

What is the Right to Housing?

What is the legal basis for the right to housing?

- The most comprehensive statement of the right to housing is found in the **International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 11**. It describes “the right of everyone to an adequate standard of living for himself and his family, including **adequate** food, clothing and **housing**, and to the continuous improvement of living conditions.”
- *See also* Universal Declaration of Human Rights, Article 25(1); International Convention on the Elimination of All Forms of Racial Discrimination, Article 5(e)(iii); Convention on the Elimination of All Forms of Discrimination Against Women, Article 14(2); Convention on the Rights of the Child, Article 27(3).
- The Committee on Economic, Social and Cultural Rights, the UN body charged with monitoring compliance with ICESCR, has provided detailed guidance on implementing the Right to Housing (General Comment 4).

What does the right to housing mean?

- The Right to Housing is “the right to live somewhere in **security, peace and dignity**.”
- It should be ensured to “all persons irrespective of income or access to economic resources.”
- It refers not just to housing, but to “**adequate housing**.”

NOTE: THIS IS NOT MERELY A RIGHT TO SHELTER.

IT ALSO DOES NOT REQUIRE THAT THE GOVERNMENT PROVIDE A HOUSE TO EVERY PERSON FREE OF CHARGE. RATHER, THE GOVERNMENT MUST TAKE STEPS TO ENSURE ALL PEOPLE ARE ABLE TO HOUSE THEMSELVES WITH DIGNITY.

What are the components of adequate housing?

- 1. LEGAL SECURITY OF TENURE:** Guaranteeing legal protection against forced eviction, harassment, and other threats.
- 2. AVAILABILITY OF SERVICES:** Facilitating services essential for health, security, comfort, and nutrition.
- 3. AFFORDABILITY:** Keeping the financial costs of housing at such a level that the satisfaction of other basic needs is not threatened or compromised.
- 4. HABITABILITY:** Providing inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind, or other threats to health and structural hazards.
- 5. ACCESSIBILITY:** Prioritizing disadvantaged groups and according them full and sustainable access to adequate housing.

6. LOCATION: Locating adequate housing to allow access to employment options, health-care services, schools, childcare centers, and other social facilities.

7. CULTURAL ADEQUACY: Housing construction, building materials, and policies that enable the expression of cultural identity and diversity of housing.

How can this right be meaningfully protected if it is dependent on resources?

- Certain steps must be taken immediately and are not dependent on resources:
 - Monitor the country's housing situation.
 - Prioritize the needs of social groups living in unfavorable conditions.
 - Adopt **national housing strategies to progressively realize the right to housing** that define objectives, resources, responsibilities, and timeframes.
 - These strategies should be developed through “**extensive genuine consultation with, and participation by, all those affected,**” including people experiencing homelessness.
 - Adopt legislative protections, including providing legal remedies for violations.
 - Confer legal security of tenure upon those lacking this protection.
- The government is immediately required to refrain from certain practices:
 - Forced evictions can only be justified in the most exceptional circumstances.
 - Housing should not be built on polluted sites or in proximity to pollution sources
- International cooperation is of “essential importance.”

How can the government progressively realize the right to housing?

- Provide for social housing, subsidized housing, renters' tax credits, community land trusts, or rent control.
- Incentivize the private development of affordable housing, such as through simplified building codes, inclusionary zoning, or the Low-Income Housing Tax Credit.
- Require public hearings in neighborhoods with new developments. Developers should prepare community impact assessments and mitigation plans for displacing vulnerable populations.
- Ensure habitable conditions through housing codes and inspections.
- Provide legal representation or court navigators to assist those facing eviction or foreclosure.

