

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
THEMATIC HEARING ON THE SITUATION OF HOUSING AS A HUMAN RIGHT  
IN THE UNITED STATES**

**OUTCOME STATEMENT  
March 3, 2022**

**INTRODUCTION**

On December 16, 2021, the Center for the Inter-American  
ing as a human right in the United

Accordingly, the applicant organizations developed the following objectives:

- a) To make visible the scale, impact, and gravity of the violations occurring



almost doubling again. Mr. Tars also highlighted the impact of the COVID-19 pandemic, which exacerbated access to adequate and affordable housing, wrestling in more than 30 million people now at risk of eviction and homelessness.

Mr. Tars also outlined the Biden Administration's official platform stating housing should be a right,

on the street, in their vehicles, or in other places not meant for human habitation. And yet, our national data shows that an estimated 580,466 on any given night were experiencing homelessness in America. That was from January 2020.”

Mr. Cho also expanded on COVID-19’s impact on access to shelter and housing: “COVID-19 has brought to light the growing crisis of homelessness and housing insecurity in America and has made even clearer that homelessness and housing insecurity are a public health crisis, and the existence of these crises threatens the health and safety of the entire nation.” He further acknowledged that “many communities have reduced their homeless shelter capacity, and COVID-19 itself has also affected the community’s ability to provide homeless services as well as housing assistance.” “As a result [of resource constraints], more people have become homeless in the last years than have been assisted to exit homelessness.”

Addressing the use of aggressive tactics involv

give visibility to the most invisible and the most vulnerable in our society.” Commissioner Piovesan further noted that she had “listened to civil society representatives and also the State representatives” observing that Afro-descendants...are 40 percent, almost a half, of the ones who lack access to adequate housing,” which evidences “a strong pattern of discrimination.” The Commissioner requested more information to better understand the United States’ public policies to repair and revert this strong pattern of discrimination, adding that she believed there is “a pattern of indirect discrimination.” Commissioner Piovesan also noted that the information and data received by the Commission reflects two phenomena: “the feminization of poverty and the ethnicization of poverty.”

**Commissioner Piovesan’s** remarks opened the door for important statements from HUD regarding its position on how to address discrimination in the context of housing and scope of its legal obligations.

On behalf of HUD, **Mr. Cho** acknowledged disproportionate impacts of housing policies and criminalization of homelessness on Black and indigenous Americans, noting that “[w]hile Black Americans represent only 12 percent of the United States general population, they comprise nearly 40 percent of the homeless population. Native Americans are overrepresented in homelessness at a rate almost twice their rate in the general population.” He further noted that “[e]nsuring access to adequate housing in America also entails addressing discrimination and ensuring equal access. There is more work to do ahead to ensure that all Americans have access to housing that is both affordable and adequate and to protect Americans from housing loss and discrimination.”

**Mr. Cho** also recalled President Biden’s executive order, “which calls on all of the federal government to look at ways that we can address the inequities experienced by a variety of groups that have experienced historical marginalization, including Black Americans and persons of color as well as other groups and as part of that we are taking a systematic look at the ways that policies in the federal government both contribute to and or can help to reverse racism and racial inequalities.” Notably, he added that USG and HUD’s work “is just the beginning. We recognize that it will be a long process, we are undoing many decades of policies that have led to those disparities and discrimination and I will say that as part of the President’s Build Back Better plan, we are committed to ensuring, if enacted, those programs would be implemented with a focus on addressing and advancing equity.”

With respect to discrimination on the basis of gender in the context of housing, he added that HUD is “committed to addressing the needs of people who have experienced and women who have

Similarly, **Commissioner Flávia Piovesan** noted that the Commission recognizes the right to housing as a “condition to the full exercise of other rights, such as right to health, right to be safe and free from violence, right to water.” She added that the “transformative mandate of the Inter-American Commission has this ambition to give voice, to raise the voice of the voiceless, and to give visibility to the most invisible and the most vulnerable in our society.”

The hearing concluded with a statement from **Ms. Soledad García-Muñoz**, Special Rapporteur on Economic, Social, Cultural, and Environmental Rights (REDESCA), indicating that she was interested in holding a working visit to the United States. In particular, she noted that a visit to California would be valuable where she could observe the experience and situation of people living in the streets and contribute to improving their situation through recommendations.

**Commissioner García-Muñoz** also acknowledged the “sincerity of the State” with reference to Mr. Cho’s statement that ‘[h]ousing should be a right, not a privilege,’ noting that “this is the goal the Commission shares.”

## **OUTCOMES**

The civil society delegation emphasized how the lack of guarantees for the right to housing in the United States has been growing significantly, especially since the pandemic (resources linked below). In this scenario, people living on the streets, in addition to criminalization and discrimination, would face violations of their human rights, including personal integrity, health and property, as well as the right not to suffer torture, cruel, inhuman or degrading treatment. Likewise, it was indicated that this situation would have a differential and disproportionate impact on people of African descent, indigenous people, women, and other people in situations of vulnerability. The civil society delegation also stressed the source of the United States’ legal obligations, and scope of these obligations, stemming from its treaty obligations.

For its part, the State recognized that this is a matter of special attention, against which measures have been taken in order to protect adequate and affordable housing for all people and prevent the criminalization of those living on the streets. The USG representatives stressed that the right to housing is fundamental for the protection of other rights and indicated its willingness to gradually recognize the nature of the right. However, the USG also stated that in its view, it does not have an international obligation regarding this right.

The IACHR and REDESCA welcomed the opportunity for dialogue between the parties. Likewise, they reiterated that the guarantee of the right to housing is a condition for the full exercise of human rights. Similarly, they emphasized that it is a priority to ensure the principle of non-discrimination and the principle of the indivisibility of human rights. The Commissioners reminded the parties that the OAS Charter and the American Declaration contemplate provisions that recognize the right to







of income discrimination laws should specifically include Section 8 and other government subsidies.

- x **State Governments** should enact and enforce Homeless Bill of Rights legislation that prohibits the criminalization of homelessness.
  
- x **Local Governments** should cease enforcement of and abolish existing criminalization laws and stop passing new ones. Local governments should dedicate sources of funding to provide needed housing and supportive services. Local governments should improve coordination of existing services for homeless persons. Local governments establish response strategies that center humanitarian aid and social services.

## RESOURCES SUBMITTED BY THE APPLICANT ORGANIZATIONS

- x [Banished and Abandoned: Criminalization and Displacement of Unhoused People in Lancaster](#)
- x [Comment on US Interagency Council on Homelessness Federal Strategic Plan](#)
- x [Housing Not Handcuffs 2019: Ending the Criminalization of Homelessness in U.S. Cities](#)
- x [Housing Not Handcuffs 2021: State Law Supplement](#)
- x [Outside the Law: The Legal War Against Unhoused People](#)
- x [This Place is Slowly Killing Me: Abuse and Neglect in Orange County Emergency Shelters](#)