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HUMAN RIGHTS CLINIC

HOUSING AND HOMELESSNESS IN THE UNITED STATES

Submission to the United Nations Universal Periodic Review of the
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University of Miami School of Law Human Rights Clinic
Tamar Ezer, Abigail Wettstein, Katirina Delviscio, Wilmy Dessalines,
Tiana Rose Montague, Nicholas Tricarico, Genice D. Nadal,
Alexandrea Bia Bartle, and Ana Luiza Potgornik Ferreira
1311 Miller Drive, Coral Gables, FL 33146
305-284-1678 | www.law.miami.edu/hrc

National Homelessness Law Center
Eric Tars, Siya Hegde
2000 M St. NW, Ste. 750-E, Washington D.C., 20036
205-638-2535 | www.homelesslaw.org



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I. 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 In July 2025, President Trump issued Executive Order 14321 mandating federal agencies use their funding and regulatory powers to force communities to heavily enforce anti-homeless laws and shift resources away from evidence-based “housing first” models toward involuntary institutionalization.⁹ Based on this, the Department of Housing & Urban Development (HUD) withdrew promised 2026 funding and forced service providers to re-apply for the funds with harsh new restrictions, which – if implemented – would put 170,000 people who rely on this assistance at risk of returning to homelessness.¹⁰ The restrictions also included mandates for the jurisdictions service providers exist in to cooperate with the administration’s anti-immigrant and anti-transgender policies as well as enforce anti-camping laws and expand involuntary commitments.¹¹ These same restrictions have appeared in numerous other funding measures from the Departments of Justice (DOJ) and Health & Human Services (HHS).¹² In another Executive Order, the President also sent National Guard troops and federal law enforcement to get “rid of people from underpasses” in Washington, DC, without providing for new housing or shelter resources.¹³
4. Federal budget cuts have further destabilized the housing system. The Trump administration’s proposed FY2026 budget would cut HUD’s funding by approximately 44%, eliminating or severely reducing grants that communities rely on for affordable housing development and preservation.¹⁴ These proposed cuts would compound an already acute shortage where only 1 in 4 eligible households currently receive federal rental assistance due to insufficient funding.¹⁵
5. 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.
6. 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.¹⁶ 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;¹⁷
 - End the criminalization of poverty, which disproportionately affects African Americans;¹⁸
 - Introduce reforms to reverse the high rates of poverty and inequality, and recognize economic, social and cultural rights internally;¹⁹
 - Further enhance activities that will cater to reducing homelessness faced by vulnerable groups across the country;²⁰ and
 - Develop strategies for addressing the housing and sanitary problems of marginalized communities such as indigenous and migrant communities.²¹
7. Although the U.S. expressed support for these recommendations,²² homelessness and its criminalization have continued to escalate. The U.S.’s lack of reporting on steps to address these pressing concerns necessitates continued attention.
8. 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),²³ Convention Against Torture (CAT),²⁴ and International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);²⁵
 - The Universal Declaration of Human Rights (UDHR),²⁶ 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),²⁷ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),²⁸ and the Convention on the Rights of Persons with Disabilities (CRPD)²⁹—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.”³⁰
 - The U.S. Constitution.³¹

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)*³²

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

*David Peery, Miami Coalition to Advance Racial Equity*³³

A. An Increase in Criminalization

9. 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.³⁴ Since 2006, laws that prohibit sleeping in public have increased by 50%.³⁵ 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.³⁶
10. 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).³⁷ At a People's Tribunal, community members and food providers testified to this law's senseless cruelty.³⁸ Then, in 2021, the City of Miami passed an anti-camping ordinance, which prohibits any encampments on public property.³⁹ In "sweeping" homeless encampments, law enforcement routinely destroys the few belongings that persons have, including medications and identity documents.⁴⁰ A study has further documented a 12% rise in hospital admissions after a sweep.⁴¹ 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.⁴² However, the City of Miami Beach prohibits homeless shelters within its limits, thus forcing unhoused persons to choose between jail or exile.⁴³ In 2024, the State of Florida enacted legislation which prohibits cities and counties from allowing people to sleep or camp in public spaces.⁴⁴ 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.⁴⁵
11. 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.⁴⁶ 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.⁴⁷ Oklahoma proposed a ban on service providers operating in the majority of cities in the state,⁴⁸ in line with President Trump's goal of forcing all unhoused persons into remote government-run detention camps.⁴⁹ 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.⁵⁰
12. 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.⁵¹ In addition to Florida, versions of this template have passed in Missouri, Tennessee, and Texas.⁵² At least eight

states have adopted legislation making it easier for unhoused persons with mental health conditions to be arrested or involuntarily committed.⁵³ 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.”⁵⁴

13. In July 2025, Executive Order 14321 extended this punitive framework to the federal level.⁵⁵ The Order directs federal agencies to prioritize funding to municipalities that enforce anti-vagrancy and camping bans, effectively rewarding criminalization with federal dollars.⁵⁶ The Order further facilitates expanded civil commitment, enabling the detention of unhoused people against their will based on perceived mental illness or addiction, and defunds harm reduction programs that protect people from overdose and disease.⁵⁷ HUD, HHS, and DOJ have all issued funding applications prioritizing applicants from jurisdictions that enforce anti-camping and anti-drug laws and push involuntary commitments.⁵⁸ The result is a federal policy that does not offer people a path home, but instead removes them from public view through arrest, forced institutionalization, or exile.⁵⁹
14. In June 2024, the U.S. Supreme Court authorized the criminalization of homelessness in its ruling in *Grants Pass v. Johnson*.⁶⁰ 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,⁶¹ the Supreme Court ignored precedent and contravened human rights standards. Since this decision, over 300 cities have passed or strengthened camping bans.⁶²
15. 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.”⁶³
 - Punishing life-sustaining activities, which people have no choice but to conduct in public, violates their right to freedom from torture and CIDT.⁶⁴ 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.”⁶⁵ 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.⁶⁶ The U.N. Committee Against Torture further expressed concern over increasing police brutality against people of color in the U.S.⁶⁷ Investing in police as a front-line response to homelessness will continue to exacerbate racially motivated policing practices.⁶⁸
 - Criminalization of homelessness both disproportionately impacts persons of color and further exacerbates racial disparities, violating the right to equality and non-discrimination.⁶⁹ Laws targeting life-sustaining activities are predominantly enforced against Black, Indigenous, and other persons of color.⁷⁰ One study showed Black unhoused persons were almost 10 times more likely than white people to receive a camping citation.⁷¹ 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.”⁷² 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.”⁷³ Many modern loitering and vagrancy laws are, in fact, the progeny of Black Codes that directly aimed to criminalize formerly enslaved people.⁷⁴ 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,”⁷⁵ and “affirmatively further[] fair housing and protection against discriminatory effects.”⁷⁶

- Arrest for engaging in life-sustaining activity violates the right to liberty and security of unhoused persons.⁷⁷ Individuals are punished not for criminal behavior but for their status of being unhoused.⁷⁸ 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.⁷⁹
 - Prohibiting unhoused persons from engaging in life-sustaining activities, such as sleeping or eating, violates the right to life.⁸⁰ Such laws negate the very right to existence of unhoused persons.⁸¹ Furthermore, the lack of adequate housing leaves people without the capacity to “enjoy a life with dignity.”⁸² Grants Pass, Oregon, for instance, has removed access to public bathrooms and clean drinking water.⁸³ 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 2019.⁸⁴
16. 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.⁸⁵ Having a criminal record can then prevent people from passing background checks for housing and employment,⁸⁶ 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.”⁸⁷
17. 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,⁸⁸ and despite increased criminalization, the national homelessness rates continue to rise.⁸⁹

B. Disparate Impact on Marginalized Populations

18. Homelessness and its criminalization disproportionately impact marginalized populations on the basis of race, ethnicity, gender, migration status, disability, and incarceration.

19. 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.”⁹⁰ Despite making up only 13.7% of the overall population,⁹¹ Black Americans constitute 32% of the homeless population.⁹² Hispanic and Latinx persons make up 19.1% of the U.S. population⁹³ and 31% of unhoused persons.⁹⁴ Additionally, American Indian, Alaska Native, Pacific Islander, and Native Hawaiian persons make up less than 1.6% of the total population,⁹⁵ but 4.2% of unhoused persons.⁹⁶
20. 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.⁹⁷ Native populations experience homelessness at a rate of more than four times the general U.S. population.⁹⁸ Further, these groups have experienced a 53% increase in rates of homelessness since 2015.⁹⁹ These disparities are particularly significant in many urban areas, particularly in the American Southeast and West Coast.¹⁰⁰
21. 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.¹⁰¹ 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.¹⁰² 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.¹⁰³ Immigration and Customs Enforcement has also conducted deportation raids at homeless shelters, chilling migrant communities from seeking life-sustaining shelter.¹⁰⁴
22. Intersecting discrimination based on race and gender exacerbates homelessness. Families with children experienced the highest annual increase of any population, with a 39.4% rise.¹⁰⁵ Of unhoused families, about 60% were single mothers with children and about 50% of them were Black single mothers.¹⁰⁶ Overall, single women with children make up about 21% of the country’s total homeless population.¹⁰⁷ The Trump Administration has further widened these disparities by proposing to rescind or modify multiple other regulations that allow families with mixed immigration statuses to access federal housing benefits.¹⁰⁸

“Black women hurt first and worst.”

*May Rodriguez, South Florida Community Development Coalition*¹⁰⁹

23. Gender-based violence is both a cause and a consequence of homelessness, disproportionately impacting women.¹¹⁰ 57% of all unhoused women report domestic violence as the immediate cause of their homelessness,¹¹¹ and roughly 80% of unhoused women with children have previously experienced domestic violence.¹¹² Survivors fleeing abuse often encounter challenges when seeking housing services.¹¹³ 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.¹¹⁴

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

*Caroline LaPorte, National Indigenous Women’s Resource Center*¹¹⁵

24. Unhoused persons face increased risk of violence, including sexual assault.¹¹⁶ Unsheltered Black transgender women are at extreme risk for both private violence and law-enforcement harassment living on the streets.¹¹⁷ 56% of unsheltered Black transgender persons were attacked while unhoused, and 26% of unsheltered white transgender persons were attacked.¹¹⁸ According to a study of Indigenous women trafficked in Minnesota, 98% of the women surveyed were experiencing homelessness or had experienced it previously.¹¹⁹
25. 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.”¹²⁰ 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.¹²¹ 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.¹²² Moreover, LGBTQ+ youth experience higher rates of detention and incarceration for “survival crimes.”¹²³ Transgender individuals face particular obstacles in securing housing based on dehumanizing narratives and hostile laws.¹²⁴ 51% of Black transgender women and 59% of Indigenous transgender women have experienced homelessness.¹²⁵ Utah recently passed legislation that bans transgender students from “living in public college dorms that align with their gender identity.”¹²⁶ 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.¹²⁷ The Administration has also further entrenched these harms by proposing to rescind or modify multiple other regulations protecting trans persons’ access to gender-affirming housing,¹²⁸ while also requiring grantees to certify they would not promote “gender ideology” in line the discriminatory Executive Order 14168.¹²⁹

“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*¹³⁰

26. Aging out of the foster care system without adequate support is a major driver of youth homelessness.¹³¹ The foster care system penalizes poverty, removing children from their families under the theory of “prospective harm.”¹³² This has a disproportionate impact on marginalized communities, including Indigenous, Black, and Hispanic families.¹³³ Indigenous children, particularly, are four times more likely to be placed into foster care than their white counterparts.¹³⁴ 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.¹³⁵
27. Age-appropriate shelters and housing programs remain severely limited, leaving many older adults in unsafe encampments, emergency rooms, or jails.¹³⁶ 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 2021.¹³⁷ As a result, unhoused older adults face higher mortality rates,¹³⁸ repeated hospitalizations,¹³⁹ and increased vulnerability to violence.¹⁴⁰

28. People with physical and psychosocial disabilities face higher rates of homelessness due to barriers in housing, employment, and healthcare.¹⁴¹ Moreover, many shelters fail to accommodate disabilities or provide mental health support.¹⁴² Shelters are ill-equipped to house people who cannot bathe, eat, or use the restroom on their own.¹⁴³ Despite the lack of adequate services, the Trump administration just abruptly cancelled \$11.4 billion in grants for substance use and mental health programs.¹⁴⁴ The Department of Veterans Affairs (VA) has started the so-called “Project Safe Harbor,” aligned with Executive Order 14321, with the explicit aim of pushing more unhoused veterans into guardianships, permanently taking away their liberty to make all decisions about their lives, including ones about their finances, their healthcare, even whether they can marry or where they can live.¹⁴⁵ These failures violate the CRPD, which affirms the right to accessible housing and community-based support.¹⁴⁶
29. 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,¹⁴⁷ compared to just 5.6% of the general population.¹⁴⁸ Nearly 30% of individuals discharged from state asylum facilities become unhoused or have no known address within six months,¹⁴⁹ while homelessness itself exacerbates mental health conditions.¹⁵⁰ 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.¹⁵¹ Most of these interactions do not involve major crimes or violence.¹⁵² Executive Order 14321 intensifies this crisis by expanding involuntary institutionalization and conditioning access to housing on compliance with behavioral health treatment.¹⁵³

“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*¹⁵⁴

30. 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.¹⁵⁵ 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.¹⁵⁶ 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.¹⁵⁷ As a result, people with mental health conditions are overrepresented in jails,¹⁵⁸ face repeated hospitalizations,¹⁵⁹ and experience higher rates of police violence.¹⁶⁰ Persons with untreated mental conditions are 16 times more likely to be killed during a police encounter than other individuals.¹⁶¹ Moreover, at least a quarter and perhaps as many as half of all fatal police shootings involve persons with serious mental health conditions.¹⁶²
31. Formerly incarcerated individuals are ten times more likely to experience homelessness than the general public.¹⁶³ Inversely, national studies show that up to 15% of incarcerated people

experienced homelessness in the year before their admission to prison or jail.¹⁶⁴ Unhoused persons also experience disproportionate incarceration solely for survival behaviors.¹⁶⁵ 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.¹⁶⁶

III. Lack of Access to Housing

32. At the core, homelessness stems from a failure to realize the fundamental human right to adequate housing.¹⁶⁷ 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.¹⁶⁸ Rather, it requires housing that fulfills seven dimensions: Accessibility, Affordability, Legal Security of Tenure, Habitability, Availability of Services, Location, and Cultural Adequacy.¹⁶⁹ The U.S. falls short in each of these dimensions.
33. **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.”¹⁷⁰ 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.¹⁷¹ 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.¹⁷² Furthermore, Black and Hispanic renters are twice as likely to be evicted as white renters.¹⁷³ Additionally, the financialization of housing has led to the displacement of communities of color from their long-term neighborhoods and social networks.¹⁷⁴ Furthermore, over 32,321 housing discrimination cases based on disability were reported to HUD in 2024, with disability-related discrimination accounting for 54.6% of all complaints.¹⁷⁵ Individuals with disabilities face systemic barriers, constituting 43% of the shelter population due to limited access to affordable housing.¹⁷⁶ Despite this, the Trump Administration withdrew the Affirmatively Furthering Fair Housing Rule¹⁷⁷ and attempted to cut funding to fair housing enforcement agencies, though the latter has been stopped by a temporary injunction.¹⁷⁸ Yet the injunction has not restored enforcement capacity: HUD’s Office of Fair Housing and Equal Opportunity has undergone a 65% staffing reduction since January 2025, and fair housing charges have fallen from an average of 25 per year to just 4.¹⁷⁹

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

*Rob Robinson, Senior Advisor, Partners for Dignity and Rights*¹⁸⁰

34. **Affordability:** Housing affordability requires that housing costs not threaten or compromise the ability to satisfy other basic needs.¹⁸¹ 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 costs set by HUD and U.N. Habitat.¹⁸² In some places, renters are severely cost-burdened, paying 50% or more of their monthly income on rent.¹⁸³ CESCR additionally calls on states to provide housing subsidies, protect against unreasonable rents, and provide financial assistance so that housing remains affordable.¹⁸⁴ 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.¹⁸⁵

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

Armando Garcia, Vice-Chair, MCARE Community Advisory Board¹⁸⁶

35. **Legal Security of Tenure:** The right to housing requires “legal protection against forced eviction, harassment, and other threats” against stable housing.¹⁸⁷ 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.¹⁸⁸ 48% of Hispanic and Black renter households experienced this pressure, compared to 41% of white households.¹⁸⁹ 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.¹⁹⁰ Over the last few years, 5 states, 2 counties, and 19 municipalities have adopted a right to counsel in eviction cases.¹⁹¹ In New York City, the right to counsel has meant that 89% of represented renters facing eviction have remained in their homes, and eviction rates have decreased by 26%.¹⁹² Rather than expanding this initiative, however, the federal government is moving to eliminate it. A House Appropriations Committee bill passed in July 2025 would cut HUD’s affordable housing and community development funding by \$939 million, with no funding allocated for HUD’s Eviction Protection Grant Program — the primary federal mechanism for funding tenant legal services.¹⁹³

“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 Committee¹⁹⁴

36. **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.”¹⁹⁵ 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.¹⁹⁶ In the private market, the financialization of rental properties, particularly by large institutional investors, has weakened accountability to tenants.¹⁹⁷ Drastically reduced federal budgets have also exacerbated quality issues in public housing, which serves approximately 1.57 million residents.¹⁹⁸ For example, tenants of Lincoln Fields in Liberty City, Florida cited “termite and rat infestations, water leaks, and inconsistent water supplies.”¹⁹⁹

“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 Advocate²⁰⁰

37. **Availability of Services:** Adequate housing requires “facilities essential for health, security, comfort and nutrition,” including sustainable access to water, energy, sanitation, and emergency services.²⁰¹ 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,²⁰² while in metropolitan Miami-Dade County frequent water main breaks and leaks not only cause

interruptions but also contamination.²⁰³ Raw sewage accumulation has led to a resurgence of 19th century diseases that were largely eradicated with modern medicine.²⁰⁴ The climate crisis only further overwhelms these already weak systems, as does the rapid proliferation of AI data centers — each capable of consuming as much water daily as a city of 50,000 — even as an estimated \$744 billion in infrastructure repairs goes unmet.²⁰⁵

“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 Union²⁰⁶

38. **Location:** Adequate housing must be situated near employment opportunities, healthcare, schools, and social services, while avoiding polluted or hazardous areas.²⁰⁷ However, the U.S. government disproportionately places industrial facilities in low-income neighborhoods and communities of color,²⁰⁸ 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.²⁰⁹ 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 14.1 million children experiencing food insecurity in 2024.²¹⁰

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

Sam Chesser, Regional Manager, Self-Help Credit Union²¹¹

39. **Cultural Adequacy:** Adequate housing enables “the expression of cultural identity and diversity,” including in construction methods and materials.²¹² 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,²¹³ makes up just 10% of Miami but issued 50% of all city demolition permits in 2021.²¹⁴ 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.²¹⁵

“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 All²¹⁶

IV. Recommendations

A. Addressing Homelessness

40. The U.S. should take immediate steps to:
- **Abolish the use of arrests, fines, and civil involuntary commitments against unhoused persons who do not have access to adequate, affordable housing;**
 - 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

41. 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.

Please direct any inquiries to Tamar Ezer at tezer@law.miami.edu.

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⁴ *Id.* at 24.

⁵ German Lopez, *Homeless in America*, N.Y. TIMES (Jul. 15, 2022), <https://archive.ph/BrnQA>.

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- ¹² *Hearing on Oversight & Investigations Legislative Before the Subcomm. on Veterans' Affairs* (2026) (statement of National Homelessness Law Center, National Health Care for the Homeless Council, National Health Law Program, Funders Together for Housing Justice, Bazelon Center for Mental Health Law) <https://homelesslaw.org/wp-content/uploads/2026/03/VA-Letters.pdf> [hereinafter Statement regarding veterans & homelessness].
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- ¹⁸ *Id.* at ¶ 26, Recommendation No. 26.284.
- ¹⁹ *Id.* at ¶ 26, Recommendation No. 26.285.
- ²⁰ *Id.* at ¶ 26, Recommendation No. 26.286.
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- ²⁴ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("CAT"), *ratified* Oct. 21, 1994, 1465 UNTS 85.
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- ³⁰ United Nations, Dam Hammarskjöld Library, *What is the difference between signing, ratification and accession of UN treaties?*, accessible at: <ask.un.org/faq/14594>; RESTATEMENT (FOURTH) OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES § 304 (AM. L. INST. 2018).
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- ³² Transcript of the Minutes of the New York City Council Hearing, Joint Committee on Mental Health, Disabilities, and Addiction, Committee on Hospitals, Committee on Public Safety, and Committee on Fire and Emergency Management p. 156, ll. 8-16 (Feb. 6, 2023).
- ³³ Interview with David Peery, Exec. Dir., Mia. Coal. to Advance Racial Equity (Feb. 25, 2022).
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