



HOUSING AND HOMELESSNESS IN THE UNITED STATES

**Submission to the United Nations Universal Periodic Review of the
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Introduction

1. In 2024, the number of unhoused persons on a single night across the United States (U.S.) reached 771,480—or about 23 of every 10,000 people—which is the highest ever recorded.¹ Further, between 2023-2024, the total population of unhoused persons in the U.S. grew by more than 18%.²
2. Moreover, the start of the COVID-19 pandemic marked the first time that federal data collection revealed more unhoused persons who were unsheltered than sheltered.³ An estimated 51% (or 216,495 people) were reportedly living in unsheltered locations on a single night in 2022.⁴ Rent increased at “its fastest rate since 1986,” exacerbating a pre-existing unaffordability crisis that left approximately 7 million low-income renters without affordable homes.⁵ Consequently, a worsening eviction crisis, contributed to by the expiration of state and local eviction moratoria, has caused a homelessness surge.⁶
3. The Trump administration’s policies have further exacerbated the homelessness crisis. In January 2025, the federal government abruptly paused all grants,⁷ disrupting essential services for unhoused populations across the country.⁸ The administration is currently forcing homeless service providers to accept anti-immigrant and anti-transgender restrictions in grant agreements for funds they were already awarded or risk shutting down.⁹ It also issued an Executive Order calling for heavy police enforcement to destroy all homeless encampments in Washington, DC, without providing for new housing or shelter resources.¹⁰
4. This report addresses critical issues related to housing and homelessness in the U.S. Part II examines the criminalization of homelessness, including both an increase in criminalization and the disparate impact on marginalized populations. Part III then highlights the lack of access to housing. Finally, part IV ends with recommendations to address these issues.
5. During the U.S.’s previous review by the Human Rights Council, several member states provided recommendations relevant to the issues discussed in this report.¹¹ These states called for the U.S. to:
 - Continue to reduce the role of policing as a response to societal problems largely related to poverty, while investing in direct solutions to those problems that do not involve criminalization;¹²
 - End the criminalization of poverty, which disproportionately affects African Americans;¹³
 - Introduce reforms to reverse the high rates of poverty and inequality, and recognize economic, social and cultural rights internally;¹⁴
 - Further enhance activities that will cater to reducing homelessness faced by vulnerable groups across the country;¹⁵ and
 - Develop strategies for addressing the housing and sanitary problems of marginalized communities such as indigenous and migrant communities.¹⁶
6. Although the U.S. expressed support for these recommendations,¹⁷ homelessness and its criminalization have continued to escalate. The U.S.’s lack of reporting on steps to address

these pressing concerns underscores the need for continued attention.

7. This submission relies on the following in its analysis:
 - United Nations (U.N.) human rights treaties the U.S. has ratified: the International Covenant on Civil and Political Rights (ICCPR),¹⁸ Convention Against Torture (CAT),¹⁹ and International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);²⁰
 - The Universal Declaration of Human Rights (UDHR),²¹ the foundational document for the UN human rights system, which the U.S. played a pivotal role in drafting;
 - Treaties the U.S. has signed although not yet ratified: International Covenant on Economic, Social, and Cultural Rights (ICESCR),²² Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),²³ and the Convention on the Rights of Persons with Disabilities (CRPD)²⁴—in signing, however, the U.S. has “an obligation to refrain, in good faith from acts that would defeat the object and the purpose of the treaty.”²⁵
 - The U.S. Constitution.²⁶

II. The Criminalization of Homelessness

“Criminalization is responding to a social ill with policing. And that very interaction at every single point is a traumatic event . . . that escalates rather than de-escalates, further decompensat[es] rather than making a situation better.”

*Council Member Tiffany Caban, New York City Council (District 22)*²⁷

“Criminalization is an expensive way to make homelessness worse.”

*David Peery, Miami Coalition to Advance Racial Equity*²⁸

A. An Increase in Criminalization

8. In recent years, there has been a dramatic growth in laws and policies across the U.S. that criminalize homelessness. These include, but are not limited to, camping and sleeping bans (some of which go so far as to prohibit unhoused persons from using a blanket in public places), laws restricting sitting and lying down in public, living in vehicles, vagrancy, loitering, food scavenging, laws prohibiting begging in public, and involuntary civil commitment laws.²⁹ Since 2006, laws that prohibit sleeping in public have increased by 50%.³⁰ Out of 187 cities surveyed, 55% prohibit sitting or lying in public, 72% prohibit camping in public, and 60% prohibit public loitering, loafing, or vagrancy.³¹
9. Cities have sought to make homelessness invisible by criminalizing the very activities unhoused persons must engage in to stay alive. The policies of Miami-Dade County’s municipalities are a case in point. In 2020 with the onset of COVID, the City of Miami passed the Large Group Feeding (LGF) Ordinance prohibiting public food service in groups of 25 people or more, including food providers, without a permit and at non-designated feeding locations (with only five inconvenient locations designated).³² At a People’s Tribunal, community members and food providers testified to this law’s senseless cruelty.³³ Then, in 2021, the City of Miami passed an anti-camping ordinance, which prohibits any encampments on public property.³⁴ In “sweeping” homeless encampments, law enforcement routinely destroys the few belongings that persons have, including medications and identity documents.³⁵ A study has further documented a 12% rise in hospital admissions after a

sweep.³⁶ In 2023, the City of Miami Beach passed an ordinance authorizing police to arrest people for sleeping or lying in public if they do not move to a homeless shelter.³⁷ However, the City of Miami Beach prohibits homeless shelters within its limits, thus forcing unhoused persons to choose between jail or exile.³⁸ In 2024, the State of Florida enacted legislation which prohibits cities and counties from allowing people to sleep or camp in public spaces.³⁹ Failure to comply with these requirements exposes municipalities to liability as private citizens are authorized to sue local governments if they fail to enforce the legislation.⁴⁰

10. In addition to unhoused persons facing criminalization, so are homeless service providers. The City of Miami public feeding ordinance targets food providers. Fremont, CA, passed an ordinance making it illegal for mutual aid providers to “aid or abet” people living in encampments.⁴¹ Although the City has clarified that providing food, water, or clothing will not lead to criminal charges, the ordinance enables criminalization of other critical forms of support for unhoused individuals.⁴² Oklahoma proposed a ban on service providers operating in the majority of cities in the state,⁴³ in line with President Trump’s goal of forcing all unhoused persons into remote government-run detention camps.⁴⁴ Iowa, North Carolina, and Utah have proposed creating “drug free homeless service zones” that would impose criminal penalties on service providers if drugs are sold even a block or two away from the edge of their property, something they have very little control over.⁴⁵
11. A well-funded national push is encouraging the criminalization of homelessness. The Cicero Institute, a “think tank” founded by a tech billionaire, has created template state-level legislation that would ban camping on public lands and penalize communities that refuse to enforce the ban, divert funding from permanent housing solutions to temporary measures such as mass encampments, reduce due process protections to make it easier to involuntarily commit unhoused persons with mental health conditions, and create police-led outreach teams to force unhoused persons into state-run encampments.⁴⁶ In addition to Florida, versions of this template have passed in Missouri, Tennessee, and Texas.⁴⁷ At least eight states have adopted legislation making it easier for unhoused persons with mental health conditions to be arrested or involuntarily committed.⁴⁸ West Virginia has proposed a bill that would essentially enslave unhoused persons into workhouses, where they would be forced to work with their wages monitored by a “financial overseer.”⁴⁹
12. The new Secretary of the U.S. Department of Housing and Urban Development (HUD), Scott Turner, endorses punitive measures like arresting and ticketing individuals simply for trying to survive and rejects overwhelming evidence of the efficacy of providing housing with voluntary services.⁵⁰ Secretary Turner has also added new provisions to grant agreements with homeless service providers, requiring them to reject gender-inclusive and other diversity, equity, and inclusion programs and implement anti-immigrant provisions, and indicated that incentives for evidence-based “housing first” approaches will not be enforced.⁵¹
13. In June 2024, the U.S. Supreme Court authorized the criminalization of homelessness in its ruling in *Grants Pass v. Johnson*.⁵² In holding that laws punishing sleeping in public do not violate the U.S. Constitution’s prohibition against cruel and unusual punishment, even when no shelters are available,⁵³ the Supreme Court ignored precedent and contravened human rights standards.

14. This criminalization of homelessness violates fundamental human rights to freedom from torture and cruel, inhuman, and degrading treatment (CIDT); equality and nondiscrimination; liberty and security of person; and life. In its 2023 review, the U.N. Human Rights Committee specifically called upon the U.S. to: “[a]bolish laws and policies criminalizing homelessness at all levels” and to “[i]ntensify efforts to find solutions for persons experiencing homelessness . . . including by redirecting funding from criminal justice responses towards adequate housing and shelter programmes.”⁵⁴

- Punishing life-sustaining activities, which people have no choice but to conduct in public, violates their right to freedom from torture and CIDT.⁵⁵ The U.N. Human Rights Committee has found that the criminalization of homelessness in the U.S. “raises concerns of discrimination and cruel, inhuman or degrading treatment.”⁵⁶ The U.N. Special Rapporteurs on Adequate Housing and on Extreme Poverty and Human Rights have likewise stressed in an amicus brief to the Supreme Court that punishing homelessness and involuntary acts of survival constitutes CIDT.⁵⁷ The U.N. Committee Against Torture further expressed concern over increasing police brutality against people of color in the U.S.⁵⁸ Investing in police as a front-line response to homelessness will continue to exacerbate racially motivated policing practices.⁵⁹
- Criminalization of homelessness both disproportionately impacts persons of color and further exacerbates racial disparities, violating the right to equality and non-discrimination.⁶⁰ Laws targeting life-sustaining activities are predominantly enforced against Black, Indigenous, and other persons of color.⁶¹ One study showed Black unhoused persons were almost 10 times more likely than white people to receive a camping citation.⁶² As the U.N. Special Rapporteur on racism recognized, “the enforcement of minor law enforcement violations . . . take a disproportionately high number of African American homeless persons to the criminal justice system.”⁶³ The U.N. Special Rapporteur on contemporary forms of slavery has also raised concerns about the disparate impact of criminalization on persons of color and called for states to “decriminalize conduct associated with homelessness.”⁶⁴ Many modern loitering and vagrancy laws are, in fact, the progeny of Black Codes that directly aimed to criminalize formerly enslaved people.⁶⁵ In its 2022 review, the U.N. Committee on the Elimination of Racial Discrimination (CERD) called upon the U.S. to “abolish laws and policies that criminalize homelessness,” “redirect funding from criminal justice responses to adequate housing and shelter programs, in particular for persons belonging to racial and ethnic minorities most affected by homelessness,”⁶⁶ and “affirmatively further[] fair housing and protection against discriminatory effects.”⁶⁷
- Arrest for engaging in life-sustaining activity violates the right to liberty and security of unhoused persons.⁶⁸ Individuals are punished not for criminal behavior but for their status of being unhoused.⁶⁹ Additionally, the involuntary hospitalization or incarceration of unhoused persons with mental health conditions violates freedom from arbitrary detention when undertaken without due process or the provision of community-based care alternatives.⁷⁰
- Prohibiting unhoused persons from engaging in life-sustaining activities, such as sleeping or eating, violates the right to life.⁷¹ Such laws negate the very right to existence of unhoused persons.⁷² Furthermore, the lack of adequate housing leaves

people without the capacity to “enjoy a life with dignity.”⁷³ Grants Pass, Oregon, for instance, has removed access to public bathrooms and clean drinking water.⁷⁴ During extreme weather, conditions turn life-threatening. In Phoenix, Arizona alone, at least 130 unhoused persons died from heat-related causes in 2021, a count that has nearly doubled since 2019.⁷⁵

15. Criminalization perpetuates homelessness by trapping people in a cycle of poverty. Fines make it harder for people experiencing homelessness to pay for food or medication and can lead to their incarceration if they are unable to pay.⁷⁶ Having a criminal record can then prevent people from passing background checks for housing and employment,⁷⁷ making it even harder to get off the street and out of poverty. The U.N. Special Rapporteur on extreme poverty highlighted this in his visit to the U.S., noting that “unpayable fines and the stigma of a criminal conviction . . . virtually prevents subsequent employment and access to most housing.”⁷⁸
16. The criminalization of homelessness is expensive. The resources diverted to law enforcement can cost two to three times more than it would to provide affordable housing,⁷⁹ and despite increased criminalization, the national homelessness rates continue to rise.

B. Disparate Impact on Marginalized Populations

17. Homelessness and its criminalization disproportionately impact marginalized populations on the basis of race, ethnicity, gender, migration status, disability, and incarceration.
18. Homelessness is closely linked to racial discrimination. In its 2022 review, CERD underscored its concern regarding the “disproportionately high number of persons belonging to racial and ethnic minorities affected by homelessness.”⁸⁰ Despite making up only 13.7% of the overall population,⁸¹ Black Americans constitute 32% of the homeless population.⁸² Hispanic and Latinx persons make up 19.1% of the U.S. population⁸³ and 31% of unhoused persons.⁸⁴ Additionally, American Indian, Alaska Native, Pacific Islander, and Native Hawaiian persons make up less than 1.6% of the total population,⁸⁵ but 4.2% of unhoused persons.⁸⁶
19. Indigenous communities in the U.S. face disproportionate rates of homelessness, including multi-generational homelessness, based largely on a history of expropriation of land, forced relocation, and systematic oppression.⁸⁷ Native populations experience homelessness at a rate of more than four times the general U.S. population.⁸⁸ Further, these groups have experienced a 53% increase in rates of homelessness since 2015.⁸⁹ These disparities are particularly significant in many urban areas, particularly in the American Southeast and West Coast.⁹⁰
20. The Trump administration and numerous state and local politicians are attributing the recent surge in unsheltered homelessness to the influx of migrant populations (i.e., asylum seekers, refugees, and other individuals without legal status), deflecting attention from the U.S.’s failure to provide sufficient affordable housing.⁹¹ Discriminatory housing policies and barriers to critical support services for migrants have erupted nationally, including in “sanctuary cities” like Chicago, Denver, and New York. Chicago officials announced the impending termination of its newly created homelessness services system for new arrivals, while restricted space in local migrant shelters has forced many migrant groups to live in

lobbies of police precincts and tent encampments.⁹² In cities like New York and San Diego, large-scale removals of encampment sites—including those sheltering migrant individuals and families—have reinforced mass deportation efforts.⁹³ Immigration and Customs Enforcement has also conducted deportation raids at homeless shelters, chilling migrant communities from seeking life-sustaining shelter.⁹⁴

21. Intersecting discrimination based on race and gender exacerbates homelessness. Of unhoused families, about 60% were single mothers with children and about 50% of them were Black single mothers.⁹⁵ Overall, single women with children make up about 21% of the country's total homeless population.⁹⁶

“Black women hurt first and worst.”

May Rodriguez, South Florida Community Development Coalition⁹⁷

22. Gender-based violence is both a cause and a consequence of homelessness, disproportionately impacting women.⁹⁸ 57% of all unhoused women report domestic violence as the immediate cause of their homelessness,⁹⁹ and roughly 80% of unhoused women with children have previously experienced domestic violence.¹⁰⁰ Survivors fleeing abuse often encounter challenges when seeking housing services.¹⁰¹ On a single day in 2022, domestic violence programs were unable to meet over 6,748 requests for housing services, leaving survivors without essential protections.¹⁰²

“For many DV survivors, homelessness is a manifestation of that abuse.”

Caroline LaPorte, National Indigenous Women's Resource Center¹⁰³

23. Unhoused persons face increased risk of violence, including sexual assault.¹⁰⁴ Unsheltered Black transgender women are at extreme risk for both private violence and law-enforcement harassment living on the streets.¹⁰⁵ 56% of unsheltered Black transgender persons were attacked while unhoused, and 26% of unsheltered white transgender persons were attacked.¹⁰⁶ According to a study of Indigenous women trafficked in Minnesota, 98% of the women surveyed were experiencing homelessness or had experienced it previously.¹⁰⁷
24. LGBTQ+ individuals in the U.S. face disproportionate rates of housing insecurity and homelessness. LGBTQ+ youth are particularly vulnerable, as this group has a “120% higher risk of reporting homelessness compared to youth who identify as heterosexual and cisgender.”¹⁰⁸ The Human Rights Campaign has reported that LGBTQ+ youth comprise up to 40% of the unhoused youth population despite accounting for just 5 to 10% of the overall youth population.¹⁰⁹ 75% of LGBTQ+ youth surveyed by True Colors United identified parental abandonment and abuse at home, triggered by their LGBTQ+ status, as the reasons for their homelessness.¹¹⁰ Moreover, LGBTQ+ youth experience higher rates of detention and incarceration for “survival crimes.”¹¹¹ Transgender individuals face particular obstacles in securing housing based on dehumanizing narratives and hostile laws.¹¹² 51% of Black transgender women and 59% of Indigenous transgender women have experienced homelessness.¹¹³ Utah recently passed legislation that bans transgender students from “living in public college dorms that align with their gender identity.”¹¹⁴ On his first day in office, HUD Secretary Turner announced it would stop enforcing the Equal Access Rule, which requires homeless service providers to ensure equal access for individuals based on their gender identity, making it more likely that transgender individuals will be refused services.¹¹⁵ He later included a provision in grant agreements requiring grantees to certify they would not

promote “gender ideology” in line with the Administration’s discriminatory Executive Order 14168.¹¹⁶

“Many states are now environments that are hostile for members of LGBTQ+ communities to live in.”

*Yasemin Smallens, LGBT Rights Program Officer at Human Rights Watch*¹¹⁷

25. Aging out of the foster care system without adequate support is a major driver of youth homelessness.¹¹⁸ The foster care system penalizes poverty, removing children from their families under the theory of “prospective harm.”¹¹⁹ This has a disproportionate impact on marginalized communities, including Indigenous, Black, and Hispanic families.¹²⁰ Indigenous children, particularly, are four times more likely to be placed into foster care than their white counterparts.¹²¹ When children age out of the foster care system, they are at a significantly higher risk of experiencing homelessness due to a lack of support and resources. The National Foster Youth Institute found that within 18 months of aging out of the system, one in five persons will experience homelessness.¹²²
26. Age-appropriate shelters and housing programs remain severely limited, leaving many older adults in unsafe encampments, emergency rooms, or jails.¹²³ The number of older adults experiencing homelessness is sharply rising, with sheltered homelessness among those aged 65 and older increasing by 73% from 2019 to 2021.¹²⁴ As a result, unhoused older adults face higher mortality rates,¹²⁵ repeated hospitalizations,¹²⁶ and increased vulnerability to violence.¹²⁷
27. People with physical and psychosocial disabilities face higher rates of homelessness due to barriers in housing, employment, and healthcare.¹²⁸ Moreover, many shelters fail to accommodate disabilities or provide mental health support.¹²⁹ Shelters are ill-equipped to house people who cannot bathe, eat, or use the restroom on their own.¹³⁰ Despite the lack of adequate services, the Trump administration just abruptly cancelled \$11.4 billion in grants for substance use and mental health programs.¹³¹ These failures violate the CRPD, which affirms the right to accessible housing and community-based support.¹³²
28. Mental health conditions are both a cause and consequence of homelessness. According to estimates from HUD, approximately 20% of the nation’s unsheltered population suffers from a severe mental health condition,¹³³ compared to just 5.6% of the general population.¹³⁴ Nearly 30% of individuals discharged from state asylum facilities become unhoused or have no known address within six months,¹³⁵ while homelessness itself exacerbates mental health conditions.¹³⁶ The U.S., with its inadequate social safety net and lack of community-based mental health resources, has come to rely on the criminal legal system to respond to mental health conditions. Nearly one-third of persons found to experience severe mental distress first connect with a mental health treatment resource through law enforcement intervention.¹³⁷ Most of these interactions do not involve major crimes or violence.¹³⁸

“The mental health system is largely broken across the country. We’ve tried to paper over it by funding law enforcement.”

*John Snook, Executive Director, Treatment Advocacy Center*¹³⁹

29. States have reduced due process protections, escalating the potential for abuse and making it easier to involuntarily commit unhoused persons with a mental health condition.¹⁴⁰ Some states rely on the “grave disability” standard, which allows for involuntary commitment of individuals in danger of physical harm from neglect of basic needs, such as food, clothing, or shelter.¹⁴¹ Thus, homelessness becomes evidence of a disability. Others employ broader “need-for-treatment” laws, permitting involuntary commitment even when an individual is meeting basic survival needs and poses no immediate danger.¹⁴² As a result, people with mental health conditions are overrepresented in jails,¹⁴³ face repeated hospitalizations,¹⁴⁴ and experience higher rates of police violence.¹⁴⁵ Persons with untreated mental conditions are 16 times more likely to be killed during a police encounter than other individuals.¹⁴⁶ Moreover, at least a quarter and perhaps as many as half of all fatal police shootings involve persons with serious mental health conditions.¹⁴⁷
30. Formerly incarcerated individuals are ten times more likely to experience homelessness than the general public.¹⁴⁸ Inversely, national studies show that up to 15% of incarcerated people experienced homelessness in the year before their admission to prison or jail.¹⁴⁹ Unhoused persons also experience disproportionate incarceration solely for survival behaviors.¹⁵⁰ Further, unhoused individuals are more likely to be booked multiple times and are held in jails for disproportionately long time periods compared to the general public.¹⁵¹

III. Lack of Access to Housing

31. At the core, homelessness stems from a failure to realize the fundamental human right to adequate housing.¹⁵² The U.N. Committee on Economic, Social and Cultural Rights (CESCR) explains that the right to adequate housing is not merely a right to shelter.¹⁵³ Rather, it requires housing that fulfills seven dimensions: Accessibility, Affordability, Legal Security of Tenure, Habitability, Availability of Services, Location, and Cultural Adequacy.¹⁵⁴ The U.S. falls short in each of these dimensions.
32. **Accessibility:** Under international human rights law, housing should be accessible to all without discrimination, prioritizing disadvantaged groups and taking their “special housing needs into account.”¹⁵⁵ However, access to housing in the U.S. is marked by racial disparities, stemming from a long history of official discrimination and segregation, including “redlining,” or the refusal to insure mortgages in or near Black neighborhoods.¹⁵⁶ Racial disparities in net worth and mortgage access cause Black families to be more likely to be renters than owners, placing them at a higher risk of housing instability and homelessness.¹⁵⁷ Furthermore, Black and Hispanic renters are twice as likely to be evicted as white renters.¹⁵⁸ Additionally, the financialization of housing has led to the displacement of communities of color from their long-term neighborhoods and social networks.¹⁵⁹ Furthermore, over 1,123 housing discrimination cases based on disability were reported to HUD in 2023, out of a total of 1,742 cases.¹⁶⁰ Individuals with disabilities face systemic barriers, constituting 43% of the shelter population due to limited access to affordable housing.¹⁶¹ Despite this, the Trump Administration withdrew the Affirmatively Furthering Fair Housing Rule¹⁶² and attempted to cut funding to fair housing enforcement agencies, though the latter has been stopped by a temporary injunction.¹⁶³

“We seem to push those with disabilities to the side.”

*Rob Robinson, Senior Advisor, Partners for Dignity and Rights*¹⁶⁴

33. **Affordability:** Housing affordability requires that housing costs not threaten or compromise the ability to satisfy other basic needs.¹⁶⁵ However, wages have not kept pace with the rising cost of housing, with more than half of renters exceeding the 30% monthly income threshold for housing costs¹⁶⁶ set by HUD and U.N. Habitat.¹⁶⁷ CESCER additionally calls on states to provide housing subsidies, protect against unreasonable rents, and provide financial assistance so that housing remains affordable.¹⁶⁸ Despite federal programs such as the Housing Choice Voucher Program, HUD’s largest rental assistance program, only 25% of eligible households receive assistance due to insufficient funding.¹⁶⁹

“Every month, families lose their homes or go without basic needs just to keep up with rent.”

Armando Garcia, Vice-Chair, MCARE Community Advisory Board¹⁷⁰

34. **Legal Security of Tenure:** The right to housing requires “legal protection against forced eviction, harassment, and other threats” against stable housing.¹⁷¹ However, 44% of all renters in the U.S. have felt pressured to leave their current home during the past six months, with communities of color bearing a disproportionate burden. 48% of Hispanic and Black renter households experienced this pressure, compared to 41% of white households.¹⁷² This insecurity is further amplified by the lack of legal representation for tenants in eviction proceedings. Across the country, a mere 3% of tenants have access to representation, compared to 81% of landlords.¹⁷³ Over the last few years, 5 states, 2 counties, and 18 municipalities have adopted a right to counsel in eviction cases.¹⁷⁴ In New York City, the right to counsel has meant that 84% of represented renters facing eviction have remained in their homes, and eviction rates have decreased by 26%.¹⁷⁵ It is critical to expand this initiative throughout the U.S.

“Tenants are often at the mercy of corporate landlords who can easily evict them or hike up rents. . . . Without real protections, people have no security.”

Ariana Hernandez-Reguant, Member of the Miami Beach Homeless Committee¹⁷⁶

35. **Habitability:** Adequate housing entails housing that is habitable, providing inhabitants with “adequate space,” “physical safety,” and protection from structural hazards and health threats, including the “cold, damp, heat, rain, wind, and disease.”¹⁷⁷ However, many individuals in the U.S., particularly racial minorities and low-income communities, face dangerous and unhealthy living conditions. In 2023, of the 133.2 million occupied housing units in the U.S., 17% reported water leakage, 12% reported signs of mice, and 10% reported being uncomfortably hot for 24 hours or more.¹⁷⁸ In the private market, the financialization of rental properties, particularly by large institutional investors, has weakened accountability to tenants.¹⁷⁹ Drastically reduced federal budgets¹⁸⁰ have also exacerbated quality issues in public housing, which serves approximately 1.57 million residents.¹⁸¹ For example, tenants of Lincoln Fields in Liberty City, Florida cited “termite and rat infestations, water leaks, and inconsistent water supplies.”¹⁸²

“Tenants living in unsafe conditions—like mold, broken utilities, or pests—are often ignored by landlords until it’s too late.”

Guerby Noel, Miami Housing Advocate¹⁸³

36. **Availability of Services:** Adequate housing requires “facilities essential for health, security, comfort and nutrition,” including sustainable access to water, energy, sanitation, and emergency services.¹⁸⁴ Yet aging infrastructure across the U.S. has left large populations, both rural and urban, without basic essential services. In Alabama’s Black Belt, a lack of public sewerage has led to 40%-90% of homes with inadequate or no septic systems,¹⁸⁵ while in metropolitan Miami-Dade County frequent water main breaks and leaks not only cause interruptions but also contamination.¹⁸⁶ Raw sewage accumulation has led to a resurgence of 19th century diseases that were largely eradicated with modern medicine.¹⁸⁷ The climate crisis only further overwhelms these already weak systems.

“Housing isn’t adequate if people don’t have access to basic services like water, electricity, and transportation. These are foundational needs for livable communities.”

Sam Chesser, Regional Manager, Self-Help Credit Union¹⁸⁸

37. **Location:** Adequate housing must be situated near employment opportunities, healthcare, schools, and social services, while avoiding polluted or hazardous areas.¹⁸⁹ However, the U.S. government disproportionately places industrial facilities in low-income neighborhoods and communities of color,¹⁹⁰ subjecting residents to severe health problems. A report published by the Shriver Center on Poverty Law found that 70% of hazardous waste sites in the U.S. are located within one mile of public housing.¹⁹¹ Additionally, systemic injustice exacerbates food deserts in many areas, where marginalized residents have little to no access to healthy food sources. In fact, more than 47 million Americans lack access to an affordable, nutritious diet with 13.8 million children experiencing food insecurity.¹⁹²

“Affordable housing should be located near jobs, schools, and healthcare; disconnection from these resources only deepens inequality.”

Sam Chesser, Regional Manager, Self-Help Credit Union¹⁹³

38. **Cultural Adequacy:** Adequate housing enables “the expression of cultural identity and diversity,” including in construction methods and materials.¹⁹⁴ Yet, rapid development and gentrification have eroded vibrant communities, driving out many residents who do not own their homes. For example, the area of West Coconut Grove, founded over 130 years ago by Bahamian immigrants,¹⁹⁵ makes up just 10% of Miami but issued 50% of all city demolition permits in 2021.¹⁹⁶ Most of the traditional Bahamian homes and businesses have been replaced by luxury homes and white occupants. In 2024, 162 residents of West Coconut Grove filed housing complaints against the city, claiming unfair displacement from their homes.¹⁹⁷

“Housing should reflect and respect the cultural backgrounds of its residents—it’s part of what makes people feel truly at home and connected to their community.”

Audrey Aradanas, Deputy Director, Miami Homes for All¹⁹⁸

IV. Recommendations

A. Addressing Homelessness

39. The U.S. should take immediate steps to:

- **Abolish the criminalization of homelessness, including the use of civil involuntary commitment;**
- Ensure mutual aid and service providers are not targeted for assisting unhoused persons with meeting their basic needs;
- Reject efforts to force unhoused persons under threat of arrest into government-run detention camps;
- Ensure consistent and adequate funding for homeless service provision without discriminatory conditions to ensure housing and shelter is welcoming to all, regardless of race, gender, ability, or migration status;
- Redirect funding to housing solutions, including Housing First programs, Permanent Supportive Housing, and community-based mental health services.

B. Advancing Access to Housing

40. The U.S. should take immediate steps to:

- **Recognize and implement the human right to adequate housing that is accessible, affordable, habitable, well-located, and culturally adequate;**
- Adopt race-conscious measures to remedy historically-based and continuing housing discrimination;
- Mandate accessibility upgrades in existing affordable housing units and shelters to better accommodate seniors and people with disabilities;
- Acquire abandoned private properties and repurpose vacant public properties to convert them into social housing or permanently affordable community land trusts;
- Raise the minimum wage and index it to inflation;
- Fund universal access to legal counsel for individuals facing eviction;
- Upgrade public housing and penalize landlords who neglect housing maintenance;
- Provide grants to communities to ensure adequate water and sanitation access for all;
- Provide tax incentives or update zoning regulations to encourage supermarkets in underserved communities and improve public transportation;
- Require developers to prepare community impact assessments and mitigation plans for displacing vulnerable residents and hold public hearings in neighborhoods with new developments.

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¹ U.S. DEP'T HOUS. & URB. DEV., The 2024 Annual Homelessness Assessment Report (AHAR) to Congress, Part 1: Point-in-Time Estimates of Homelessness, at v (December 2024), <https://www.huduser.gov/portal/sites/default/files/pdf/2024-AHAR-Part-1.pdf> [hereinafter *2024 AHAR*].

² *Id.* at vi.

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