

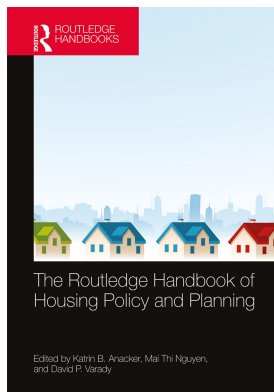
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1

THE RIGHT TO HOUSING

The Goal Versus the Reality

W. Dennis Keating

Introduction

Housing encompasses many aspects beyond the basic necessity for adequate shelter. In the physical sense, it should be safe and secure. In the economic sense, it should be affordable. In the social sense, it should not be overcrowded, its location should provide access to services, occupants should have security of tenure, and home seekers should not experience discrimination based on race/ethnicity, disabilities, family structure (i.e., the presence of children), gender, sexual preference, or source of income. While the meaning of the terms “adequate” and “shelter” can be debated, these other characteristics can be measured.

This chapter will identify the extent to which a right to housing has been recognized and whether, formally or not, adequate housing has been provided. While a right to housing has been adopted by a number of countries, no country has yet fully implemented such a right. This chapter will review international declarations of the right to housing and analyze several case studies, including the United States, Europe (including France and the United Kingdom), Canada, Australia, and New Zealand in order to better understand the dilemmas associated with right to housing declarations.

International Declarations

The right to housing has been recognized internationally since the founding of the United Nations (UN). The guarantee of this right can be found in several documents, including Article 25, Universal Declaration of Human Rights (as part of an adequate standard of living) (1948; U.N. Human Rights Council 2015). The International Covenant on Economic, Social, and Cultural Rights (ICESCR) (Article 11[1](1966), the UN Committee on Economic, Social and Cultural Rights (CESCR)) states:

The States Parties to the Present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

(n.p.)

Hohmann (2013) notes:

[I]mplementation of the ICESCR is notoriously underachieved. Even the richest countries regularly fail to provide the minimum core of the Covenant rights, thus “prima facie, failing to discharge their obligations under the Covenant”. This is not only a problem of political will, though lack of such is clearly significant. Both theoretical and practical problems lead to legitimate difficulties in the right to housing’s implementation and enjoyment.

(19)

This quote underscores the reality that a right to housing, if adopted, is only a relative, not an absolute right.

The Office of the UN High Commissioner for Human Rights has provided a Fact Sheet (No. 21/Rev. 1) (2009) on “The Right to Adequate Housing.” Its definition of “adequate” housing encompasses the aforementioned attributes. It specifies three freedoms: (1) protection against forced evictions and arbitrary destruction and demolition of one’s home; (2) the right to be free from arbitrary interference with one’s home, privacy, and family; and (3) the right to choose one’s residence., i.e., to determine where to live and to have freedom of movement. It specifies four entitlements: (1) security of tenure; (2) housing, land, and property restitution (meaning compensation for its seizure); (3) equal and nondiscriminatory access to adequate housing; and (4) participation in housing-related decision-making at the national and community levels.

While the UN labels these attributes as “freedoms” and “entitlements,” these are obviously aspirational and not guaranteed by UN agencies involved in housing.

The UN does have a Special Rapporteur on adequate housing as a component of the right to adequate standard of living. This position is honorary, filled by an expert who reports to the Human Rights Council. In her December 2015 report to the UN Human Rights Council, Leilana Farha addressed homelessness as a global human rights crisis in violation of the right to adequate housing as a component of the right to an adequate standard of living and the right to nondiscrimination (Farha 2015). Minimally, she defined it as the absence of “home”—secure shelter—and beyond that as having the absence of discrimination, criminalization, and marginalization. She cited international examples of national and local laws making the homeless into lawbreakers and also cited international examples of marginalized groups of the homeless, including women, children, migrants, and the disabled. Then she proposed a global campaign to eliminate homelessness by 2030.

Selected Case Studies

In addition to these international declarations, some countries have legally established a right to housing. However, such international declarations and national policies do not mean that the right to housing has actually been achieved. In all too many countries there are shortages of housing, physically inadequate shelter, and discrimination. Slum dwellers in informal housing, often lacking basic infrastructure and services, occupy some of the worst housing, typically located on the fringes of mega-cities (Davy and Pellissery 2013). Mostly found in the developing world, this informal housing would generally be considered to be inadequate. In the worst cases, there is homelessness, most notably among refugees. International, national, and local housing and human rights organizations continue to advocate for the right to housing and its implementation, especially for the poorest and most in need. This reflects the failure to achieve adequate housing even where a right to housing is already recognized. It should be noted that while a right to housing may be advocated, often the focus of these organizations is on a particular housing issue. This applies to organizations such as the National Law Center for Homelessness and Poverty in the United States and the International Centre on Housing Rights and Evictions.

United States

Federal housing policy consists of a combination of tax policy and subsidies. The largest federal tax program provides various incentives for homeowners with a majority of the savings going to upper-income homeowners. Beginning in 1986, tax credits have been provided for the development of housing for lower-income tenants. A variety of subsidy programs are aimed at the development of housing for low- and moderate-income tenants and homeowners. Since 1974, poor tenants have received rent subsidies allowing them to live in privately owned rental housing (Hays 2012; Schwartz 2015) (see also the chapter authored by Lawrence Vale and Yonah Freemark).

The reach of federal housing subsidy programs depends upon Congressional funding. For example, the federal standard for “affordable” housing for renters is paying no more than 30 percent of their income for rent. In 2013, the number of cost-burdened renters paying more than this particular rent-to-income maximum ratio was at a new high of 20.8 million (Joint Center for Housing Studies of Harvard University 2015). In that year only about one of four very poor tenants eligible for rent subsidies (known as Housing Choice Vouchers) received them due to limited funding. In his book *Evicted: Poverty and Profit in the American City*, a case study of Milwaukee, Wisconsin, Matthew Desmond argued for a universal entitlement of housing vouchers for poor tenants (Desmond 2016).

Right to Housing

The United States does not have an explicit national right to housing law that would support Desmond’s proposal. Housing experts differ on the need for a right to housing. On the one hand, Chester Hartman, then head of the Poverty and Race Research Action Council, has made the case for a right to housing. Citing the housing shortcomings in the United States, Hartman (1998, 224) declared: “I proceed from a normative, philosophical stance that asserts the wisdom and justice of such a right, as well as our society’s clear ability to achieve it.”

On the other hand, James H. Carr, then with the Fannie Mae Foundation, presented a rebuttal and alternative view.

[D]eclaring a “right to housing” and pursuing that right as the primary goal for a branch of social policy ignores the underlying causes behind concentrations of shelter poverty among certain populations and residents of certain geographic areas. As such, government programs developed to ensure the “right to housing” would encourage greater concentrations of certain populations in shelter poverty.

(Carr 1998, 248)

Currently, however, a right to housing would merely concentrate minorities and the urban and rural poor, already affected by systematic differential treatment, into a housing situation that perpetuates dependency on the government and vulnerability to shifting political tides.

(Carr 1998, 256)

Finally, Carr argued that providing publicly subsidized shelter without the beneficiaries having jobs with livable incomes would be counterproductive because the subsidized housing would undercut work incentives. Desmond, however, disagrees, arguing that the poor want to work to improve their lives beyond having adequate housing (Desmond 2016). These conflicting views represent the competing philosophies regarding governmental intervention in the housing market, a debate between right to housing advocates (e.g., Hartman and Desmond) and right to housing skeptics (e.g., Carr).

In 1972, the U.S. Supreme Court ruled that there is “no constitutional guarantee of access to dwellings of a particular quality” (*Lindsay v. Normet*, 405 U.S. 56). Instead, it pointed to legislation as

the appropriate avenue to securing housing rights. In 1949, the U.S. Congress passed a housing act that included the express goal of a “decent home and suitable living environment for every American family” (Hays 2012, 111). However, this act was aspirational only, not a mandate. Federal housing programs are generally limited in term and require periodic renewal and funding by the executive and legislative branches of government. In 1968, the Congressional housing legislation included the ambitious goal of eliminating the shortage of decent housing (including the need for low- and moderate-income housing) within a decade, with annual reports on progress to be issued by the U.S. Department of Housing and Urban Development (HUD; Hays 2012, 111). To achieve an overall goal of 26 million housing units, Congress relied on subsidies for the construction of private housing. Over time, the housing construction programs lagged, and in 1973 HUD declared a moratorium on these construction programs.

Homelessness

Beginning in the 1980s, homelessness became a significant housing problem in the United States. Despite the creation of several federal programs to house the homeless and the expansion of shelters and transitional housing for the homeless beginning in 1987 (Schwartz 2015), homelessness has persisted. In 2015, nearly 600,000 Americans were homeless (National Alliance to End Homelessness 2016). The federal “Housing First” initiative aims at providing enough permanent supportive housing to eliminate homelessness within a decade (Schwartz 2015). This program has made progress in reducing homelessness in many cities, including that of homeless veterans (Janisse 2016). Advocacy organizations such as the National Law Center on Homelessness and Poverty and local housing providers have promoted efforts like these to address the problem and to establish at least a right to shelter.

In some U.S. cities such as San Francisco tent encampments of the homeless have appeared, raising issues of public health and safety (Fuller 2016). Those cities that provide more services for the homeless have found that they have become magnets for many of the homeless and have been unable to cope with their needs, for example, Los Angeles and San Francisco. In 2015, the City of Los Angeles declared a citywide emergency in the face of the escalating number of the homeless totaling 25,000. Including this number in the city, Los Angeles County had 44,000 homeless. In February 2016, the City and County governments proposed complementary plans to spend hundreds of millions to provide expanded housing and housing services for these homeless populations (Lovett 2016). On November 8, voters in the City of Los Angeles voted on a \$1 million bond issue for housing for the homeless (Holland 2016).

In his 2017 federal budget President Obama proposed \$11 billion over the next decade to eliminate homelessness among families and young children. HUD’s 2015 homeless count found that about 64,000 families and 123,000 children were homeless (Stewart 2016).

State and Local Governments

In addition to federal housing programs, much of the responsibility for providing and ensuring that adequate housing is available (including for the homeless) lies with local governments (aided by state and federal housing programs). Local governments regulate housing through licensing landlords, conducting code enforcement, controlling rents (if and where authorized), and enforcing landlord-tenant laws. Many also have public housing authorities, use housing trust funds to subsidize development, and require developers of large-scale residential projects to dedicate a percentage of the units to below-market-priced units (known as “inclusionary housing”) (Calavita and Mallach 2010; Schwartz 2015). Despite their best efforts, cities (and their nonprofit partners) have proven incapable of meeting the needs of all who need adequate housing. This has simply been beyond their capacity.

The decline in federal housing support (Schwartz 2015) has limited the ability of these local providers to meet increasing housing needs.

The single most dramatic example of this failure of local governments to meet housing needs is found in New York City, the largest city in the country. The New York City Housing Authority (NYCHA) is the largest in the United States and has been considered one of the most successful in housing the poor (Bloom 2009). In 2014, it housed more than 400,000 residents in its 334 developments. But as of that year its unfunded capital needs totaled \$18 billion, reflecting cutbacks in federal spending for public housing (Navarro 2014). In 2015, there were 270,000 individuals and families (totaling more than 500,000 individuals) on NYCHA's waiting list, with only a small number of vacant apartments being filled annually (Navarro 2015).

Despite rent stabilization regulating around one million rental units housing approximately 2.5 million tenants, half of New York City's tenants living in private rental housing covered by rent stabilization pay more than 36 percent of their income for housing (New York City Rent Guidelines Board 2015). In 2015, the Rent Guidelines Board froze rents for one-year leases for the first time in its 46-year life. This freeze reflects the magnitude of the rental housing crisis in one of the most expensive cities in the United States.

New York City itself has funded more housing than any other U.S. city (Schwartz 2015). One of the major initiatives of Mayor Bill DeBlasio is his *Housing New York: A Five-Borough, Ten-Year Plan* (De Blasio 2014). It proposed more than 50 initiatives to build or preserve 200,000 units of high-quality affordable housing by 2024. Despite these attempts to increase the affordable housing supply and regulatory policies to limit housing prices, and the fact that the anti-homeless policy is headed up by one of the city's most well-known homeless advocates, this massive effort is unlikely to meet the need for more and better affordable housing in New York City.

Discrimination and Freedom of Movement

One of the three freedoms cited by the UN High Commissioner for Human Rights is "The right to choose one's residence. To determine where to live and [to have] freedom of movement." Anti-discrimination laws protecting against various types of housing discrimination have greatly reduced overt discrimination based on race, religion, ethnicity, gender, households with children, and disabilities. Litigation has often been required to challenge discrimination under these laws. Yet, much discrimination remains, with it becoming covert rather than overt. And not all discrimination is illegal. For example, most private landlords are free to legally refuse to accept tenants trying to use federal rental housing vouchers to pay part of the rent (Desmond 2016).

Another aspect of housing discrimination in the United States is spatial segregation. There is widespread resistance to the location of subsidized housing for the poor in middle-class and upper-class neighborhoods. This limits the right of choice and access for the lower-income population in general and racial minorities in particular. Sometimes this resistance is loud as in Yonkers, NY (when working-class and middle-class Whites opposed an activist judge's decision to desegregate public housing), and sometimes it is quiet, when suburban governments use land use controls, including zoning, to prevent this type of affordable housing from being built. Under their home rule powers, they are free to exclude this housing as long as racial bias cannot be proven. Residents fearful of a negative impact on housing values often engage in NIMBYism ("Not in My Backyard") (Varady 2005).

Only a few states (e.g., Massachusetts and New Jersey) require most local governments to allow at least some affordable housing to be located in their communities. Even in those states, after decades of controversy many communities have not met their "fair share" housing requirements. In 2015, HUD issued new rules on Affirmatively Furthering Fair Housing that require those communities receiving federal housing and community development grants to make more serious long-term efforts to identify the obstacles to achieving more inclusive communities and then to take specific

actions to promote the development of affordable housing. Whether this policy will significantly affect spatial segregation in housing related to income and race will only be known after its implementation (Immergluck and Kao 2016). Special residential mobility programs for tenants with federal rent vouchers (e.g., Gautreaux, Moving to Opportunity) have so far had only a minimal impact in reducing the spatial concentration of the inner city poor (Schwartz 2015) (see also the chapters authored by Howard Husock and Kirk McClure).

Security of Tenure

As for security of tenure, which is one of the four entitlements the UN cites, most low-income U.S. tenants have only short-term leases (many only month-to-month) (Hartman and Robinson 2003). Landlords are under no obligation to renew these leases and can raise the rent at will or convert the housing to other uses unless there is public policy to the contrary. Thus, most poor tenants are forced to rent housing in the worst conditions and locations and are often evicted for failure to pay the rent (Desmond 2016). The exceptions are (1) states and localities that require a “just cause” to evict; in these jurisdictions, as long as the tenant pays the required rent and does not violate the terms of the lease, the tenant is protected against arbitrary eviction; however, if the tenant does either, a right to housing would not prevent their eviction; (2) tenants living in federally subsidized rental housing who are protected by due process, which allows them by right to an administrative hearing to contest eviction prior to a judicial eviction action; and (3) in California, New Jersey, and New York where local rent control exists, where evictions require just cause.

If the government requires residents to move in the face of government projects (e.g., highways), they are entitled to relocation benefits under federal and state laws (for comparative relocation policies in the Netherlands, see also the chapter authored by Reinout Kleinhans). Some local governments also require private owners of housing to provide extended time for relocation and/or relocation benefits to certain categories of tenants (e.g., disabled).

Mortgage Crisis

After the mid-2000s the United States saw one of the worst periods of housing displacement, although this disruption varied by the state and the region. The subprime mortgage crisis resulted from the bursting of a housing bubble that fueled the worst economic recession since the Great Depression of the 1930s. Millions of homeowners saw their houses foreclosed and the equity lost as housing values plummeted (Schwartz 2015). Millions of other borrowers became “under water” (i.e., the amount of their outstanding mortgage loan exceeded the market value of their home), and many simply abandoned their home in a depressed housing market. The efforts of the federal government to assist homeowners to refinance their mortgages to prevent foreclosure achieved limited success, as did counseling programs for homeowners in financial distress (Schwartz 2015). In addition, many tenants were forced to move when their landlords failed to pay their loans and their rental property was foreclosed (Madar and Glashauser 2011).

In the United States there are numerous organizations dedicated to addressing the need for adequate housing. The National Low Income Housing Coalition is the most prominent national advocacy organization for affordable housing. It waged a campaign for a National Housing Trust Fund that finally culminated in its creation in 2008. However, its funding has been delayed due in part to the collapse of its primary funding sources during the subprime mortgage crisis (Schwartz 2015). Now controlled by the federal government after being bailed out in 2008, the Federal National Mortgage Association (FNMA, known as “Fannie Mae”) and the Government National Mortgage Association (GNMA, known as “Ginnie Mae”), which are the largest providers of mortgage financing through the secondary market, have an obligation to support housing for lower-income

households. With the financial recovery of these two agencies, it is hoped that they will provide significant funding for affordable housing distributed through the states. In early 2016, \$174 million was being allocated to build, preserve, and rehabilitate housing for extremely and very low-income households.

Thus, the United States has not only failed to approve a right to housing law, it has also failed to meet existing low-income housing needs. Even if such a legislative policy, a right to housing, existed, that would still not ensure that all unfulfilled housing needs would be met. This has been the case in countries that have adopted a right to housing policy. However, at least it would provide more leverage for housing advocates and stakeholders to pressure governments at all levels to increase their efforts to provide housing for all.

Non-U.S. International Examples

The next sections provide a few examples of countries outside the U.S.—France, the United Kingdom, Canada, and Australia and New Zealand—but without as much detail as in the United States example.

Europe

In 2013, the European Parliament adopted a resolution on social housing in the European Union (EU), recalling that access to housing is a fundamental right but that this right had been under threat due to a shortage of affordable housing, as well as the continuing economic and social crisis. The elected representatives in the European Parliament called on the European Commission, its executive arm, and member states to support and promote innovative exchanges of good practices in upholding the right to housing, especially for particularly vulnerable and marginal groups. Parliament called on the member states to draw up integrated policies for promoting social inclusion, as well as for guaranteeing universal access to decent, healthy, and affordable housing. It pointed out that social housing should be structured to avoid both gentrification and ghettoization. As to the latter issue, it was a warning against the isolation of high-rise public housing, such as the *banlieues*, that are located at the edge of many French cities.

These issues exist despite several European countries guaranteeing a right to housing in their constitutions: Belgium, Finland, Greece, the Netherlands, Spain, and Sweden (Byrne and Culhane 2011). Several European countries have recognized a right to housing through legislation: Austria, France, Germany, Luxembourg, and the United Kingdom. Nevertheless, these and other EU countries have failed to actually provide adequate housing for all of their citizens.

In 2014, according to Eurostat (European Union Eurostat 2014), 11.4 percent of the EU population was confronted with housing cost overburden, meaning that they had to spend more than 40 percent of their disposable income for their accommodations. The overcrowding rate was 17.1 percent. In 2015, Habitat for Humanity's annual *Housing Review* reported:

- More than 10 percent of Europeans had housing costs that exceeded half of their household's income.
- The percentage of young adults aged 18–34 living with their parents was at record highs.
- New housing construction had dropped by 70–90 percent, with social housing running well below 10 percent of current needs.
- There was an increasing gap between poverty and affluence in dynamic urban centers.

These problems have been exacerbated by the flood of refugees from the Middle East and Africa who have been in recent years fleeing wars and poverty. Many are now living in temporary refugee

quarters. Recently, there has been a growing backlash against their entry into Europe despite humanitarian concerns (see also the chapter authored by Alfons Fermin and Frank Wassenberg).

France

France is one of the several European countries with an explicit right to housing (“*droit au logement opposable*”; DALO). This legislation was enacted unanimously by Parliament in an emergency session in March 2007. More limited precedents on providing housing short of this broader declaration were proclaimed beginning in 1982. DALO provides French citizens (and non-nationals with residence permission) in need of decent housing the right to seek prioritization from mediation committees established in each Département, which must notify Prefects within several months of successful appeals for housing. Those who successfully appeal then have the right to appeal to the administrative courts if housing is not provided within an established period. The courts can then order Prefects to provide accommodations under financial penalty (which would be paid to a regional and more recently a national fund for social housing construction). DALO was modeled on Scotland’s housing legislation, which is judicially enforced, as discussed later (Houard and Lévy-Vroelant 2013; see Olds (2010) for a discussion of the role of the courts in France (and the Netherlands) in supporting a right to housing).

DALO has, however, fallen considerably short of fully implementing the right to housing:

[F]ive years after its proclamation, the number of people helped by the DALO Act has been lower than expected. By late December 2011, around 250,000 appeals had been lodged (65 percent came from the Île-de-France region). Among these, 80,000 appeals received a favorable ruling, and only 33,000 households were re-housed based on the DALO Act. . . . The obstacles in implementing the DALO have to be interpreted in broader perspective. . . . The progressive implementation of the enforceable right to housing, from 1990 to 2007, fits well into this landscape formed by an alliance between elite groups composed of lawyers, high-level civil servants, politicians, charities and civil society activists, and fueled by the approbation of public and private actors in the field of urban development and housing construction. However, the system still suffers from fundamental ambiguity created by the mismatch between demand and supply, coupled with an indecisive monitoring of the distribution of public resources.

(2013, 211)

This illustrates the dilemma of adopting the right to housing as a national policy; i.e., the resources provided by government usually fall short of the acknowledged need. Nevertheless, Calavita and Mallach (2010) stated that the 2007 adoption of the right to housing was worthwhile. “Precisely what that right will mean remains uncertain, but clearly it will increase the pressure on both the state and the communes to expand the pool of social housing available” (231).

Beginning in 2000 France adopted a national inclusionary housing policy. The “Loi SRU” in Article 55 imposed on all *communes* with more than 1,500 residents in the Île-de-France region or more than 3,500 residents in other urban agglomerations the legal obligation to ensure that a minimum of 20 percent of the housing units be social rental housing. The legislation provides for fines for those *communes* that fail to meet the minimum requirement (Calavita and Mallach 2010). The impact of this policy has not been documented as of this writing.

United Kingdom (UK)

In several legislative acts, the UK Parliament required local authorities to provide “settled” (i.e., permanent) housing to homeless groups that have priority needs (Byrne and Culhane 2011).

However, in the City of London the housing crisis has become so critical due to price inflation and cutbacks in housing benefits by the Tory government that its newly elected Mayor Sadiq Khan has made addressing it his top priority (O'Sullivan 2016). Whether Khan will do any better in addressing the shortage of affordable housing than his counterpart mayor in New York City remains to be seen.

Under its independent powers, in 2003 Scotland adopted a policy requiring local authorities to provide settled accommodations to anyone who becomes homeless through no fault of their own. This goal took effect as of 2012 (King 2015; Tars and Egleson 2009). Graeme Brown, the director of the housing and homeless charity Shelter Scotland, stated in 2013:

As conceived 10 years ago under the Homelessness etc. (Scotland) Act 2003, reform of the law was to be the locomotive which dragged increasing housing supply and improved services in its wake. That was one of the principal reasons that local government umbrella body Cosla supported the changes. Without the peg of increased duties the argument for more spending on housing would have been so much weaker these last ten years.

(Brown 2013, n.p.)

The Homeless Monitor has been conducting a tracking study of homelessness in Scotland in Crisis, a national charity for homeless people. Its report, published in 2015, concluded: “[Homelessness] has been on a marked downward path since 2010/2011, since the introduction of Housing Options [a homeless prevention program]. In 2014/2015 Scottish local authorities logged 35,764 statutory homeless assessments, of which 28,615 resulted in a judgment that the household was ‘legally homeless’ . . . 37% lower than in 2009/2010” (211).

According to the Scottish government’s report on homelessness for 2015–2016, roughly two-thirds of the formerly homeless secured a social rented tenancy or a private rented sector tenancy (The Scottish Government 2016). This demonstrates that with the impetus of the right to housing for the homeless legislation, Scotland has made considerable progress in providing housing for the homeless, as well as reducing their number.

Canada

Canada does not have an explicit right to housing. However, there are rights in the Canadian Charter of Rights and Freedoms that are implicitly related to a right to housing (e.g., the right to security of the person and the right to equality). Also, Canada and its provinces and territories have agreed to the right to housing found in international declarations such as the International Covenant on Economic, Social and Cultural Rights (ICESCR; U.N. Human Rights Council 2015). The Centre for Equality Rights in Accommodations/Social Rights Advocacy (CERA/SRAC) advocates for adequate housing.

In 1973, the housing minister in the Liberal government of Prime Minister Pierre Trudeau described adequate affordable shelter as an “elemental human need.” However, in succeeding decades Canadian governments have cut back on funding for social housing. By 2015, Canadian cities such as Toronto and Vancouver have experienced skyrocketing housing rents and prices. Forty percent of Canadian renters spend more than 30 percent of their income on rent and utilities, and about 20 percent spend more than half of their income on rent and utilities (McMahon 2015). In 2015, the newly elected Liberal government of Trudeau’s son Justin promised greatly increased spending on social and co-op housing and tax subsidies for new private rental units. It also promised to pursue a national housing action plan to improve housing accommodation options over the coming decade (Raising the Roof 2016).

Australia and New Zealand

Neither Australia (Morris 2010; Bell 2013) nor New Zealand (New Zealand Council of Christian Social Services (NZCCSS) 2015) has a right to housing in their constitutions. While both countries have ratified the various international declarations on the right to housing as part of the right to an adequate standard of living, these are not binding on domestic policies. In the case of Australia, in mid-2009 over 175,000 applicants were on waiting lists for public housing, and 50,000 were on waiting lists for community housing (Bell 2013). Fueled in part by migration, Australia's housing crisis has continued. Population projections for the decade 2012–2022 have predicted a need for 142,060 houses in Sydney and 231,340 in Melbourne in the midst of an affordability and housing shortage crisis (Birrell and McCloskey 2016). Given these housing shortages, the country's ratification of the international declarations of a right to housing has not significantly influenced its attempts to successfully address these housing needs.

Conclusion

Whether in the industrialized countries of Europe, North America, Australia, and New Zealand or in less developed countries such as South Africa, the idea of a right to housing, as declared by international bodies, is an explicit or implicit societal goal. Only in 11 countries in the European Union is it explicitly found in a constitution or national legislation. However, in these examples and those countries that recognize international declarations on the right to housing, the reality is that this ideal is far from being achieved despite the existence of many different housing programs. Even where the right to housing has been adopted as a national policy and can possibly be enforced in the courts as is the case of France, experience indicates that only a fraction of those claiming housing needs have been satisfied after seeking fulfillment administratively and through the courts. As Hohmann states:

When the right to housing has been interpreted and applied it has not had a radical effect. Even an optimistic reading suggests that it has provided, at most, only partial gains and improvements in the living conditions of some, and by no means always for those who are worst off.

(2013, 231–232)

As Alexander (2015) demonstrates in the United States, there are social movements and national, state, and local organizations that are fighting for housing, typically for those most in need; the same is true for other developed countries. While there have been successes in the United States (e.g., the creation and initial funding of the National Housing Trust Fund) and elsewhere (e.g., Scotland's housing of the homeless), clearly the need for adequate housing typically exceeds the available supply.

Even the wealthiest of the industrialized nations such as those included in this chapter have failed to meet the requirements of a right to housing. Low-income tenants in extremely expensive cities such as London, New York, Paris, and San Francisco face the greatest difficulty. Nevertheless, as an aspirational goal having the right to housing embedded in a nation's constitution or national legislation at least encourages efforts to better house its population, most importantly those most in need. This hope has inspired housing advocates to continue to campaign for the general goal of a right to housing while addressing the needs of specific disadvantaged groups.

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