community, as well as a section of the development that had neither been demolished nor upgraded –located behind gates on the opposite side of a main thoroughfare. 237 units were lost and, with many families unable to “qualify” to return, local community groups estimate the number of families displaced is likely as high as 477 of the original 577 units. The Special Rapporteur was led on this walking tour by public housing residents that are members of Union de Vecinos, a grassroots organization that worked diligently for years to prevent the demolition that resulted in mass displacement of their community.



Los Angeles



New York City

The Special Rapporteur was also able to see firsthand how the policies of disinvestment have led the New York City Housing Authority (NYCHA) and HUD to abandon their commitment to adequate housing during her site visit in Harlem led by the Coalition to Save Harlem and Concerned Citizens of Greater Harlem. In New York, disinvestment has resulted in major safety and quality of life violations, including exposed elevator shafts<sup>58</sup> and the closure of community centers.<sup>59</sup> NYCHA currently faces a \$200 million deficit, and has already laid off some of its maintenance workers and is proposing to layoff another 190

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<sup>57</sup> See *Election for Iberville Redevelopment Team Held*, WDSU.com, Oct. 11, 2010, <http://www.wdsu.com/video/25359621/detail.html>.

<sup>58</sup> Christine Hauser, *Brooklyn Boy, 5, Falls 10 Stories to His Death after Public Housing Elevator Stalls*, NY TIMES, Aug. 19, 2008, <http://www.nytimes.com/2008/08/20/nyregion/20fall.html>.

<sup>59</sup> Manny Fernandez, *Public Housing Residents Face Loss of Their Community Centers*, NY TIMES, Jun. 17, 2008, <http://www.nytimes.com/2008/06/17/nyregion/17center.html?pagewanted=all>.

union workers. When these layoffs occur they do not only mean job losses, but also further failures to oversee maintenance needs and continuing deterioration. Not addressing these physical repairs, threatens the physical well-being, reputation, and livability of NYCHA communities.<sup>60</sup>



*Washington, D.C.: At the town hall meetings, over 100 residents attended, and spoke on a range of issues. These included the demolition of public housing, how lack of housing negatively affects resident health, and the cycle of between unstable low-income housing and homelessness. Participants also discussed the lack of adequate and appropriate shelter space in DC and the political environment that allows homelessness to persist in our nation's capital.*

In Washington, D.C., the Special Rapporteur visited both the old stock of public housing, and newly constructed mixed-income housing in the former Arthur Capers public housing development. She heard first-hand from members of Friends and Families of Arthur Capers and Carrollsburg about the challenges residents faced in finding alternative accommodations when the development was first demolished, and then near impossible hurdles they must conquer in order to return to the new, mixed-income developments. At a meeting with approximately 100 residents, in upper Northwest D.C., she also heard testimony on D.C.'s lack of enforcement of housing code laws and how residents organized to promote a new law which would allow them to sue in housing court to get proper maintenance in their apartments. While in D.C., the Special Rapporteur also met with housing discrimination experts, who informed her about the city's persistent housing segregation and the accompanying poverty and poor neighborhood conditions.

### **ENVIRONMENTAL DEVASTATION: A CRISIS IN PUBLIC HEALTH**

The Special Rapporteur moved from the urban settings to visit the Pine Ridge Indian Reservation in South Dakota, where she learned about barriers the Pine Ridge community faces in ensuring their right to adequate housing. Home to the Oglala Lakota Sioux, Pine Ridge is the most impoverished city in the United States with an unemployment rate of 85 percent.<sup>61</sup> The reservation is home to about 35,000 people, with 63 percent living under the federal poverty level.<sup>62</sup> Of the many housing challenges faced by members of the Pine Ridge community, the two most prominent factors, severe overcrowding and inadequate maintenance of existing homes, are coupled with the lack of economic opportunity in or near the reservation.

Scarcity of economic development around Pine Ridge leaves employment opportunities beyond the reach of the reservation's residents. Employment from local agricultural projects is extremely limited, due to the region's severe climate and infertile land. The nearest metropolis with employment opportunities, Rapid City, South Dakota, is 120 miles from the reservation. Since very few community members have access to an automobile, it is virtually impossible for many to gain access to these opportunities. The economic isolation of the Pine Ridge community has only heightened the impact felt by the community of the federal government's failure to adequately support its deeply affordable housing programs.

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60 Charles V. Bagli, *Subsidized Housing Plagued by Neglect and Corruption, Report Says*, NY TIMES, Sep. 20, 2007, <http://www.nytimes.com/2007/09/20/nyregion/20housing.html>.

61 Stephanie M. Schwartz, *The Arrogance of Ignorance: Hidden Away, Out of Sight and Out of Mind*, Oct. 15, 2006, [http://silvrdrach.homestead.com/Schwartz\\_2006\\_Oct\\_15.html](http://silvrdrach.homestead.com/Schwartz_2006_Oct_15.html).

62 Pine Ridge, SD Poverty Rate Data, city-data.com, <http://www.city-data.com/poverty/poverty-Pine-Ridge-South-Dakota.html>.



***Pine Ridge Reservation, South Dakota:** The Special Rapporteur attended a town hall meeting with approximately 100 members of the Pine Ridge community. The major issue identified in the individual testimonies at the town hall meeting was the unique legal relationship between Native American people and the United States government. In the context of this relationship, housing is not a welfare program; it is a treaty-based obligation. For residents of Pine Ridge housing is not only a human right but also a treaty right. The Special Rapporteur was welcomed to Pine Ridge in a ceremony that included testimony from community members. The vast majority of housing on the reservation is public housing – built and maintained by HUD. Of the many housing challenges faced by members of the Pine Ridge community, the two most prominent were: severe overcrowding and inadequate maintenance of existing homes.*

Overcrowding in Pine Ridge is at critical levels, with many families frequently living in a single one- or two-bedroom home. It is estimated that as many as 17 to 20 individuals at a time may share a single home.<sup>63</sup> While overcrowding is a clear violation of the human right to adequate housing, overcrowding can lead to the denial of other human rights. For example, children face limited access to education when they are unable to complete schoolwork and study at home. Overcrowding can also have negative impacts on the health of residents.<sup>64</sup>

The health effects of mold infestations in Pine Ridge homes are well-documented.<sup>65</sup> HUD has responded to the health concerns raised by mold infestations with inadequate funding and temporary solutions. In fact, HUD gave residents household cleaners, such as Clorox and Pine Sol, to combat mold infestations that are known to be potentially deadly. These unacceptable responses are an affront, since the moisture causing the mold remains in the walls and is the result of underlying structural problems. HUD's ineffective shortcuts in dealing with Pine Ridge residents' mold infestations and lack of access to needed resources is emblematic of the agency's policies of disinvestment and neglect.

Additionally, unmet repair and maintenance needs further contribute to the community's housing struggles. During site visits, residents described the impact of insufficient maintenance to include dangerous mold infestations, high heat and electric bills, and general disrepair. Residents also explained to the Special Rapporteur that HUD contractors regularly use substandard materials, resulting in continual structural problems and poor living conditions.

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63 Stephanie M. Schwartz, *supra* note 61.

64 Interview with Bill Means, President, International Indian Treaty Council (Sep. 2009).

65 Curtis Munoz, *National Tribal Science Council, Mold-Indoor Community Health Risk*, EPA Tribal Science Forum Powerpoint, available at [www.epa.gov/osp/tribes/NatForum10/ntsfl0\\_3t\\_Munoz.pdf](http://www.epa.gov/osp/tribes/NatForum10/ntsfl0_3t_Munoz.pdf).



Pine Ridge



Chicago

The scarcity of opportunity and environmental inequalities that residents of the Pine Ridge Reservation face mirrors the environmental inequalities faced by residents of Chicago's public housing development. The Special Rapporteur met with Cheryl Johnson, of Chicago's Altgeld Gardens development. Ms. Johnson, who is also a member of the community-led organization People for Community Recovery, provided the Rapporteur with information concerning the environmental hazards facing her community. The location of Altgeld Gardens leaves it with little access to grocery stores and other services, so much so that the area is referred to as a "food desert." Additionally, the land on which Altgeld Gardens is located is contaminated.<sup>66</sup> Community members from the Altgeld Gardens environmental justice movement spoke directly to concerns around contamination and resultant health problems.

Hazel Johnson, an activist and community member from Altgeld Gardens, stated that the area is also known as a "toxic doughnut." Such a distinction exists because Altgeld Gardens is surrounded by dozens of documented landfills and more than 250 leaking underground storage tanks.<sup>67</sup> Despite the efforts of residents and allies to address these dangers, the land, water, and air in and around the development remain highly contaminated. The contamination has resulted in unusually high rates of cancer for residents, as well as other serious health conditions.<sup>68</sup> Indeed, residents memorialized their dead on a wall with a tragic list of cancer victims from the community. While it is argued that moving residents from public housing developments to subsidy programs on the profit-driven market will alleviate such environmental concerns, often this is not the case. The Special Rapporteur met with Section 8 voucher holders, living in Chicago's Drexel Apartments, including members of the National Alliance of HUD Tenants (NAHT), who spoke of the need for major repairs to their subsidized units. The Section 8 residents showed that the deterioration of their units continuously violated their right to adequate living conditions.

The failure of the market to offer acceptable living conditions for low-income residents is made particularly clear by observing the stark housing inequalities in New York City and the compounding impact of predatory equity.<sup>69</sup> During the Special Rapporteur's New York visit, one of the most severe

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66 Jason Grotto, Laurie Cohen, and Sara Oikon, *Public Housing's Island*, CHICAGO TRIBUNE, Oct. 10, 2008,

<http://www.chicagotribune.com/news/local/chi-altgeldoct10.0.1345283.story>.

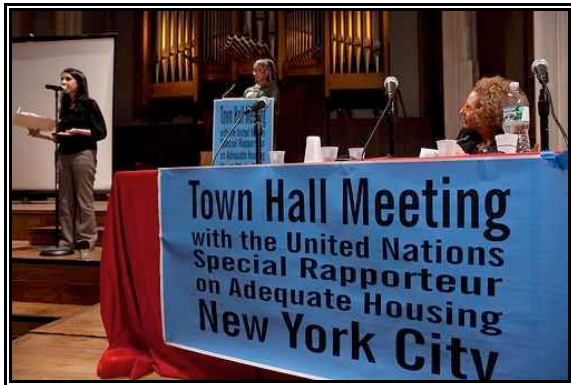
67 Dawn Turner Trice, *Far South Side environmental activist Hazel Johnson and daughter 'decided to stay here and fight,'*

CHICAGO TRIBUNE, Mar. 1, 2010, <http://www.chicagotribune.com/news/columnists/ct-met-trice-altgeld-0229-20100228,0,4675979.column>

68 *Id.*

69 Predatory equity is a process of investing an amount of equity into a rental apartment building that is disproportionate to the value of the property, so that the property is purchased at an inflated price. Predatory equity investors see the opportunity for profits in the replacement of working class residents with wealthy tenants and businesses. However, this over-leveraging usually

crises identified was the threat to adequate housing posed by predatory investment, a form of speculative investment by private equity firms in affordable housing, which artificially inflates the fair market value of property.<sup>70</sup> Through a process, called “flipping,” which had been consistently profitable for investors in New York City, low-income families are being steadily displaced from their communities, as well as the city and ultimately forced to live in unhealthy and environmentally toxic units. To make matters worse, when the housing market collapsed, the over-leveraged buildings were no longer providing viable returns and speculators pulled financial resources out of the housing market. This has led to a wide-scale disinvestment and many renter-occupied buildings falling into foreclosure. During the site visits led by Tenants and Neighbors and Urban Homesteading Assistance Board (UHAB), the Rapporteur heard the struggles some of these renters faced in Harlem and the Bronx, communities where “flipping” has been particularly prevalent.



*New York City: The Special Rapporteur’s U.S. mission started in New York City, where her visit focused on two issues: the danger that predatory equity poses to tenants of private developments, and disinvestment from government-run public housing and rental subsidy programs. Ms. Rolnik conducted site visits in Brooklyn, the Bronx, and Manhattan, attending resident led tours to assess the condition of New York’s affordable housing stock. As the organizational chair, Picture the Homeless brought together grassroots and community-based groups from across the city. Close to 300 people attended a town hall meeting, organized by the Poverty Initiative, at the James Chapel in Union Theological Seminary in Harlem. While most were from the Harlem community, some came from as far as away as Laurelton, Queens and Jersey City, New Jersey to testify about their struggle to find and maintain decent housing.*

While visiting housing units in the Bronx, the Special Rapporteur toured buildings with UHAB and viewed properties at near-market rate rents that contained major code violations. These violations included failures to address the existence of lead paint, exposed electrical wiring, structural damage to walls and floors, rodent infestation, and a lack of window guards in apartments with small children. Residents also led the Rapporteur on a physical tour of one of the worst buildings that has been targeted by predatory equity. Many of these buildings, whose residents suffer hazardous physical conditions, are also at risk of displacement through foreclosure of the building. Housing rights advocates from Tenants and Neighbors explained how private landlords also allow apartments to fall into disrepair as a tactic to get low-income renters to leave in order to fix the apartments and then raise rents to higher levels.

Environmental health inequalities and unhealthy housing conditions were observed throughout Los Angeles as well. The Special Rapporteur visited several sites in South Los Angeles, a mostly low-income community with limited access to full service grocery stores and a long history of environmental injustice as a result of the city’s development decisions. The Rapporteur spoke with a single mother, living with her children in a transitional housing program, who was charged rent nearly equivalent to her entire

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results in underperforming mortgages and as a result, predatory equity schemes are rarely successful. Large developers have taken over properties that are in financial distress and over-mortgaged them, frequently resulting in foreclosure. In many cases, the building’s tenants who may not know that the building is at risk of foreclosure, continue to make rent payments that are used by the investor to try to salvage the investment but not to maintain the building in safe or livable conditions.

<sup>70</sup> VICKI BEEN ET AL., FORECLOSED PROPERTIES IN NYC: A LOOK AT THE LAST 15 YEARS at 9 (Furman Center for Real Estate and Urban Policy Jan. 2010).

income to sleep in a large room with dozens of other people, and share insufficient kitchen and bathroom facilities. The Special Rapporteur also visited with tenants living on the south side of downtown Los Angeles, near the Staples Center and related developments, who remained in slum conditions after the city's complaint and inspection process failed them. One tenant showed his unit, a cramped two-room unit for his family of four with limited light and electricity, as well as a jar of bed bugs and other insects that had infested their home.

### **SHELTER DENIED: FAILED POLICIES AND THE HOMELESS CRISIS**

Across all cities visited by the Rapporteur, the impact of government-sanctioned displacement and destruction of vibrant communities illustrate the inequitable outcomes of unchecked private market interests in the provision of housing. The Los Angeles homelessness crisis, also echoed throughout the country, illuminates the incredible failure of this heavy reliance on markets to provide housing for all. Los Angeles is known as the nation's homelessness capital, with approximately 74,000 people homeless in Los Angeles County, roughly 40,000 of which live in the city of Los Angeles.<sup>71</sup> During the Los Angeles site visit,<sup>72</sup> advocates and organizers repeatedly highlighted the importance of preserving truly affordable housing as a means to end the increasing severity of homelessness in Los Angeles, particularly emphasizing that housing options need to be accessible to homeless and other extremely low- and fixed-income individuals and families. In visits to different communities around the city, many residents mentioned the overarching topics of gentrification, displacement and the need to preserve rent-stabilized housing.



*Los Angeles: As organizational chair, Los Angeles Community and Action Network (LACAN) worked with groups across the city to ensure a broad range of experiences were presented. The Los Angeles visit included a large town hall meeting, attended by about 300 people who used art, film, personal testimony and other means of expression to communicate the impacts of housing rights violations.*

Los Angeles has a relatively small stock of public housing, and a limited Section 8 program,<sup>73</sup> with both programs together accounting for only 75,000 units. This means that HUD-administered programs reach less than 10 percent of rental housing stock in the city. With limited public or subsidized housing options, Los Angeles residents are left to deal with the private market to meet their housing needs. This near total reliance on the private market has made preservation and improvement of rent-controlled units a central issue in Los Angeles. There are 782,000 private rental units in Los Angeles and 638,000 are rent-stabilized. Between 2000 and 2006, there were more than 11,000 rent-stabilized units lost to conversion,

71 NESRI, *UN Special Rapporteur on Adequate Housing Official Visit to Los Angeles*, Fact Sheet, available at [www.nesri.org/hmb/LAFactSheet.pdf](http://www.nesri.org/hmb/LAFactSheet.pdf).

72 The Special Rapporteur also visited Pacoima, CA to explore foreclosure and Section 8 issues outside of the urban center of Los Angeles.

73 Although public housing is core to establishing the right to housing, the City of Los Angeles has only about 6,500 public housing units. Hundreds of units have been disposed of in the past year (transferred into the private market and the tenant-based Section 8 program) and hundreds more were permanently lost over the past decade through the HOPE VI program. Those relying on Section 8 have not fared much better. The Housing Authority of the City of Los Angeles (HACLA) waitlists have been closed to new Section 8 applications since 2004. They are just now servicing constituents who applied in 2002 and 2003. Many Section 8 applicants have been, and continue to be, purged from the Section 8 waiting list for lack of a consistent address during the lengthy time it takes between applying for Section 8 and being contacted for an interview.

demolition or other removal.<sup>74</sup> The situation is even more serious in greater Los Angeles County, which has only 24,000 units of government-sponsored housing.<sup>75</sup> The Special Rapporteur witnessed the fallout from the lack of affordable housing in Los Angeles by meeting with residents facing removal, touring once affordable areas where luxury condominiums are now being built and visiting with residents of Skid Row.

At Skid Row, the Rapporteur witnessed one of the most extreme housing violations in the nation, where roughly 1,500 people sleep side-by-side on the sidewalks with only cardboard for bedding. The Rapporteur also met with homeless and formerly homeless residents active in addressing the crisis at the Los Angeles Community Action Network (LACAN). On a walking tour, she viewed the Midnight Mission's outdoor patio where about 100 homeless people were wrapped in blankets and sleeping in rows on the cement, with only inches between them. Joe Thomas, a homeless resident, explained his struggles with homelessness and his discovery of the dire lack of resources available to obtain even the most basic shelter and services, let alone permanent housing.

Los Angeles leaders have failed in housing preservation and creation for low-income and homeless people. In 2007 the City of Los Angeles issued building permits that resulted in about 1,000 units for poor and low-income households (about 30% of the estimated need), and almost 13,000 units for wealthier households (about 200% of the estimated need).<sup>76</sup> Showing that the policy priorities for Los Angeles' city leaders – like many around the country - are in securing investment opportunities of developers and profiteers, and not providing basic housing options for the city's residents.

During the Chicago site visit, the Rapporteur collected information from the city's homeless shelters and intake centers. She met with the Chicago Coalition for the Homeless and youth members of Homeless Experts Living Life's Obstacles (H.E.L.L.O.). The forum provided those directly impacted with an opportunity to speak to the Rapporteur about their experiences with the housing crisis in Chicago, and to suggest solutions to the systemic failures to provide stable housing for their communities. The need for an increase in the funding of affordable housing programs, including public housing and Section 8 programs, was discussed as a viable solution.

One of the most egregious failures in Chicago has been the failure of the city to address homelessness amongst youth. In the 2008-2009 academic year, the Chicago Public School system counted 12,525 homeless students, a more than 17 percent increase from the previous year.<sup>77</sup> In fact, the number of homeless students has increased rapidly since 2003.<sup>78</sup> While these numbers are shocking, the true number is likely to be significantly higher, since the city does not include the many families who are forced to "double-up" in the homes of friends and families when counting Chicago's homeless population.<sup>79</sup> While in Chicago, the Special Rapporteur also witnessed how homelessness has been exacerbated by the foreclosure crisis during a visit to Oak Park Regional Housing Center. It became clear that, while

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74 NESRI, PRIMER FOR THE UN RAPPOREUR ON ADEQUATE HOUSING: OFFICIAL VISIT TO THE US (Nov. 8, 2009), available at [www.nesri.org/hmb/PrimerFINAL.pdf](http://www.nesri.org/hmb/PrimerFINAL.pdf).

75 *Id.* at 35.

76 *Id.*

77 Lauren R. Harrison, *The hidden homeless, Englewood students targeted for pilot project*, CHICAGO TRIBUNE, Jul. 10, 2009, [http://articles.chicagotribune.com/2009-07-10/news/0907080440\\_1\\_homeless-education-program-homeless-services-chicago-public-schools](http://articles.chicagotribune.com/2009-07-10/news/0907080440_1_homeless-education-program-homeless-services-chicago-public-schools).

78 NESRI, PRIMER, *supra* note 74, at 31.

79 THE U.S CONFERENCE OF MAYORS, HUNGER AND HOMELESSNESS SURVEY 24 (Dec. 2009), available at <http://www.usmayors.org/pressreleases/uploads/USCMHungercompleteWEB2009.pdf> ("On a single night in January 2009, Chicago counted 5,124 homeless people.").



Chicago's public housing demolitions contributed to the city's homeless population, the new boom in homelessness is predominately a direct result of the foreclosure crisis.

The Special Rapporteur also learned about the growing homelessness crisis in New Orleans, while visiting Unity of Greater New Orleans. She met with homeless men and women who spoke to how the city's lack of affordable housing was directly linked with their individual struggles to secure adequate housing. Since Katrina, many homeless individuals have been living in abandoned buildings, some of whom are considered "homeless in their own home," due to their lack of access to the resources needed to repair their properties after the storm. The Rapporteur also visited a homeless shelter that houses over 100 New Orleans residents. Throughout the tour, the Rapporteur was able to witness the connection between the homelessness crisis facing the city and the severe lack of affordable housing, which has been exasperated by the city's decision to demolish its public housing.

### **BUILDING THE HUMAN RIGHT TO HOUSING MOVEMENT**



The Special Rapporteur's visit highlighted the need for us to continue building the human right to housing movement in the United States. The leadership and participation of directly impacted residents and communities, a profoundly important characteristic of the Rapporteur's mission, remains a necessary foundation for our success at securing the human right to housing for all. The communities visited by the Rapporteur have leveraged her visit to strengthen their efforts at building the movement and have even seen some success as a result of the mission. Specifically, communities have been able to use the media from the visit and overwhelming community participation at the town hall meetings to pressure local governments into dialogue and action. The visit has also served to encourage communities that their needs have not gone unnoticed and that their voices can be heard. The following are some specific outcomes:

- In the Special Rapporteur's final report, she recommends using empty buildings to house those in desperate need of affordable housing rather than as potential investment vehicles for private developers.<sup>80</sup> This recommendation legitimizes and endorses the work Picture the Homeless has been doing around its Anti-Warehousing Campaign in New York City.

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<sup>80</sup> *US Mission Report*, *supra* note 4, at 31.

- Immediately after the site visit to Chicago, the city of Chicago announced a \$1.4 million investment in homelessness programs,<sup>81</sup> and Parkside and Cabrini Green housing projects received additional funding.
- Within a week of the site visit to Pine Ridge, Tribal President Theresa Two Bulls attended the White House Tribal Leaders Summit in Washington, D.C., where she met with President Barack Obama and members of his cabinet. At the summit, President Two Bulls was able to use the formal presentations that were made to the Special Rapporteur as an advocacy tool in her conversations with the administration.
- Since the Los Angeles site visit, the city's housing rights activists have been able to maintain their network and have created a coalition to collectively address the housing crisis facing the city. Approximately 75 percent of these coalition members continue to participate in monthly meetings of the L.A. Right to Housing Collaborative. On December 10, International Human Rights Day, these groups held the first Right to Housing action in front of City Hall in Los Angeles. The collaboration, whose member organizations have built upon prior working relationships, represents a new banner under which to work.
- Participants in the D.C. site visit have joined the newly-formed D.C. Campaign for the Right to Housing, and are advocating together for a number of policy initiatives designed to lead to a comprehensive guarantee for the right to housing in their city. Advocates are also requesting a meeting be organized by the D.C. Office of Human Rights to discuss the Rapporteur's report and what steps can be taken to address the concerns and recommendations raised by the Rapporteur.

### WHERE DO WE GO FROM HERE?

While the UN mission was a huge success, there is still much work to be done. The U.S. government has given unprecedented support to corporations and big business in the form of federal bail-outs – yet individuals, families and communities across the country continue to struggle. Most disheartening, it is these very same corporations that are largely responsible for the economic downturn we are currently experiencing, which began in the housing sector. Recent news has further revealed that many banks have been circumventing centuries of property law by using fraudulent or insufficient records to wrongfully evict homeowners. These banks were proceeding with foreclosures without any proof that they in fact owned the mortgage notes.<sup>82</sup> Furthermore, several Wall Street private equity firms profiting from mass foreclosures own several of the largest law firms specializing in foreclosures.<sup>83</sup> These revelations suggest that the foreclosure situation is wrought with suspect conflicts of interest and unlawful profiteering by the very corporations we bailed out. The breadth of the problem remains unknown.

Additionally, despite growing housing insecurity among Americans of all backgrounds, the Obama Administration is charting a course that would lead to less government-supported housing. HUD recently announced its plans for the future of government-supported housing under the Preservation, Enhancement and Transformation of Rental Assistance Act of 2010 (PETRA). PETRA would begin the process of project-basing the nation's public housing stock at the very time we need it most, converting public housing units into real estate commodities supported by Section 8 project-based rental assistance. Through the conversion process, PETRA allows landlords to “transfer,” or displace, tenants to an alternative site up to 25 miles away from the original public housing site.<sup>84</sup> This ensures the disruption of

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81 Hal Dardick, *City to spend extra \$1.4 million on homeless in new Daley budget*, CHICAGO TRIBUNE, Oct. 28, 2009, [http://newsblogs.chicagotribune.com/clout\\_st/2009/10/city-to-spend-extra-14-million-on-homeless-in-new-daley-budget.html](http://newsblogs.chicagotribune.com/clout_st/2009/10/city-to-spend-extra-14-million-on-homeless-in-new-daley-budget.html).

82 Gretchen Morgenson and Andrew Martin, *Battle Lines Forming in Clash Over Foreclosures*, NY TIMES, Oct. 20, 2010, <http://www.nytimes.com/2010/10/21/business/21standoff.html?scp=2&sq=foreclosure&st=cse>.

83 Barry Meier, *Foreclosures Profit Some Equity Firms*, NY TIMES, Oct. 20, 2010, [http://www.nytimes.com/2010/10/21/business/21equity.html?\\_r=1&scp=4&sq=foreclosure&st=cse](http://www.nytimes.com/2010/10/21/business/21equity.html?_r=1&scp=4&sq=foreclosure&st=cse).

84 PETRA, *supra* note 24.

public housing residents' lives, jobs, families, and communities. Furthermore, changing the funding stream of public housing to a project-based system, and encouraging landlords to mortgage finance the units, not only threatens the long-term housing security of public housing residents, but also potentially places the public ownership of this vital resource into private hands.<sup>85</sup> The goal of PETRA, according to HUD Secretary Donovan, is to "not require any capital funding for public housing."<sup>86</sup> In other words, PETRA threatens to enable the formal disinvestment and the end of public housing. There is indeed much work to be done.

Unlike many nations that lack adequate housing, the United States has the resources to solve its housing crisis. However, the political will is needed to decrease government subsidies for wealthy homeowners and simultaneously increase investment in housing for everyone else. It is this reallocation of resources and reprioritization of rights that will most effectively promote the goals and obligations established by the nation's historical commitment to housing security and bring us closer to fulfilling the human right to housing for everyone.

The U.S. mission of the Special Rapporteur for the Right to Adequate Housing has brought international attention to some of our nation's most egregious human rights violations. The mission's town hall meetings provided a forum for those impacted to be heard and its site visits allowed communities to expose the Special Rapporteur to their daily struggles trying to find a decent place to call home.

Advocates and organizers nationwide have been able to leverage the U.S. mission to strengthen the human right to housing movement. The ability of these advocates to impact housing policies at the local and national levels has been reinforced by coalitions built around the visit. Perhaps most importantly, the mission has given hope to many who have responded to the government's divestment in affordable housing by increasing their efforts to secure human rights in all communities. The struggle continues.

To join this growing movement, visit the Campaign to Restore National Housing Rights' website at [restorehousingrights.org](http://restorehousingrights.org) or call 212.253.1710, ext 318.

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<sup>85</sup> GARDNER, *supra* note 6.

<sup>86</sup> Donovan, S. March 2010. Response to questions from Senator Murray, Senate Appropriations Subcommittee on Transportation, Housing and Related Agencies.

**Appendix I: Participating Community Groups in the UN Special Rapporteur’s U.S. Mission**

<p><b>Community Groups: Chicago</b></p> <ul style="list-style-type: none"> <li>• Chicago Anti-Eviction Campaign (Chair)</li> <li>• The Coalition to Protect Public Housing (Chair)</li> <li>• Cabrini Green Rowhouse Council</li> <li>• Access Living, Blocks Together</li> <li>• Chicago Coalition for the Homeless</li> <li>• Chicago Independent Human Rights Council</li> <li>• Heartland Alliance</li> <li>• H.E.L.L.O. (Homeless Experts Living Life's Obstacles)</li> <li>• Housing Action Illinois</li> <li>• Housing Justice Movement</li> <li>• Jewish Council on Urban Affairs</li> <li>• Midwest Coalition for Human Rights</li> <li>• Lawyers' Committee for Better Housing</li> <li>• Movesmart</li> <li>• National Alliance of HUD Tenants</li> <li>• National Training and Information Center (NTIC)</li> <li>• Oak Park Regional Housing Center</li> <li>• People's Law Office</li> <li>• People for Community Recovery</li> <li>• Shriver Center</li> <li>• Southside Together Organizing for Power (STOP)</li> <li>• St. Stephen's Human Rights Program</li> <li>• The Hood Report</li> </ul>	<p><b>Community Groups: New York</b></p> <ul style="list-style-type: none"> <li>• Picture the Homeless (Chair)</li> <li>• Chhaya</li> <li>• Coalition to Save Harlem</li> <li>• Community Voices Heard</li> <li>• Concerned Citizens of Greater Harlem</li> <li>• Families United for Racial and Economic Equality (FUREE)</li> <li>• Fifth Avenue Committee</li> <li>• Good Old Lower East Side (GOLES)</li> <li>• Make the Road</li> <li>• Mothers on the Move</li> <li>• New York Solidarity Coalition for Katrina and Rita Survivors</li> <li>• Partnership for the Homeless</li> <li>• Poverty Initiative</li> <li>• Tenants &amp; Neighbors</li> <li>• Urban Homesteading Assistance Board (UHAB)</li> <li>• Urban Justice Center</li> </ul>	<p><b>Community Groups: Los Angeles</b></p> <ul style="list-style-type: none"> <li>• Los Angeles Community Action Network (LACAN) (Chair)</li> <li>• Beyond Shelter</li> <li>• Esperanza Community Housing</li> <li>• St. John’s Well Child and Family Center</li> <li>• Legal Aid Foundation of Los Angeles</li> <li>• LA Neighborhood Housing Services</li> <li>• Comunidad Presente</li> <li>• Skid Row Housing Trust</li> <li>• Union de Vecinos</li> <li>• Los Angeles Coalition to End Hunger &amp; Homelessness</li> <li>• Union de Vecinos</li> <li>• Comunidad Presente</li> <li>• Lamp Community</li> <li>• Coalition for Economic Survival</li> <li>• Neighborhood Legal Services of Los Angeles County</li> <li>• KIWA (Korean Immigrant Worker Alliance)</li> <li>• Housing Long Beach</li> <li>• Indigenous Support Black Mesa Arizona Communities</li> <li>• Eviction Defense Network</li> <li>• BASTA</li> <li>• People Organized for Westside Renewal (POWER)</li> <li>• Antelope Valley Residents</li> <li>• CES</li> <li>• Coalition LA</li> </ul>
<p><b>Community Groups: Pine Ridge Reservation</b></p> <ul style="list-style-type: none"> <li>• The Eagle Nest District Council</li> <li>• The Oglala Sioux Tribe</li> <li>• The Oglala Sioux Tribe Housing Authority</li> <li>• Ogala Lakota College</li> <li>• The Porcupine District Council</li> <li>• The International Indian Treaty Council</li> <li>• The National American Indian Housing Council</li> </ul>	<p><b>Community Groups: New Orleans</b></p> <ul style="list-style-type: none"> <li>• Mayday New Orleans (Chair)</li> <li>• Survivors Village</li> <li>• Unity of Greater New Orleans</li> <li>• SE Louisiana Legal Services</li> <li>• New Orleans Workers’ Center for Racial Justice</li> <li>• Advocates for Environmental Human Rights</li> <li>• C3/Hands Off Iberville</li> <li>• Louisiana Justice Institute</li> <li>• Committee to Re-Open Charity Hospital</li> <li>• Social and Economic Rights Advocates of Tulane University</li> <li>• The International Law Society of Loyola University Law School</li> </ul>	<p><b>Community Groups: Washington, D.C.</b></p> <ul style="list-style-type: none"> <li>• Friends and Families of Arthur Capers and Carrollsburg (Chair)</li> <li>• Advancement Project</li> <li>• Participation and Practice of Rights Project</li> <li>• Washington Lawyers’ Committee</li> <li>• DC Fiscal Policy Institute</li> <li>• Positive Places</li> <li>• Latin American Youth Center</li> <li>• United Planning Organization</li> <li>• Washington Legal Clinic for the Homeless</li> <li>• Fair Budget Coalition</li> </ul>
<p><b>Community Groups: Wilkes-Barre, PA</b></p> <ul style="list-style-type: none"> <li>• Northeastern Pennsylvania Organizing Center</li> <li>• Kings’ College</li> </ul>		

## Appendix II: Media & Press Coverage of the UN Special Rapporteur on the Right to Adequate Housing (October 22 – November 8, 2009)

### National/International

- *Kansas City Star*, UN Investigates America, Nov. 17, 2009
- *The Guardian*, Bring US homeless in from the cold, Nov. 16, 2009
- *Inter Press Service America Latina y Caribe* (En español): DDHH-EEUU: Crisis de vivienda en la mira de la ONU, Nov. 13, 2009
- *The Guardian*: UN investigator accuses US of shameful neglect of homeless, Nov. 12, 2009
- *The Guardian*: UN meets homeless victims of American property dream, Nov. 12, 2009
- *Louisiana Justice Institute*: Preliminary Findings Released by UN Special Rapporteur on Adequate Housing, Nov. 12, 2009
- *West Orlando News*: UN Official: Millions lack access to Adequate Housing in the US, Nov. 11, 2009
- *Inquirer Global Nation* (Philippines): Millions lack affordable housing in US—UN, Nov. 10, 2009
- *Michael Moore.com*: Millions in the United States lack access to affordable, adequate housing – UN, Nov. 9, 2009
- *Free Speech Radio News*: UN expert says Americans face “serious challenges” finding affordable housing, Nov. 9, 2009
- *Flamman* (På svenska) [Sweden]: FN granskar den ökande hemlösheten i USA
- *Mondiaal Nieuws* (In Vlaamse) (Belgium): VN stellen onderzoek in naar daklozen in VS, Nov. 5, 2009
- *Global Issues: Rights-Us: U.N. Investigator Probes Housing Crisis*, Nov. 4, 2009
- *PRI's The World*: UN official looks at US housing crisis, Nov. 3, 2009
- *Kristeligt Dagblad* (Denmark, i dansk): FN-udsending: USA forsømmer de hjemløse, Nov. 13, 2009
- *Estadao* (Em português) [Brazil]: O direito humano de morar bem em NY, Oct. 27, 2009
- *NPR's Marketplace*: UN to look at U.S. housing conditions, Oct. 26, 2009
- *Relief Web*: Press conference by Special Rapporteur on Adequate Housing, Oct. 25, 2009
- *La Agencia EFE* (En español): La relatora de la ONU pide protección a la vivienda en el acuerdo sobre el cambio climático, Oct. 23, 2009
- *Democracy Now!*: UN Investigator Probes US Housing Crisis, Oct. 23, 2009
- *Your Call on KALW 91.7fm* in San Francisco: Agenda for a New Economy: Does public housing have a future?, Oct. 19, 2009
- *ONU Radio* (UN Radio): Experta en derecho a vivienda adecuada visita EE.UU.

### New York, NY

- *Amsterdam News*: UN special rapporteur sounds alarm on housing in America, Nov. 12 – 18, 2009
- *New York Times, The Local*: FG/CH Gets U.N. Visit, Nov. 6, 2009
- *Village Voice*: U.N. Rapporteur For Housing Visits Tenants Facing Foreclosure In The Bronx, Oct. 26, 2009
- *New York Times*: Affordable? U.N. Puts a Questioning Eye on New York's Housing, Oct. 23, 2009
- *The Independent*: U.N. Housing Rapporteur Kicks Off U.S. Tour in New York City, Oct. 23, 2009

### Wilkes-Barre, PA

- *Times Leader*: Town hall meeting with U.N. rep canceled, October 25, 2009
- *Times Leader*: Meetings for housing crisis victims, October 22, 2009
- *Times Leader*: Town hall meeting with U.N. rep canceled
- *Citizens Voice*: UN rep will hear from victims of NEPA housing crisis, October 17, 2009

#### **Chicago, IL**

- *China View*: United Nations housing specialist investigates housing problems in Chicago, Oct. 30, 2009
- *People's Daily Online*: United Nations housing specialist investigates housing problems in Chicago, Oct. 30, 2009
- *Chicago Public Radio*: United Nations Housing Specialist Tours Cabrini Green, Oct. 28, 2009
- *Medill Reports*, Chicago, Northwestern University: UN investigates whether Chicago housing violates human rights, Oct. 28, 2009
- *Chicago Now*: Is housing affordable in Chicago? UN representative to find out, Oct. 27, 2009
- *Chicago Coalition for the Homeless*: U.N. Special Rapporteur visits Chicago, Oct. 26, 2009

#### **New Orleans, LA**

- *The Loyola Maroon*: Law students participate in United Nations town hall meeting, Nov. 5, 2009
- *The Times-Picayune*: U.N. official studies housing shortage, Oct. 31, 2009
- *United Nations Radio*: UN housing expert talks to Hurricane Katrina survivors

#### **Pine Ridge, SD**

- *Minnesota Public Radio News*: The third world of the U.S., Nov. 12, 2009
- *Rochester, MN Post-Bulletin*: It's time for us to stop ignoring Native Americans, Nov. 4, 2009
- *Indian Country Today*: Pine Ridge: A housing issue, Nov. 3, 2009
- *Rapid City Journal*: UN Takes Testimony on Inadequate Housing on Reservations, Nov. 1, 2009
- *St. Paul Minneapolis Star Tribune*: UN Visits America's Third World, Oct. 31, 2009
- *Mendota Mdewakanton Dakota Community*, October 14, 2009
- *Free Peltier Now Blog*, October 13, 2009
- *Censored News*, October 13, 2009
- *Native American Times*, October 12, 2009
- *Indigenous Peoples Issues*, October 12, 2009
- *NDNNews.com*, October 11, 2009
- *Red Lake Nation News*, October 11, 2009

#### **Los Angeles, CA**

- *L.A.'s Our Weekly*: Community organizations fight for housing, Nov. 13, 2009
- *OpEd News*: United Nations Investigates Affordable Housing Crisis in LA, Nov. 7, 2009
- *L.A. Watts Times*: U.N. Housing Official Visits L.A. For Mission, Nov. 5, 2009

***Joint Publication:***  
**Campaign to Restore National Housing Rights**  
**National Economic and Social Rights Initiative**

***Contacts:***  
**Campaign to Restore National Housing Rights**  
Brittany Scott, Campaign Coordinator  
National Economic and Social Rights Initiative  
90 John Street, Ste. 308, New York, NY 10038  
212.253.1710, ext 318, [brittany@nesri.org](mailto:brittany@nesri.org)

**National Economic and Social Rights Initiative**  
Tiffany M. Gardner, Director Human Right to Housing  
National Economic and Social Rights Initiative  
90 John Street, Ste. 308, New York, NY 10038  
212.253.1710, ext 304, [tiffany@nesri.org](mailto:tiffany@nesri.org)