

Housing as a Human Right

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In the past few years, the movement for the human right to housing in the United States (U.S.) scored some important victories: an [amendment: https://www.housingisahuman-right.ca.org/](https://www.housingisahuman-right.ca.org/) recognizing housing as a human right in the California constitution cleared two committee votes in the state legislature, resolutions from [Philadelphia, PA: https://bit.ly/3EDobl9](https://bit.ly/3EDobl9) to [Hamden, CT: https://bit.ly/3EDobSb](https://bit.ly/3EDobSb) recognized the right, and the U.S. Interagency Council on Homelessness (USICH) grounded its [Federal Strategic Plan to End Homelessness: https://bit.ly/3YgfG6ff](https://bit.ly/3YgfG6ff) in the principle that housing is a human right. This progress builds on earlier statements from the former president, [vice-president: https://bit.ly/3EDocFJ](https://bit.ly/3EDocFJ), and [HUD Secretary: https://bit.ly/4iu35nn](https://bit.ly/4iu35nn) affirming “housing should be a right, not a privilege,” and statements and bills from [Rep. Cori Bush: https://bit.ly/4jitEgm](https://bit.ly/4jitEgm) (D-MO), [Rep. Pramila Jayapal \(D-WA\)](https://bit.ly/4jitEgm), and [Rep. Grace Meng \(D-NY\): https://jayapal.house.gov/2023/03/22/jayapal-meng-introduce-legislation-to-reduce-homelessness/](https://jayapal.house.gov/2023/03/22/jayapal-meng-introduce-legislation-to-reduce-homelessness/), and many others.

None of these steps should be taken for granted. They are a heartening sign that advocates are actively shifting the conversation, bringing the human right to housing into the political mainstream, helping to lay a strong basis for legislative campaigns like the [eviction moratorium: https://cnn.it/4jqgAPx](https://cnn.it/4jqgAPx) and the [civil right to counsel: http://civilrighttocounsel.org/highlighted_work/organizing_around_right_to_counsel](http://civilrighttocounsel.org/highlighted_work/organizing_around_right_to_counsel) for tenants risking eviction across the country. All of these incremental steps forward are under immediate threat from the second [Trump Administration: https://bit.ly/44D0oMQ](https://bit.ly/44D0oMQ), which has shown a disdain for international law, rental assistance, the rights of unhoused persons, and government accountability alike.

It is at precisely this time that we should be leaning into the concept of housing as a human right, as a [holistic and powerful frame: https://bit.ly/4iABsZV](https://bit.ly/4iABsZV) for holding all levels of government accountable, carrying the weight of international law and tapping into our deep cultural understanding of the importance of upholding human and civil rights. The human right to housing frame is necessary because it addresses not only the affordability and basic supply of housing, but interdependent issues such as racial equity, public health, and educational opportunity. Pairing legal standards with the [popular resonance: https://bit.ly/3EG0VD7](https://bit.ly/3EG0VD7) of the call that housing is a human right is how this holistic approach is uniquely able to prevent homelessness and housing instability from recurring in the future.

However, language pertaining to the right to housing can become co-opted. Sacramento Mayor Darrell Steinberg introduced a city ordinance creating a so-called “[right to housing and obligation to use it: https://lat.ms/4iyFT7w](https://lat.ms/4iyFT7w)” that re-defines housing to include tents and shelters and threatens those who refuse to relocate with criminal penalties. This is *not* a rights-based approach to addressing homelessness and housing insecurity. In response to a valiant organizing effort, the [USICH: https://bit.ly/42QlqFr](https://bit.ly/42QlqFr), the [Department of Justice: https://bit.ly/4joZkAG](https://bit.ly/4joZkAG), and [HUD: https://bit.ly/4iCoR8v](https://bit.ly/4iCoR8v) have taken enforcement actions, including points in their grant applications, filing statement of interest briefs, and adopting human rights language, though this, too, will be under threat under the second Trump Administration.

While stating that housing is a human right and effectuating it in policy are two different things, changing the rhetorical frame is important to changing the policy. Housing advocates can use the human right to housing framework to reframe public debate, craft and support leg-

islative proposals, supplement legal claims in court, advocate in international fora, and support community organizing efforts. Numerous United Nations (U.N.) human rights experts have recently visited the United States or made [recommendations: https://bit.ly/3RxtTlc](https://bit.ly/3RxtTlc) for federal- and local-level policy reforms. In 2025, advocates must work to defend these gains and push for concrete action to accompany the rhetoric.

History

In his 1944 State of the Union address, President Franklin Roosevelt declared that the U.S. had adopted a [Second Bill of Rights: https://bit.ly/42NiTf9](https://bit.ly/42NiTf9), including the right to a decent home, which laid the rhetorical basis for many of the New Deal programs that began to implement the right in practice.

In 1948, the U.S. signed the [Universal Declaration of Human Rights: https://bit.ly/3GB7TK6](https://bit.ly/3GB7TK6) (UDHR), recognizing adequate housing as a component of the human right to an adequate standard of living. The UDHR is a non-binding declaration, so the right to adequate housing was codified into a binding treaty law by the [International Covenant on Economic, Social, and Cultural Rights: https://bit.ly/4jsvz26](https://bit.ly/4jsvz26) (ICESCR) in 1966. Having signed the ICESCR, the U.S. must uphold the “object and purpose” of the treaty, even though the U.S. has not yet ratified it. However, the U.S. ratified the [International Covenant on Civil and Political Rights: https://bit.ly/3S3h74j](https://bit.ly/3S3h74j) in 1992 and the [International Convention on the Elimination of All Forms of Racial Discrimination: https://bit.ly/4iHtBtC](https://bit.ly/4iHtBtC) in 1994. Both recognize the right to be free from discrimination, including in housing security, on the basis of race, gender, disability, and other statuses, and emphasize the need for equitable policies to make up for historically discriminatory laws and practices. The U.S. also ratified the [Convention Against Torture: https://bit.ly/42IP7rJ](https://bit.ly/42IP7rJ) in 1994, protecting individuals from torture and other cruel,

inhumane, and degrading treatment, including the criminalization of homelessness.

More recently, at the October 2016 U.N. Conference on Housing and Sustainable Urban Development (Habitat III), the U.S. signed onto the [New Urban Agenda: https://bit.ly/3S3cQhg](https://bit.ly/3S3cQhg), “commit[ing] to promote national, sub-national, and local housing policies that support the progressive realization of the right to adequate housing for all as a component of the right to an adequate standard of living, that address all forms of discrimination and violence, prevent arbitrary forced evictions, and that focus on the needs of the homeless, persons in vulnerable situations, low-income groups, and persons with disabilities, while enabling participation and engagement of communities and relevant stakeholders in the planning and implementation of these policies including supporting the social production of habitat, according to national legislations and standards.”

The U.S. has hosted several official and unofficial [visits: https://lat.ms/4itPexa](https://lat.ms/4itPexa) from top U.N. human rights officers in recent years that garnered significant press, as well as meetings with high-profile federal and state elected officials. In 2019, the National Law Center on Homelessness and Poverty (the Law Center) and others worked with Senator Cory Booker’s (D-NJ) office to host a packed-room [congressional briefing: https://bit.ly/4jqJEx3](https://bit.ly/4jqJEx3) on the U.N.’s [special rapporteur on extreme poverty and human rights report](https://bit.ly/3S9ui3G) on his mission to the U.S. When [Vice President Harris joined Biden’s ticket: https://bit.ly/3S9ui3G](https://bit.ly/3S9ui3G), she brought housing as a right framing into his platform.

While advocates chant “[fight fight fight, housing is a human right: https://bit.ly/3GEhXC4](https://bit.ly/3GEhXC4)” in the streets, the rhetoric has also moved into the political mainstream, with countless local, state, and federal officials stating their belief that housing is a human right in recent years. What is needed now is to pair that rhetoric with accountability to the full scope of the stan-

dards of the human right to adequate housing described below.

Issue Summary

The human right to housing, as defined by international law, is a powerful framework that considers the current, imperfect reality of our housing insecurity and homelessness crises, while also setting forth the numerous, interdependent and holistic pieces that are required for the full realization of the right. It promotes racial justice and housing justice and supports other human rights. The right to housing includes negative and positive rights: for example, the government must refrain from imposing cruel punishments, such as punishing individuals for sleeping or sheltering themselves outdoors in the absence of adequate alternatives (negative right) but must also ensure adequate supply of affordable housing (positive right).

According to the U.N. Committee on Economic, Social, and Cultural Rights, the human right to adequate housing consists of [seven elements: https://bit.ly/4iAuh3l](https://bit.ly/4iAuh3l): (1) security of tenure; (2) availability of services, materials, and infrastructure; (3) affordability; (4) accessibility; (5) habitability; (6) location; and (7) cultural adequacy.

In the human rights framework, every right creates a corresponding duty on the part of the government to respect, protect, and fulfill the right. Having the right to housing does not mean that the government must build a house for every person in America and give it to them free of charge. It does, however, allocate ultimate responsibility to the government to progressively realize the right to decent, accessible, and affordable housing, whether by devoting resources to maintain public housing stock (and prevent its privatization), universal vouchers, or renters' tax credits, by creating incentives for the private development of affordable housing such as inclusionary zoning or the Low-Income Housing Tax Credit, through market regulation such as rent control, through legal due process

protections from eviction or foreclosure, and upholding the right to counsel to enforce those protections and ensuring habitable conditions through housing codes and inspections, or by ensuring homeless persons are not threatened with civil or criminal penalties for sheltering themselves in the absence of adequate alternatives. Contrary to the current framework that views housing as a commodity to be determined primarily by the market, the right to housing framework gives advocates a tool for holding each level of government accountable if any of those elements are not satisfied. Crucially, the human rights framework states clearly that the right to housing includes the right to participate in decisions on housing policy for those directly impacted by those policies. Human rights also actively embraces "special measures" for historically marginalized populations, including affirmatively furthering fair housing, [reparations: https://bit.ly/4jwm95M](https://bit.ly/4jwm95M), and demands for [Land Back: https://bit.ly/3RALT4u](https://bit.ly/3RALT4u).

[France: https://bit.ly/4iCym7z](https://bit.ly/4iCym7z), [Scotland: https://bit.ly/3Ewo7Up](https://bit.ly/3Ewo7Up), [South Africa: https://bit.ly/3S4KRhj](https://bit.ly/3S4KRhj), and several [other countries: https://bit.ly/4jt2cwB](https://bit.ly/4jt2cwB) have adopted a right to housing in their constitutions or legislation, leading to improved housing conditions domestically. In Scotland, the "Homelessness Act of 2003" includes the right for all homeless persons to be immediately housed and the right to long-term, supportive housing for as long as needed. The law also includes an individual right to sue if one believes these rights are not being enforced and requires jurisdictions to plan for the development of adequate affordable housing stock. Complementary policies include the right (for tenants) to purchase public housing units and automatic referrals by banks to foreclosure prevention programs to help people remain in their homes. All these elements work together to ensure that the right to housing is upheld. Although challenges remain in the right's implementation, in general, [Scotland's homelessness is brief, rare, and non-recurring: https://archive.is/ASSI2](https://archive.is/ASSI2).

Forecast for 2025

It is the best of times and the worst of times for the movement for the human right to housing. Reflecting increased adoption of the human right to housing rhetoric, elected officials are more comfortable with this framing and recognize the potential for a mutually reinforcing cultural shift. California is poised to adopt a [constitutional amendment: https://www.housingisahumanrightca.org/](https://www.housingisahumanrightca.org/) recognizing adequate housing as a human right. Ambitious federal legislative proposals including the “[Ending Homelessness Act: https://bit.ly/3GBWj1j](https://bit.ly/3GBWj1j)”, “[Housing is a Human Right Act: https://www.congress.gov/bill/118th-congress/house-bill/1708](https://www.congress.gov/bill/118th-congress/house-bill/1708)”, “[Rent: https://bit.ly/42PxeaN](https://bit.ly/42PxeaN)” and others show a move toward a rights-based approach, as opposed to our current model that imposes and accepts artificially created budget limitations and leaves citizens homeless and inadequately housed.

That said, the threat posed by the second Trump Administration and Congress could make things far worse before they get better. The above-named bills are unlikely to pass and millions of Americans could lose their homes, with life-long consequences on their health, security, and livelihood, and state and local budgets will be cut due to lost tax revenue. As more people end up on the streets, calls like those from [President Trump: https://bit.ly/3YeEVI](https://bit.ly/3YeEVI) and the [Cicero Institute: https://invisiblepeople.tv/the-cicero-institute-makes-homelessness-worse-for-everyone/](https://invisiblepeople.tv/the-cicero-institute-makes-homelessness-worse-for-everyone/) to defund and overhaul affordable housing and create “relocation camps” for unhoused persons will grow louder. It is precisely in this time of ongoing economic hardship that a rights-based approach to budgeting and policy decisions will help generate the resolve to protect basic human dignity first, rather than relegating it to the status of an optional policy without force and effect. The Law Center, together with many other housing and homelessness organizations (including NLIHC), launched the [Housing Not Handcuffs: http://housingnohandcuffs.org/](http://housingnohandcuffs.org/)

Campaign in 2016 and the [National Coalition for Housing Justice: https://nchj.org/](https://nchj.org/) in 2020, both of which call for human right to housing policies in the U.S.

There is also an opportunity for international accountability in 2025, as the U.S. will be reviewed by the UN Human Rights Council under the [Universal Periodic Review: https://www.ohchr.org/en/hr-bodies/upr/upr-home](https://www.ohchr.org/en/hr-bodies/upr/upr-home). Housing and homelessness advocates from coast to coast will be using this human rights mechanism to highlight the scope and exigency of their issues, shame federal and local governments for their failure to implement the rights we are beholden to as international law signatories and build the domestic movement for housing as a human right.

Tips for Local Success

Local groups wishing to build the movement around the human right to housing in the U.S. can use international standards to promote policy change, from rallying slogans to concrete legislative proposals. Groups like the [#Moms4Housing: https://moms4housing.org/](https://moms4housing.org/) use human rights to take direct action like taking over vacant buildings and to support broader local and statewide legislative advocacy. The UN has created [model guidance: https://bit.ly/4izUhFH](https://bit.ly/4izUhFH) for implementing the human right to housing, including policies to ensure it during the [COVID-19 crisis: https://bit.ly/3S3uwJJ](https://bit.ly/3S3uwJJ), and a former UN official has created numerous resources to help advocates [Make the Shift: https://make-the-shift.org/](https://make-the-shift.org/) to a rights-based conversation. The town council of [Hamden, CT: https://bit.ly/3EDobSb](https://bit.ly/3EDobSb) passed a resolution in January 2025 recognizing the right in a manner that can be used as a template for other local jurisdictions. Advocates can also hold local government accountable to human rights standards by creating an annual [Human Right to Housing Report Card: https://bit.ly/4iABsZV](https://bit.ly/4iABsZV) In devising specific metrics evaluating the breadth and scope of adequate housing—and its association to other rights, including (among others)

the rights to health, education, food, water, non-discrimination, etc.—a Report Card could be a valuable policy advocacy and data analysis tool. Using international mechanisms (like those described above) can also cast an international spotlight on local issues.

What To Say to Legislators

It is important for legislators and their staff (as well as other advocates) to hear constituents say that housing is a human right and ask for them to say it too, as we work toward policies that support it as such. This helps change the normative framework for all of the housing issues that we work on: “because housing is a human right, we need to create a right to counsel in eviction court,” “because housing is a human right, we need to create a renters’ tax credit,” etc. All this creates momentum for the next time we need to say, “because housing is a human right, we need to [insert your housing priority]”.

Tying the concept to the U.S.’ origins and acceptance of these rights in Roosevelt’s “Second Bill of Rights,” polling data, and the growing widespread acceptance by political leaders all emphasize that it is a homegrown idea rather than one imposed from abroad. On a somewhat converse point, using the recommendations made by human rights monitors can also reinforce advocates’ messages by lending them international legitimacy.

Numerous national associations, including the [American Bar Association: https://bit.ly/42MB1Wn](https://bit.ly/42MB1Wn), [American Medical Association: https://bit.ly/3Ry6dDx](https://bit.ly/3Ry6dDx), [American Public Health Association: https://bit.ly/3YhNPTb](https://bit.ly/3YhNPTb), and [International Association of Official Human Rights Agencies: https://bit.ly/3EG0VTD](https://bit.ly/3EG0VTD) have passed resolutions endorsing a domestic implementation of the human right to housing, which local groups are using as tools in their advocacy. In reaching out to religiously motivated communities, it may be helpful to reference the numerous endorsements of the [U.S. Conference of](#)

[Catholic Bishops: https://bit.ly/3GDtxxl](https://bit.ly/3GDtxxl) in favor of the human right to housing and to point out that [Pope Francis: https://reut.rs/3EEudlw](https://reut.rs/3EEudlw) called for the human right to housing to be implemented during his 2015 visit to the U.S. All of these can lead us to a future where housing is enjoyed as a right by all Americans.

For More Information

National Homelessness Law Center
(formerly the National Law Center
on Homelessness & Poverty),
202-638-2535, <https://homelesslaw.org/>.

Many links and resources may have been changed or removed from federal websites before this guide was finalized. As a response, this guide provides full URLs to support your web-based research. Please utilize a web archival tool like <https://archive.org> to view links that may not currently be working and research any recent changes and funding cuts to ensure that you have the most current information.

Please contact outreach@nlihc.org with any questions.