

# HOUSING EQUALS JUSTICE

## SB 194 – An Act Establishing a Right to Housing

### Bill Summary

#### **Summary**

SB 194 prioritizes housing as a right in Connecticut. Connecticut has long suffered an acute housing crisis. That crisis was exacerbated by the Novel Coronavirus Disease 2019 (COVID-19) which was declared a global pandemic in March 2020. Recognizing the right to adequate housing in Connecticut would establish the goal of the state to take progressive action to respect, protect and fulfill the right to housing for all individuals.

#### **Background**

The last official count by the U.S. Department of Housing and Urban Development in January 2020 reported that 2,904 individuals are homeless in Connecticut. On a daily basis, homeless individuals face challenges including criminalization for simply sleeping or resting, threat of private harassment and violence, and difficulty obtaining jobs, school, training, banking, or other benefits due to lack of address. Over 124,000 Connecticut renter households, or 26% of the renter population, spend over half of their income on rent, putting them just one missed paycheck or medical emergency away from experiencing homelessness. People of color are disproportionately affected by the housing crisis, with African American households and Latino households more likely to be burdened by housing costs. It is estimated that 80,000 additional affordable homes are needed to house the state's population.

The onset of the COVID-19 pandemic highlighted the need to address the right to housing as public health measure. Those living on the streets or doubled up in housing are unable to follow public health guidelines or even wash their hands, resulting in an increased burden on the state's healthcare system, threatening all of our public health. Those in housing are currently facing the prospect of homelessness due to the loss of income from pandemic-related job losses.

#### **What is the human right to housing?**

The human right to housing consists of seven elements: (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 current proposal, these elements are reflected in the right to protection from housing loss, the right to safe housing that meets all basic needs, the right to housing affordability, the right to rehousing assistance, and the right to recognition of special circumstances and conditions impacting access to housing, such as race, sexual orientation, gender identity, age, disability, employment status, criminal record, eviction history, family status, source of income, immigration status, or cultural traditions. The government can use a wide variety of measures, from market regulation to subsidies, public-private partnerships to tax policy, to help ensure the right. The government can choose the methods by which it achieves the right, but the establishment of the right ensures that the state prioritizes its resources to ensure as many people as possible are enjoying the right, and that this increases progressively, until the full right becomes realized for all.

#### **What does it mean to progressively implement the right to housing?**

Recognizing adequate housing does not mean the state is obligated to immediately provide a single-family home to everyone in Connecticut and does not require immediate results. Implementing the right to housing will involve some immediate action as well as a clear plan for future action that the state can hold itself accountable to, all of which will eventually lead to the full, society-wide, enjoyment of this right.

The bill would also not mean the state or local jurisdictions are obligated to devote all of their resources toward housing until everyone is adequately housed. Available resources include legal and regulatory frameworks which do not cost the state anything to implement, and theoretically, the state could achieve its obligations purely through creative regulation, for example, strong inclusionary zoning requirements. The availability of additional federal COVID-19 relief

funding could also be used to supplement state and local funding.

For example, an immediate obligation could include ensuring all Connecticut residents currently experiencing unsheltered homelessness have a safe, legal place to be, both day and night, with their family members and belongings. This could include the use of federal COVID-19 funding to rent hotel rooms or to provide legalization of safe camping areas and parking lots with relatively low-cost sanitation facilities. The progressive obligation would ensure that the state does not stall out at this stage, but rather that as additional funding comes from the federal government or its own relief spending and policymaking, it will continue on, through purchasing hotels, repurposing other vacant properties, new public or private construction, or subsidies to create the adequate, affordable housing capacity for people to move out of encampments and hotels and prevent new homelessness, equitably prioritizing the needs of those most currently at risk.

### **What does it mean to respect, protect, and fulfill the right?**

The duty to **respect** means that governments should refrain from preventing people from satisfying this right themselves, for example by stopping enforcement of anti-camping ordinances against people creating their own shelter solutions until adequate indoor capacity exists.

The duty to **protect** means governments must prevent violations of these rights by third parties, such as landlords or property developer through defending current or implementing new measures like rent control, tenant protections, the right to counsel in housing court, enforcement of housing codes and non-discrimination laws; and local prioritization and living-wage compensation for workers constructing housing.

The obligation to **fulfill** means governments must progressively ensure all people have access to fully adequate housing, according to all of the seven elements outlined above. This could be by creating or preserving affordable housing directly through funding, vouchers, or construction of public housing, or through incentivizing private development through regulation or market incentives, and through creation of an adequate enforcement mechanism to ensure compliance in all areas.

### **What specific policies may be implicated by the right to housing?**

Several measures currently under consideration in the General Assembly present specific actions which would advance the right to housing established by this bill, including:

- Providing access to legal counsel in eviction and foreclosure proceedings
- Funding case management and response system for those facing homelessness
- Lessening the impact of criminal and eviction history on housing access
- Updating definitions of discriminatory housing practices
- Increasing protections for those fleeing domestic violence
- Ending exclusionary zoning

### **How will the implementation of the right to housing be monitored?**

In addition to establishing the state's goal of a right to housing, the bill also creates two entities to review and advise on the state's implementation of the right to housing. The right to housing task force will be composed of experts in housing policy, advocates for groups particularly vulnerable to housing loss and homelessness, and people with lived experience of housing insecurity. The task force will review current and proposed legislation and policies impacting the right to housing. A Housing Advocate position will also be designated within the Department of Housing, which will be responsible for providing assistance to recipients of Department of Housing services concerning complaints regarding the right to housing. Both the task force and the Housing Advocate will provide reports to the Housing Committee of the General Assembly to advise on changes needed to realize a right to housing.

### **Support**

- National Homelessness Law Center
- Connecticut Coalition to End Homelessness
- Connecticut Legal Services
- Partnership for Strong Communities
- Journey Home CT

### **Contact**

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