

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Housing/Homelessness– National Perspective

- Thank you for coming
- Purpose of meeting is because all of the discrimination you will see – criminal justice, education, healthcare - is occurring in specific locations, tied to where racial minority populations live. And because housing and location is a principle concern throughout these issues, you will see it in each city you visit, and before you see all these individual examples of housing discrimination, we wanted to give you some national context.
- Under General Comment 4 of the ICESCR, the right to housing consists of 7 elements, all of which must be enjoyed on a non-discriminatory basis:
 - Security of Tenure;
 - Availability of Services, Materials, and Infrastructure;
 - Affordability;
 - Accessibility;
 - Habitability;
 - Location; and
 - Cultural Adequacy.
- As with all human rights, these rights are interdependent and individuals or groups often suffer in multiple areas
- In the U.S., the manifestations of discrimination in the right to housing can be broadly broken down in to three major areas:
 - Segregation and discrimination in purchasing or renting – affecting all aspects of the right to housing
 - Affordability - Lack of affordable housing including destruction of public housing and gentrification
 - Homelessness – symptom of above violations of rights, but also includes problems of its own, including criminalization of homelessness and violence against homeless persons – affecting other civil & political rights
- You can find many of the details about these issues in the two shadow reports submitted to the CERD on homelessness, housing and housing discrimination as well as in the Katrina report and the New York and Chicago local reports.
- I'll let each of the attending organizations introduce themselves, and then I'll give a little bit of context for their discussion and how it plays into what you'll see in your visit.
- **INTRODUCTIONS**
- **Segregation:** One of the most glaring problems in the U.S., though little discussed in the public arena. Although the formal legal boundaries separating different racial communities are no longer allowed in the U.S., as Dilip Lahiri, a CERD Committee member noted in the February 2008 review of the U.S., “you don't need the legal boundaries to have apartheid here.” Through continuing intentional discrimination and racial steering as well as structural problems such as the lack of protections from predatory lending, America remains a largely segregated society.

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- Our friends from the National Fair Housing Alliance will discuss this topic more in depth, and as noted, we also have the Poverty and Race Research Action Council here as a resource.
- NFHA Presentation
- To preview the application of this to your visit, you will likely see segregation wherever you travel. But in particular, activists in Chicago, New Orleans, and here in DC will all be showing you how different practices that enable segregation to occur.
- For example, in New Orleans following Hurricane Katrina, the St. Bernard neighborhood enacted a law preventing renting homes to anybody but blood relatives. Because the neighborhood was largely white, this law would have the effect of keeping African Americans and other minorities out of the area, disparately affecting their security of tenure and the accessibility of this housing. Luckily, this is one area of U.S. law where disparate impact standards are recognized, and this policy was overturned. However, the disparate impact standard is constantly under attack and must be defended.
- Residential segregation is the effect of racial discrimination, but also causes or enables many other forms of discrimination to occur.
 - For example, in the Anacostia neighborhood of DC where you will visit at the end of your trip, which is almost entirely African American, there is not a single grocery store where residents can buy affordable healthy foods.
 - Unfortunately, public hospitals are closing rapidly, most rapidly in communities of color – again here in DC, there is not a single hospital in Anacostia or the entire Southeast quadrant of the city. The lack of the availability of these services and infrastructure in turn creates problems with enjoying the right to health.
 - Similarly, you will hear in New York how minority neighborhoods also see elevated rates of lead poisoning, asthma, and other illnesses due to environmental racism, a violation of both the right to health and the habitability component of the right to housing.
 - Lastly, cultural adequacy is certainly a concern in indigenous housing communities across the country, as will be raised in several cities on your visit. Bringing a gender lens to housing issues, the lack of adequate domestic violence shelters on indigenous lands is leads to disproportionate effects of domestic violence on indigenous women and their families.
- Lack of affordable housing has a disparate impact on communities of color all across America.
 - Our colleagues from the National Alliance to End Homelessness will share a national picture of how persons of color are over-represented in the homeless population and are more likely to be precariously housed/live in substandard or unaffordable housing. Federal policies leading to the reduction of available, affordable and adequate units have disproportionately affected persons of color.

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- NAEH Presentation
- This presentation focused on the hard statistics, but during your tour, you will see the effects in person:
 - In New York, traditionally ethnic neighborhoods are constantly being squeezed out in favor of gentrification. While this process often provides a few years of mixed race neighborhoods, often this is temporary as older, poorer families are pushed out and new families move in. Cities need to find a sustainable model of integration – where affluent new families and older, poorer families can continue to live together.
 - In Chicago, you will tour public housing units that are being destroyed, uprooting and dispersing communities. Some communities are being redeveloped immediately – those in neighborhoods close to the more affluent, whiter, downtown, but those promised for redevelopment long ago in minority neighborhoods have been destroyed, but with no subsequent redevelopment.
 - Officials promoting redevelopment often express the intention of bringing new life to communities of color, but instead end up displacing them without the renewal. You're likely to hear from government officials about the HOPE VI program, which was initiated by Congress in 1992 as a plan to redevelop distressed public housing projects throughout the country. The ambitious \$5 billion program set out with the main objective of decreasing the concentration of low-income housing by measures such as redesigning current housing projects as mixed-income housing, and offering residents rental vouchers for the private market. Because those in the housing projects were, and are, predominantly racial minorities, these policies were promoted as having an anti-segregation effect.

Although HOPE VI has been successful in addressing some pressing needs of inner-city communities through revitalization efforts, other major failures of the program will be evident along your tour through various cities. You will see in Chicago, New Orleans and DC that residents have been displaced when HOPE VI projects destroyed existing projects but then new housing construction has halted due to conflicts between housing authorities and city governments, thus leading to the permanent displacement of the prior communities. In other cases, rehabilitation and revitalization have been minor and the surrounding neighborhood experiences no noticeable changes.

Many problems can be traced to the lack of input from the residents themselves communities and occur in the face of protest from local people who oppose the plan. As a result of situations like these, at the worst end of the spectrum, HOPE VI programs leave original residents of various developments in equally or even

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more precarious circumstances than they were in prior to the program's introduction to the community.

- In Miami, similar processes are happening with mobile home communities, where residents may own their housing structure, but not the land under it, providing little security of tenure when developers seek to remove them to build more upscale (and less affordable) housing. And downtown gentrification is also proceeding with luxury condominiums being constructed but sitting vacant while affordable housing is destroyed but remains in high demand.
- Last, but not least, homelessness is the end result of lack of affordable and adequate housing options, again disparately affecting communities of color at alarming rates – as the Human Rights Committee recognized in its Concluding Observations on the U.S. in 2006, only 13% of the national population is African American, but 50% of the homeless population in cities is African American, and in some cities such as Chicago, this rate can approach 90%. This means that all the problems affecting homeless persons disparately affect people of color.
 - Violence against homeless persons is a high priority and reflects multiple intersecting discrimination by perpetrators. The National Coalition for the Homeless will discuss the nature of this violence and why including homeless persons under the protections of hate crime laws is seen as an increasingly appropriate response.
 - NCH Presentation
 - You'll be seeing the some of the multiple interactions of homelessness and race specifically in New York, Chicago, and Los Angeles, especially around issues of criminalization.
 - In Los Angeles, as highlighted in our testimony to you back in February, cities enact anti-sleeping or anti-camping ordinances that punish homeless persons for not having a home. Being arrested and charged for these “crimes” then creates a criminal record, which is a new barrier to finding housing and employment, turning into a vicious cycle.
 - In Chicago, you will hear from a group from Minneapolis, where later this week they will be debating repealing an “anti-lurking” ordinance, which gives police free rein to arrest anyone they think looks like they are going to commit a crime. In practice, this mostly means homeless African Americans.
 - In Miami, you'll hear from groups fighting panhandling laws that prevent homeless persons from asking for help, and laws which prohibit individuals convicted of certain sex offenses from living within about 1 kilometer from schools and other institutions, often meaning the only place left to live is under a bridge.
- Conclusions –
 - all aspects show a systemic disregard for needs of minority populations, lack of affirmative government commitment to remedying historical discrimination

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- local manifestations differ, but all problems require a federal and local component to the solution – increase in federal housing support, increase in local commitment to implementation
- Asks
 - Recommend affirmative obligation and increased enforcement to remedy historical discrimination
 - Condemn policies that criminalize homelessness and disparately affect persons of color and recommend more positive engagement
 - Gender impact – question officials about how lack of implementation of VAWA affects populations in public housing

For more information:

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