## United States

### US --- Federal Government

**“United States” is the federal government. That is the most predictable.**

**Mitchell ’15** — Paul Andrew; BA MS, Founder of the Supreme Law Firm, previous Vice President for Legal Affairs and Counsel to an Arizona Trust, Private Attorney General, Criminal Investigator. 2015; <http://www.supremelaw.org/letters/us-v-usa.htm>; //TDI

Note also that those Articles clearly distinguished "United States of America" from "United States" in Congress assembled. The States formally delegated certain powers to the federal government, which is clearly identified in those Articles as the "United States". Therefore, the "United States of America" now refer to the 50 States of the Union, and the term "United States" refers to the federal government. The term "United States" is the term that is used consistently now throughout Title 28 to refer to the federal government domiciled in D.C. There is only ONE PLACE in all of Title 28 where the term "United States of America" is used, and there it is used in correct contradistinction to "United States": http://www.law.cornell.edu/uscode/28/1746.html Because Title 28 contains statutes which govern all federal courts, the consistent use of "United States" to refer to the federal government carries enormous weight. Title 28 is the latest word on this subject, as revised, codified and enacted into positive law on June 25, 1948. Moreover, the Supremacy Clause elevates Title 28 to the status of supreme Law of the Land.

**Congressional interpretations support this reading of the resolution.**

**Lagueux ’91** — Ronald; US District Judge. September 17, 1991; “IN THE MATTER OF THE COMPLAINT OF BALLARD SHIPPING COMPANY FOR EXONERATION FROM OR LIMITATION OF LIABILITY Civil Action No. 89-0685L UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND”; 772 F. Supp. 721; 1991 U.S. Dist. LEXIS 13103; 33 ERC (BNA) 1996; 33 Employee Benefits Cas. (BNA) 1996; 1992 AMC 402; Lexis; //TDI

Claimants argue that the statute's broad, "pre-civil war" definition of "United States" -- **meaning the several states** and territories -- when applied to subsection (f)(1), gives Rhode Island a cause of action. Claimants also argue that the provisions in subsection (f)(4), measuring liability to include costs incurred by a state government, and subsection (f)(5), requiring a state's authorized representative to act as a trustee to recover costs of restoration, confirm that states have standing under section 311 of the FWPCA to sue the shipowner.

But **this selective reading** of the statute misses more direct language that **only** supports a cause of action by the federal government. HN6Go to this Headnote in the case.The language of the statute must be given its ordinary meaning, absent clear legislative intent to the contrary, Consumer Product Safety Comm'n v. GTE Sylvania, Inc., 447 U.S. 102, 108, 64 L. Ed. 2d 766, 100 S. Ct. 2051 (1980), and this Court must be chary of reading into the statute any remedies that are not expressly stated there, Middlesex County Sewerage Auth. v. Nat'l Sea Clammers Ass'n, 453 U.S. 1, 14-15, 18, 69 L. Ed. 2d 435, 101 S. Ct. 2615 (1981). A common-sense reading of the statute compels the conclusion that states have no standing [\*\*7] to sue under section 311. HN7Go to this Headnote in the case.Subsection (f)(1) plainly makes shipowners and operators liable only "to the United States Government" for costs incurred during the removal of oil. 33 U.S.C. § 1321(f)(1) (1988). The last sentence of this section adds: "The United States may also bring an action against the owner or operator of such vessel . . . ." Id. "United States Government" and "United States" **mean the federal government**.

The broad definition of "United States" in subsection (a)(5) -- which includes the several states but conspicuously leaves out the federal government -- would make little sense if it were applied to this context, as Claimants propose. To apply the broad definition set forth in subsection (a)(5) wherever the term "United States" appears in section 311 would be folly. For example, "district court **of the** **United States**," 33 U.S.C. § 1321(b)(6)(B) (1988), can **mean nothing but the federal district courts**. The meaning of "United States" in this context is obvious, and no one would suggest that it includes the states.

The broad definition in subsection (a)(5) relates, not to the courts empowered with jurisdiction or the sovereigns that have standing to sue, but to the [\*\*8] geographical scope of potential liability under section 311 of the FWPCA. See, e.g., 33 U.S.C. §§ 1321(a)(10), (a)(11), (a)(15), (a)(16), (b)(1), (b)(2)(A), (b)(3), and (b)(4). Thus, an oil spill in the Trust Territory of the Pacific Islands may touch the "United States" and create liability under the FWPCA, but the Trust [\*724] Territory of the Pacific Islands must rely on the "United States Government" -- the appropriate federal authorities -- to bring suit under Section 311.

Congress could have given the states explicit, separate authority to bring suit under section 311, but it did not. In other parts of this section, Congress recognized a distinction between the "United States" and "a State or political subdivision thereof." E.g., 33 U.S.C. § 1321(a)(4) (1988). This distinction indicates that, subsection (a)(5) notwithstanding, **Congress did not intend to include the several states** every time it used the words "United States" in section 311. When Congress intended to include the governments of the several states, it explicitly spoke of states in addition to the "United States."

## Ought

### Ought = Action

#### Ought means to take action

Cambridge ND [ought. https://dictionary.cambridge.org/dictionary/english/ought]

used to say that it is necessary or desirable to perform the action expressed in the verb: We ought to clean up before we go home. She really ought to apologize.

### Ought = Moral Obligation

#### Ought is a moral obligation

Dictionary.com ND [Ought Definition & Meaning | Dictionary.com. https://www.dictionary.com/browse/ought]

(used to express duty or moral obligation): Every citizen ought to help. (used to express justice, moral rightness, or the like):

#### Ought to means moral obligation

Cambridge nd [(Cambridge Dictionary, Cambridge University Press has been publishing dictionaries for learners of English since 1995,) “ought to”, Cambridge University Press & Assessment, nd. https://dictionary.cambridge.org/us/dictionary/english/ought-to] MF

used to show when it is [necessary](https://dictionary.cambridge.org/us/dictionary/english/necessary) or would be a good thing to [perform](https://dictionary.cambridge.org/us/dictionary/english/perform) the [activity](https://dictionary.cambridge.org/us/dictionary/english/activity)

#### Ought is a moral obligation.

Britannica ND [Ought implies can | Moral Dilemmas, Reasoning & Argumentation. (2023). Retrieved 7 August 2023, from https://www.britannica.com/topic/ought-implies-can]//SC

**Ought implies** can, in ethics, the principle according to which an agent has **a moral obligation** to perform a certain action only if it is possible for him or her to perform it. In other words, if a certain action is impossible for an agent to perform, the agent cannot, according to the principle, have a moral obligation to do so. Attributed to the German Enlightenment philosopher Immanuel Kant, the principle of ought implies can has been regarded as a minimal condition on the plausibility of any ethical theory: viz, no such theory is justifiable if it implies that agents have duties to perform actions that they are unable to perform.”

### Ought = Certain

#### Ought to is uncertain (maybe something for like a consult cp?) idk

Cambridge nd [(Cambridge Dictionary, Cambridge University Press has been publishing dictionaries for learners of English since 1995,) “ought to”, Cambridge University Press & Assessment, nd. https://dictionary.cambridge.org/us/dictionary/english/ought-to] MF

used to express something that you expect will happen

## “Right to housing”

### Negative right

#### The right to housing is debated as a negative right in implementation so the plan is core to both neg disads and mechanism education.

**Morais 05** Lochner Marais (PhD, University of the Free State, Bloemfonte Professor) in Social Policy) & Johannes Wessels, Housing Standards and Housing Rights: The Case of Welkom in the Free State Province, 16 URB. F. 17, 20 (2005)

In general, it seems as if **the right to housing does not mean that governments are supposed to construct houses for the entire population** (Leckie, 1990; Kok and Gelderblom, 1994). Rather, **it is more concerned with the obligation of the state not to act in a way that will undermine the opportunity of households to gain access to housing**. For example, making laws or regulations that undermine access to housing will not be conducive to the furtherance of the right to housing. In terms of established informal settlements, **the right to housing would probably have the implication that one may not remove informal settlers without providing alternative accommodation** and without meeting all of the legal requirements. Furthermore, **it probably also requires the state to develop an implementation plan as to how it will ensure that this right** is upheld.

#### Even if a positive right in theory, courts would view the right to housing as a negative right – education & privacy prove

* Positive rigths are vewied as negative rights in the eyes of the court

Carillo 23 [David A. Carrillo is the executive director of the California Constitution Center. David A. Kaiser is an attorney in private practice and a senior research fellow at the California Constitution Center, 3/16/23, “A New Constitutional Right to Housing Is a House of Straw”, Law.com]

Assemblymember Matt Haney recently proposed an initiative constitutional amendment (ACA 10) that would create a new California constitutional right “to adequate housing for everyone in California.” The measure would require state and local governments “to respect, protect, and fulfill this right” and to “achieve the full realization of the right, by all appropriate means, including the adoption and amendment of legislative measures, to the maximum of available resources.”

This proposal stems from the battle between local governments and the state over housing production. Supporters of increased affordable housing think ACA 10 will generate increased state power to impose building mandates on local governments. That’s unlikely to happen, because a new constitutional right to adequate housing has dim prospects in the courts.

California court decisions have often quashed the ambitious goals of other positive constitutional rights, because rights that require the government to do something are conceptually difficult. Most constitutional rights are negative: They prohibit the government from interfering with specified individual liberties, so they bar government action. The underlying liberty (to possess arms, to speak, to assemble) is secondary to the primary purpose of barring government infringement. Rights against something are easier to enforce because they apply to something the government has already done or plans to do. Positive rights for something (to due process, to counsel, to housing) are harder to define and enforce because they compel government activity.

State constitutions have always protected more positive rights than the federal Constitution, and California is no exception, with rights to education, to fish and to privacy. Those all have the problem inherent in rights that require the government to actively do something: Do what, exactly? That mystery has turned those positive rights in California’s constitution into nullities. And that experience suggests that a new adequate housing right would also fail in the courts.

Rights to education, to fish, and to privacy all began with laudable goals to protect specific individual liberties—but all three fizzled in the courts. Education rights now largely concern equal protection questions rather than guaranteeing any basic adequacy standard. The right to fish was diminished to a mere privilege to fish by license from the state. And as the authors explain in ”California Constitutional Law: Privacy,” (2022) 59 San Diego L. Rev. 119, privacy law now largely exists by statute, with only an autonomy privacy right to abortion retaining real power. Against that history there’s little reason to think that a new positive right will gain traction in the courts.

In contrast, 2022 Proposition 1 (which added abortion rights to California’s constitution) is a classic negative right that bars the state from interfering with an individual’s reproductive freedom. It was prompted by the need to capture an existing right that suddenly lost its federal judicial foundations, so it was intended to preserve the status quo. Thus, Proposition 1 presents the converse of a new housing right. Courts have spent decades developing abortion doctrine into a well-defined legal structure—but the first judge to confront a right-to-housing case will have little guidance. If experience with the rights to education, to fish, and to privacy is any guide, that process is unlikely to result in a robust new judicially mandated program of government housing enforcement.

How should judges define the core question of adequate housing? In the education context the courts have struggled to define a constitutionally mandated minimum educational standard. As explained in “California Constitutional Law: The Right to an Adequate Education,” (2015) 67 Hastings L.J. 323, there is no satisfactory answer to the policy-laden question of what quality level the education right guarantees. Indeed, California courts have mostly evaded the issue, with the California Supreme Court denying review in the last case to raise it, Vergara v. State of California, (2016) 246 Cal.App.4th 619. That leaves the courts with no standard for measuring education adequacy, and—more importantly—leaves citizens with no remedy.

Similar conceptual problems doomed the rights to privacy and to fish. In the privacy context courts concerned about impacts on business operations raised the bar for constitutional privacy claims so high that the cause of action is all but dead. And courts robbed the right to fish of independent force, holding that it has no independent meaning and that only a privilege to fish by license exists.

A new housing right presents the same definitional problems as these other positive rights and likely would suffer a similar fate. “Adequate” housing could include a well-anchored tarp, any housing fit for human habitation, or something subjective. What’s the remedy? Not money damages; ACA 10 is silent on that issue and courts are reluctant to invent damages actions for constitutional violations. An injunction then, ordering the state or local government to—do what? Courts will not order the legislature to appropriate money. So if there is no existing fund for redressing inadequate housing claims this becomes a right without a remedy. And what does “the maximum of available resources” mean? Must the legislature devote 100% of the state budget to housing, or only 100% of discretionary funds? Does that mean no more food stamps?

These policy mysteries can and should be worked out with another legislative process—passing a statute. That’s the legislature’s primary tool; yet it often asks the voters to do its homework. In ‘California Constitutional Law: Direct Democracy,” (2019) 92 S. Cal. L. Rev 557, the authors showed that 88% of all California initiative constitutional amendments came from the legislature, not the voters. This suggests that when the legislature cannot agree on a policy it outsources its job to the initiative process. That seems to be the case here too.

Rather than figuring out how to structure and fund a massive new government housing program, the legislature will ask the electorate to vote for a details-to-be-determined program of unknown cost and scope. This lets the legislature look like it is doing something without having to make the hard policy choices. It instead punts these problems to the courts.

#### The right to housing is included under the Due Process clause, which is a negative right

Sprankling 22 [ John G. Sprankling, Professor of Law, University of the Pacific, McGeorge School of Law, “The Constitutional Right to “Establish a Home”, Vol. 90, No. 3, GW Law Review]

Technically, the Meyer holding is narrow. The Court merely held that a state law that prohibited teaching a foreign language to students who had not passed the eighth grade violated the Due Process Clause.187 The decision is notable in part because it represents the Court’s first use of substantive due process to protect personal liberties—in this case the defendant teacher’s “right . . . to teach and the right of parents to engage him so to instruct their children.”188

But the decision is best known for its catalogue of individual rights. Writing for the Court, Justice McReynolds stressed that “the individual has certain fundamental rights which must be respected.”189 He proclaimed in dicta that the “liberty” guaranteed by the clause encompassed a broad range of rights: Without doubt, it denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men.190 He explained that a state could not interfere with these rights by legislation that was “arbitrary or without reasonable relation to some purpose within the competency of the State to effect.”191 Today the Meyer list is still the accepted standard for defining the liberty protected by the Due Process Clause.192 Although McReynolds cited thirteen prior Court decisions as authority for his catalogue, none of these precedents involved individual liberties. Rather, they all dealt with challenges to laws that burdened economic rights.193 The Meyer catalogue was apparently based on Justice Peckham’s pioneering list of mainly economic liberties in Allgeyer v. Louisiana, decided twenty-six years earlier.194 But McReynolds reformulated the list by shifting its focus from economic rights to personal rights—in an echo of the Declaration of Independence.195

In context, the Meyer formulation was a libertarian response to the Progressive movement. Professor Robert Post posits that McReynolds and his fellow Justices were concerned that the rising tide of Progressive legislation, coupled with the expansion of federal regulatory power during World War I, threatened personal rights that individuals had traditionally enjoyed.196 He notes that—particularly in Meyer—the Court “extended constitutional protections to remarkably diffuse and undifferentiated aspects of ordinary experience, far exceeding merely economic transactions.”197 Its goal, he argues, was to “safeguard that realm from unjustifiable interference” by the state.198 As such, “Meyer can be read as extending ‘fundamental rights’ to the kinds of cultural practices deemed necessary to sustain the individuality presupposed by democracy.”199 In a similar vein, Professor Barbara Bennett Woodhouse observes that contemporary commentators “viewed the decision[] . . . as, above all, championing the individual’s right to control his own [children]—free from government interference.”200 More ominously, Professor Steven Macias suggests that the motivation for the decision “was not a charitable concern for the preservation of a pluralistic society, but rather an anti-progressive philosophy grounded in social Darwinian ideology.”201

Neither Meyer nor any of the precedents that McReynolds cited involved a home.202 It is probable the inclusion of the right to establish a home was a reaction to the rapid spread of zoning ordinances, a core theme of the Progressive movement.203 New York City adopted the first comprehensive ordinance in 1916, and other cities soon followed its example.204 These early ordinances were modest in scope; each city was divided into geographic zones where different uses were permitted, with limits on the size and location of buildings, including homes. The widespread adoption of zoning ordinances signaled a shift away from the American tradition that allowed individuals to establish homes as they wished, with minimal governmental interference. As the Supreme Court later explained in Village of Euclid v. Ambler Realty Co., 205 “[r]egulations, the wisdom, necessity and validity of which, as applied to existing conditions, are so apparent that they are now uniformly sustained, a century ago, or even half a century ago, probably would have been rejected as arbitrary and oppressive.”206

#### Right to housing excludes construction projects and is a negative right.

**UN-HABITAT ‘09** (United Nationals Human Settlement Program and Office of United Nations High Commissioner for Human Rights, “The Right to Adequate Housing: Fact Sheet No.21/rev. 1”, November 2009, reprinted May 2014, ISSN 1014-5567, <https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf)//MNHS> JS

The right to adequate housing **does NOT** require the State to **build housing** for the entire population. One of the most common misconceptions associated with the right to adequate housing is that it requires the State to build housing for the entire population, and that people without housing can automatically demand a house from the Government. While most Governments are involved to some degree in housing construction, the right to adequate housing clearly does not oblige the Government to construct a nation’s entire housing stock. Rather, the right to adequate housing covers measures that are needed to prevent homelessness, prohibit forced evictions, address discrimination, focus on the most vulnerable and marginalized groups, ensure security of tenure to all, and guarantee that everyone’s housing is adequate. These measures can require intervention from the Government at various levels: legislative, administrative, policy or spending priorities. It can be implemented through an enabling approach to shelter where the Government, rather than playing the role of housing provider, becomes the **facilitator** of the actions of all participants in the production and improvement of shelter. Policies, strategies and programmes based on the enabling approach have been promoted by the United Nations since 1988 within the framework of the Global Strategy for Shelter to the Year 2000. In specific cases, however, the State may have to provide direct assistance, including housing or housing allowances, notably to people affected by disasters (natural or man-made) and to the most vulnerable groups in society. On the other hand, several measures necessary to guarantee the right to adequate housing require the Government **only to refrain** from certain practices or actions.

### Positive right

#### The right to housing means policy action through investments in construction, funding, services, legislation that asserts a right to housing, etc.

Fallon et al 21 (Katie Fallon is a principal policy associate in the Research to Action Lab at the Urban Institute. She coordinates research and strategy to accelerate innovations in housing access and racial equity. Fallon, Katherine, et al. “Naming Housing as a Human Right Is a First Step to Solving the Housing Crisis.” Housing Matters, 4 Feb. 2022, housingmatters.urban.org/articles/naming-housing-human-right-first-step-solving-housing-crisis.)//my

In some cities, housing advocates are arguing that recognizing housing as a right in the federal or state and local constitutions would be one way to commit the appropriate budgetary and oversight resources to solve the affordability crisis. They say acknowledging housing as a right could provide a way to hold entities like landlords or city governments legally responsible for evictions, a lack of enough affordable housing, and the criminalization of homelessness. A spate of recent proposals have positioned housing as a human right as a way to justify and encourage sufficient investments in housing construction and affordability. In June 2021, Representatives Pramila Jayapal (WA-07) and Grace Meng (NY-06) introduced the Housing is a Human Right Act, which aimed to commit funds, services, and supports to address gaps in housing and help support people experiencing homelessness. In Oakland, California, Moms 4 Housing has been working with Assemblyman Rob Bonta to introduce legislation that asserts a right to housing. In Sacramento, Mayor Steinberg is discussing how to establish housing as a legal obligation to provide a roof for people who have nothing. If these bills pass, it would shift the responsibility for housing production from the market to governing bodies, and, in doing so, may compel a large increase in funds for the provision of housing, housing supports, and protections for people living in unstable or precarious housing situations.

#### Guaranteeing a right to housing means implementation through legal actions i.e tenant protections, progressive tax policies, market regulations, etc.

**WCLP 23** (Western Center on Law & Poverty was formed in 1967 by a passionate group of attorneys and legal scholars from USC, UCLA and Loyola law schools who sought to create a unique organization, driven by the belief that low-income Californians deserve the finest possible legal representation before every institution that shapes their lives. In 1972, we opened our Sacramento office, establishing the first capital legislative office in the U.S. dedicated exclusively to the interests of people experiencing poverty. Western Center on Law & Poverty, Fact Sheet – Right to Housing Bill – ACA 10.docx, https://wclp.org/wp-content/uploads/2023/03/Fact-Sheet-Right-to-Housing-Bill-ACA-10.docx.pdf)//my

ACA 10 will recognize that every Californian has the fundamental human right to adequate housing on an equitable and non-discriminatory basis. Should the measure pass the legislature, California voters will have the opportunity to vote to add this right to the state’s constitution, creating an obligation on the part of state and local governments to take meaningful action to fully realize the right. Guaranteeing the right to housing would mean ensuring that all Californians have access to housing that is permanent, habitable, affordable, culturally appropriate, and close to community resources like employment, healthcare, and schools. The amendment text reads: The state hereby recognizes the fundamental human right to adequate housing for everyone in California. It is the shared obligation of state and local jurisdictions to respect, protect, and fulfill this right, on a non-discriminatory and equitable basis, with a view to progressively achieve the full realization of the right, by all appropriate means, including the adoption and amendment of legislative measures, to the maximum of available resources. Under a right to housing, state and local jurisdictions must take progressive steps to fully realize the right. According to international standards, the human right to adequate 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. State and local governments can use a wide variety of measures to implement the right, including tenant protections, market regulations, public housing, housing subsidies, and progressive tax policy. While the government may choose the methods by which it achieves the right, having the fundamental human right in place creates a moral and constitutional obligation to actually realize the right of adequate housing for all Californians. The idea of creating a right to housing is not new. Franklin Roosevelt, in his 1944 State of the Union address, declared that every family in the United States should have the right to a decent home. In 1948, the United States signed the Universal Declaration of Human Rights, which recognizes adequate housing as a human right. In 2020, polling showed that 66% of all Californians (including over half of those identifying as Republican) support an amendment ensuring the human right to housing.

#### Right to housing is positive

Adams JD 9

(Kristen David Adams, law professor, april 2009, https://scholars.law.unlv.edu/cgi/viewcontent.cgi?article=1088&amp;context=nlj) wesel

One way of framing the argument regarding the appropriateness of redistributive rights is as a conflict between “rights” on the one hand and “liberties” on the other. In this conception, as recognized by H.L.A. Hart and others, “rights” are positive entitlements to something, while “liberties” are freedom from something, including the freedom from having some of one’s money taken to support another person’s entitlements.47 An alternative way of describing “rights” and “liberties” is as “positive rights” and “negative rights,” respectively.48 Applying the vocabulary of “positive” and “negative” rights, the **right to housing would be a positive right.** A **right against eviction**, by contrast, **would be a negative right**.49 The idea that rights and liberties are in natural opposition with one another is associated with John Stuart Mill,50 among others.51

### Right to Housing --- Includes Everyone

#### Right to housing includes everyone.

**UN-HABITAT ‘09** (United Nationals Human Settlement Program and Office of United Nations High Commissioner for Human Rights, “The Right to Adequate Housing: Fact Sheet No.21/rev. 1”, November 2009, reprinted May 2014, ISSN 1014-5567, <https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf>) //MNHS JS

The right to adequate housing is **broader** than the right to own property as it addresses rights not related to ownership and is intended to ensure that **everyone** has a safe and secure place to live in peace and dignity, **including** **non-owners** **of** **property**. Security of tenure, the cornerstone of the right to adequate housing, can take a variety of forms, including rental accommodation, cooperative housing, lease, owner-occupation, emergency housing or informal settlements. As such, it is not limited to the conferral of formal legal titles.5 Given the broader protection afforded by the right to adequate housing, a sole focus on property rights might in fact lead to violations of the right to adequate housing, for instance, by forcibly evicting slum-dwellers residing on private property. On the other hand, protection of the right to property might be crucial to ensure that certain groups are able to enjoy their right to adequate housing. The recognition of spouses’ equal rights to household property, for instance, is often an important factor in ensuring that women have equal and non-discriminatory access to adequate housing.

### Right to Housing --- Certain + Immediate

#### Right to housing is certain and immediate.

**UN-HABITAT ‘09** (United Nationals Human Settlement Program and Office of United Nations High Commissioner for Human Rights, “The Right to Adequate Housing: Fact Sheet No.21/rev. 1”, November 2009, reprinted May 2014, ISSN 1014-5567, <https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf)//MNHS> JS

The right to adequate housing is NOT only a programmatic goal to be attained in the long term. Another misunderstanding is that the right to adequate housing does not impose **immediate obligations** on the State. On the contrary, States must make every possible effort, within their available resources, to realize the right to adequate housing and to take steps in that direction **without delay**. Notwithstanding resource constraints, some obligations **have immediate effect**, such as the undertaking to guarantee the right to adequate housing in an equal and non-discriminatory manner, to develop specific legislation and plans of action, to prevent forced evictions or to guarantee a certain degree of security of tenure to all.

### Right to Housing --- Not Right to Land

#### Right to housing =/= right to land.

**UN-HABITAT ‘09** (United Nationals Human Settlement Program and Office of United Nations High Commissioner for Human Rights, “The Right to Adequate Housing: Fact Sheet No.21/rev. 1”, November 2009, reprinted May 2014, ISSN 1014-5567, <https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf)//MNHS> JS

It is sometimes argued that the right to adequate **housing** equates to a right to **land**. Access to land can constitute a fundamental element of the realization of the right to adequate housing, notably in rural areas or for indigenous peoples. Inadequate housing or the practice of forced evictions can be the consequence of being denied access to land and common property resources. As such, the enjoyment of the right to adequate housing might require, in certain cases, securing access to and control over land. **Nevertheless**, international human rights law **does not**, currently, recognize a self-standing right to land.6

### Right to Housing --- Guarantees Services

#### Right to housing includes guarantees to extra services.

**UN-HABITAT ‘09** (United Nationals Human Settlement Program and Office of United Nations High Commissioner for Human Rights, “The Right to Adequate Housing: Fact Sheet No.21/rev. 1”, November 2009, reprinted May 2014, ISSN 1014-5567, <https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf)//MNHS> JS

The right to adequate housing does not just mean that the structure of the house itself must be adequate. There must also be sustainable and non-discriminatory access to facilities **essential for health**, security, comfort and nutrition. For example, there must be access to safe drinking water, energy for cooking, heating, lighting, sanitation and washing facilities, means of storing food, refuse disposal, site drainage and emergency services.

#### Right to housing includes food, clothing, and housing under UN article 11.

Housing Rights Watch 23 — [Housing Rights Watch, “UN Housing Rights,” Housing Rights Watch, 1-24-2023, https://www.housingrightswatch.org/page/un-housing-rights, accessed 8-7-2023] // a.loui

The International Covenant on Economic, Social and Cultural Rights (ICESCR) was adopted in 1966 and has been ratified by 153 States. It is the most important instrument at UN level that enshrines the right to housing. Article 11 (1) is the most comprehensive provision in this context. It 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 the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent."

#### A right to housing is more public housing, affordable housing, rent control, or inclusionary zoning

Molly Solomon 20, 2-13-2020, "What Would 'Housing as a Human Right' Look Like in California?," East Bay Community Law Center, https://ebclc.org/in-the-news/what-would-housing-as-a-human-right-look-like-in-california/, accessed 8-7-2023 | harker nb

A right to adequate housing is not a requirement that states build free housing for the entire population, said Eric Tars, legal director at the National Law Center on Homelessness and Poverty. Rather, he said, it devotes resources and protective measures to prevent homelessness, discrimination and promote permanent stable housing. That could take the form of more public housing and vouchers, incentives to develop affordable housing, rent control and inclusionary zoning.

### Right to Housing --- 7 Parts to US housing

#### 7 parts to the Right to Housing in the US

National Law Center on Homelessness and Poverty, No date — [National Law Center on Homelessness and Poverty, “RIGHT TO HOUSING FACT SHEET,” National Law Center on Homelessness and Poverty, xx-xx-xxxx, https://nhlp.org/files/(2)%20Right%20to%20Housing%20-%20in%20the%20U.S.pdf, accessed 8-7-2023] // a.loui

The seven elements of adequate housing in the United States.ii A formal comment to the ICESCR gave government seven elements of adequate housing to serve as guidelines. Below are just a few examples of how housing needs remain unmet in the United States. 1. Security of Tenure Security of tenure can be nonexistent for public housing residents in the U.S. The government agency providing the housing has the authority to place conditions on residents tenure, some of which have led to arbitrary evictions. For example, so-called “one strike” laws encourage public housing providers to evict tenants immediately if criminal activity takes place in their homes. In practice, this policy has resulted in the eviction of innocent tenants for criminal activity over which they had no knowledge or control. These evictions deprive public housing tenants of grievance opportunities and render tenants ineligible for housing assistance following the eviction. 2. Availability of Services, Materials, Facilities, and Infrastructure Rural poverty in the United States is a persistent problem. According to 2003 American Housing Survey indicators, 1.5 million or 6.6 percent of nonmetro housing units are either moderately or severely substandard. As a result, approximately 14 percent of impoverished rural households are either moderately or severely inadequate – over twice the national average for impoverished households in general. Even in cities, hospitals, grocery stores, etc. are disparately located in affluent rather than poor neighborhoods, and lack of adequate public transportation infrastructure makes daily living difficult for many poorer residents. 3. Affordabilityiii 4. Habitability The right to housing is closely related to the right to health and habitability is a testament to that connection. There is an immense amount of research documenting a great number of health risks borne disproportionately by racial minority and low-income individuals, particularly through unsafe housing conditions. Currently, neither home ownership nor rental housing is affordable to the lowest-wage earners in the U.S. There is no jurisdiction in the country where a full-time worker earning the federal minimum wage ($7.25/hr) can afford a two-bedroom rental home. Where families have to choose between paying the rent and nutritious food, or necessary medical care, both the rights to housing and health are violated. 5. Accessibility Discrimination against people with physical and mental disabilities is the second most reported type of housing discrimination in the United States. 6. Location Families in all but two of Texas’ border counties have been deemed “medically underserved” by the U.S. Department of Health and Human Services, due to the shortage of health services in the region. Easily preventable diseases such as salmonellosis, dysentery, and cholera are common. Environmental racism results in the locating of toxic facilities close to poor communities. 7. Cultural Adequacy Housing on Native American reservations has long been grossly inadequate. “Cluster housing,” the Department of Housing and Urban Development’s attempts at solving the housing crisis on reservations, where single-unit detached houses placed very close together. Cluster housing bears no resemblance to the traditional housing of Native Americans and quickly fostered overcrowding triple the rate of the national average. Today, clusters are often referred to “reservation ghettos” and suffer from high crime rates and drug use. Cluster housing has been cited as a cause of the sharp increase in gang activity on reservations and a process of “multiple marginalization” which has weakened the traditional fiber of Native communities.

**Right to housing**

(United Nations) <https://www.ohchr.org/en/special-procedures/sr-housing/human-right-adequate-housing>

Increasingly viewed as a commodity, housing is most importantly a human right. Under international law, to be *adequately*housed means having [**secure** tenure](https://www.ohchr.org/EN/Issues/Housing/Pages/GuidingPrinciplesSecurityOfTenure.aspx)—not having to worry about being [evicted](https://www.ohchr.org/EN/Issues/Housing/Pages/ForcedEvictions.aspx) or having your home or lands taken away. It means living somewhere that is in keeping with your **culture**, and having access to appropriate **services**, schools, and employment.

### Right to Housing = Human Right

#### Right to housing is an internationally recognized human right - includes certain guaranteed freedoms.

UN 2023 [The human right to adequate housing. (2023). Retrieved 7 August 2023, from <https://www.ohchr.org/en/special-procedures/sr-housing/human-right-adequate-housing>]//SC

Housing is the basis of stability and security for an individual or family. The centre of our social, emotional and sometimes economic lives, a home should be a sanctuary—a place to live in peace, security and dignity. Housing is a right, not a commodity Increasingly viewed as a commodity, housing is most importantly a human right. **Under international law, to be adequately housed means having secure tenure—not having to worry about being evicted or having your home or lands taken away. It means living somewhere that is in keeping with your culture, and having access to appropriate services, schools, and employment.**  Too often violations of the right to housing occur with impunity. In part, this is because, at the domestic level, housing is rarely treated as a human right. The key to ensuring adequate housing is the **implementation of this human right through appropriate government policy and programmes, including national housing strategies**. Evictions and displacement **Climate change, natural disasters and armed conflict pose a threat to the enjoyment of the right to adequate housing and displace every year millions**. Infrastructure development, hydro-power dams, and mega-events, such as Olympic Games or football World Cups, should contribute to the realization of the right to adequate housing and not undermine it. Housing and real estate markets worldwide have been transformed by global capital markets and financial excess. Known as the financialization of housing, the phenomenon occurs when housing is treated as a commodity – a vehicle for wealth and investment rather than a social good. Equality and non-discrimination While revenues from real estate have accumulated, our cities have become increasingly unaffordable. In many countries women, religious and ethnic minorities, indigenous peoples, persons with disabilities, migrants and refugees face discrimination in relation to housing or live in the most appalling conditions. Spatial segregation excludes many residents from equal access to public services, education, transportation and other opportunities. Local Governments are often at the forefront of the struggle for housing and can play a key role in protecting and realizing the right to adequate housing. Homelessness and informal settlements More than 1.8 billion people live in informal settlements or inadequate housing with limited access to essential services such as water and sanitation, electricity and are often under threat of forced eviction. And one of the most **severe violations of the right to adequate housing—homelessness—has been on a steep increase in many economically advanced countries**. Building back better The COVID-19 pandemic has underscored the need for everyone to have a safe home to shelter. The economic crisis that followed will see many people unable to pay their rent or mortgage. National, regional and local governments need to prevent a new disastrous wave of evictions and urgently address discriminatory patterns of social exclusion in the enjoyment of the right to adequate housing. Only together we can ensure that nobody will be left behind. The right to adequate housing in human rights law **Adequate housing** was recognized as **part of the right to an adequate standard of living in article 25 of the 1948 Universal Declaration of Human Rights and in article 11.1 of the 1966 International Covenant on Economic, Social and Cultural Rights**. Other international human rights treaties have since recognized or referred to the right to adequate housing or some elements of it, such as the protection of one’s home and privacy. The right to adequate housing is relevant to all States, as they have all ratified at least one international treaty referring to adequate housing and committed themselves to protecting the right to adequate housing through international declarations, plans of action or conference outcome documents. Various international treaties and declarations referring to the right to adequate housing are available at the following link. The United Nations Committee on Economic, Social and Cultural Rights has underlined that the right to adequate housing should not be interpreted narrowly. Rather, it should be seen as the right to live somewhere in security, peace and dignity. The characteristics of the right to adequate housing are clarified mainly in the Committee’s general comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions. **The right to adequate housing contains freedoms. These freedoms include: Protection against forced evictions and the arbitrary destruction and demolition of one’s home;** The right to be **free from arbitrary interference with one’s home, privacy and family**; and The **right to choose one’s residence**, to determine where to live and to **freedom of movement.** The right to adequate housing contains entitlements. These entitlements include: **Security of tenure; Housing, land and property restitution; Equal and non-discriminatory access to adequate housing; and Participation in housing-related decision-making at the national and community levels.** Key elements of the right to adequate housing Adequate housing must provide more than four walls and a roof. A number of conditions must be met before particular forms of shelter can be considered to constitute “adequate housing.” These elements are just as fundamental as the basic supply and availability of housing. For housing to be adequate, it must, at a minimum, meet the following criteria: **Security of tenure**: Housing is not adequate if its occupants do not have a degree of tenure security which guarantees **legal protection against forced evictions, harassment** and other threats. **Availability of services, materials, facilities and infrastructure**: Housing is not adequate if its occupants do not have **safe drinking water, adequate sanitation, energy for cooking, heating, lighting, food storage or refuse disposal**. Affordability: Housing is not adequate if its cost threatens or compromises the occupants’ enjoyment of other human rights. **Habitability:** Housing is not adequate if it does not **guarantee physical safety or provide adequate space, as well as protection against the cold, damp, heat, rain, wind**, other **threats to health** and structural hazards. **Accessibility:** Housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account. **Location**: Housing is not adequate if it is cut off from **employment opportunities, health-care services, schools, childcare centres and other social facilities, or if located in polluted or dangerous areas. Cultural adequacy**: Housing is not adequate if it does not respect and take into account the expression of cultural identity.

#### Right to Housing = duty

Tars 18[ Eric Tars, Senior Attorney,National Law Center on Homelessness & Poverty: “Housing as a Human Right” page 1-15- 2018 Advocates’ guide]//MIBF

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 adequate housing, whether through devoting resources to public housing and vouchers, by creating incentives for private development of affordable housing. Advocates can also hold local government accountable to human rights standards by creating an annual Human Right to Housing Report Card. Using international mechanisms and the domestic process around them—such as the review by the Committee on the Elimination of Racial Discrimination described above—can also cast an international spotlight on local issues.

#### Housing isn’t good quality – Government will be shifty about it

Merriam Webster ND (Merriam Webster ND “housing” https://www.merriam-webster.com/dictionary/housing)

housing 1 of 2 noun (1) hous·​ing ˈhau̇-ziŋ Synonyms of housing 1 a : SHELTER, LODGING b : dwellings provided for people 2 a : a niche for a sculpture b : the space taken out of a structural member (such as a timber) to admit the insertion of part of another 3 : something that covers or protects: such as a : a case or enclosure (as for a mechanical part or an instrument) b : a casing (such as an enclosed bearing) in which a shaft revolves c : a support (such as a frame) for mechanical parts

## “Guarantee”

### Assure

#### Guarantee means to assure.

**Oxford Languages**

verb verb: guarantee; 3rd person present: guarantees; past tense: guaranteed; past participle: guaranteed; gerund or present participle: guaranteeing provide a formal assurance or promise, especially that certain conditions shall be fulfilled relating to a product, service, or transaction. "the con artist guarantees that the dirt pile will yield at least 20 ounces of gold" provide a formal assurance regarding (something, especially a product). "the repairs will be guaranteed for three years" provide financial security for; underwrite. "a demand that $100,000 be deposited to guarantee their costs" vouch for put up collateral for give earnest money for provide surety for bankroll promise with certainty. "no one can guarantee a profit on stocks"

#### Gurantee means to ensure

Merriam Webster Dictionary, No date — [Merriam Webster Dictionary, “Thesaurus results for GUARANTEE,” Merriam Webster, xx-xx-xxxx, https://www.merriam-webster.com/thesaurus/guarantee, accessed 8-7-2023] // a.loui

1 as in to bond to assume responsibility for the satisfactory quality or performance of the shop will guarantee all work done on the car for 30 days 2 as in to ensure to make sure, certain, or safe I can guarantee that you'll feel better after using my product for 30 days 3 as in to declare to state clearly and strongly I guarantee that this movie is better than the last one in the series

**Guarantee**

[(Merriam-webster Dictionary) “Guarantee” https://www.merriam-webster.com/dictionary/guarantee] DS

Definitions of Guarantee

an assurance for the fulfillment of a condition: such as

### Be responsible for

#### Guarantee means to be responsible for

**Hill 23 [**Gerald and Kathleen Hill are co-authors of 25 books, including The People's Law Dictionary, Real Life Dictionary of the Law, Facts on File Encyclopedia of Federal Agencies and Commissions, Dictionary of American Politics, and the popular Hill Guides, which include Sonoma Valley: The Secret Wine Country, Napa Valley: Land of Golden Vines, Victoria and Vancouver Island: the Almost Perfect Eden, Northwest Wine Country, Santa Barbara and the Central Coast: California's Riviera, and Monterey and Carmel: Eden by the Sea.]

1) v. to pledge or agree to be responsible for another's debt or contractual performance if that other person does not pay or perform. Usually, the party receiving the guarantee will first try to collect or obtain performance from the debtor before trying to collect from the one making the guarantee (guarantor). 2) the promise to pay another's debt or fulfill contract obligations if that party fails to pay or perform. 3) n. occasionally, the person to whom the guarantee is made. 4) a promise to make a product good if it has some defect.

### Guarantee = Obligation

#### Guarantee is obligation

Collins [Dictionary of Law. (2006). <https://legal-dictionary.thefreedictionary.com/guarantee>]//MIBF

a collateral promise to answer for the debt or obligation of another. A guarantee is a secondary obligation, becoming operative only where the principal debtor is in default; because it is a secondary obligation, should the primary obligation be unlawful or invalid or unenforceable, the guarantor or surety cannot be compelled to make payment under the guarantee. A **guarantee should be distinguished from an indemnity**, which is a primary obligation to compensate the loss of another; in the latter case the unenforceability of the principal debt will not render the indemnity unenforceable. In Scotland, the same relationship is regulated by the institution of caution (pronounced ‘cayshun’). Proper caution is the term used where the cautioner is expressly bound as guarantor to the creditor. The term improper caution is used when the cautioner is bound as a co-obligant with the principal debtor jointly and severally to the creditor.

### Guarantee = Agreement

#### To guarantee is to promise or make a binding agreement

Vocabulary.com ND "Guarantee," Vocabulary, https://www.vocabulary.com/dictionary/guarantee, accessed 8-7-2023 | harker nb

To guarantee is to promise or to a make binding agreement. If a baseball player guarantees his team will win the World Series, he better not lead the league in strikeouts.

#### Guarantee means action. Refers to policy action

Cambridge ND [guarantee. https://dictionary.cambridge.org/us/dictionary/english/guarantee]

a promise that something will be done or will happen, especially a written promise by a company to repair or change a product that develops a fault within a particular period of time: a formal agreement to take responsibility for something, such as the payment of someone else's debt

### Guarantee = Certainty

**Guarantee means certainty - the result is promised to happen.**

**Cambridge Dictionary ND** [guarantee. (2023). Retrieved 7 August 2023, from https://dictionary.cambridge.org/us/dict]//SC

If a product is guaranteed, the company that made it promises to repair or change it if a fault develops within a particular period of time: The refrigerator is guaranteed for three years. B2 **to promise that something will happen or exist**: [ + two objects ] European Airlines guarantees its customers top-quality service. The label on this bread says it is guaranteed free of/from preservatives (= it contains no preservatives). Thesaurus: synonyms, antonyms, and examples If you guarantee someone's debt, you formally promise to accept the responsibility for that debt if the person fails to pay it. If something guarantees something else, it makes certain that it will happen: [ + (that) ] The $50 deposit guarantees (that) people return the boats after their hour has finished. If something is guaranteed to happen or have a particular result, it is **certain that it will happen or have that result**:

#### guarantee means certain

Cambridge nd [(Cambridge Dictionary, Cambridge University Press has been publishing dictionaries for learners of English since 1995,) “guarantee“, Cambridge University Press & Assessment, nd. https://dictionary.cambridge.org/us/dictionary/english/guarantee] MF

Guarantee is also the [state](https://dictionary.cambridge.org/us/dictionary/english/state) of being [certain](https://dictionary.cambridge.org/us/dictionary/english/certain) of a [particular](https://dictionary.cambridge.org/us/dictionary/english/particular) [result](https://dictionary.cambridge.org/us/dictionary/english/result):

### Guarantee =/= Set

#### Guarantee is not certain or set

Colyar 11 (Henry Anselm de Colyar Author of The Law of Guarantees and of Principal and Surety, 1911, “1911 Encyclopædia Britannica, Volume 12” https://en.wikisource.org/wiki/1911\_Encyclopædia\_Britannica/Guarantee)

It is not always easy to determine for how long liability under a guarantee endures. Sometimes a guarantee is limited to a single transaction and is obviously intended to be security against one specific default only. On the other hand, it as often happens that it is not exhausted by one transaction on the faith of it, but extends to a series of transactions, and remains a standing security until it is revoked, either by the act of the parties or by the death of the surety. It is then termed a continuing guarantee.[51] No fixed rules of interpretation determine whether a guarantee is a continuing one or not, but each case must be judged on its individual merits. Frequently, in order to achieve a correct construction, it becomes necessary to examine the surrounding circumstances, which often reveal what was the subject matter which the parties contemplated when the guarantee was given, and what was the scope and object of the transaction between them. Most continuing guarantees are either ordinary business securities for advances made or goods supplied to the principal debtor or else bonds for the good behavior of persons in public or private offices or employment. With regard to the latter class of continuing guarantees, the surety's liability is, generally speaking, revoked by any change in the constitution of the persons to or for whom the guarantee is given.[57] In England the Commissioners of His Majesty's Treasury to vary the character of any security, for good behavior by the heads of public departments[58] given by companies for the due performance of the duties of an office or employment in the public service

#### Guarantee doesn’t specify quality or durability

Oxford ND (oxford dictionary, ND, “Guarantee Definition” https://www.google.com/search?client=safari&rls=en&q=Guarantee+definition&ie=UTF-8&oe=UTF-8)

noun noun: guarantee; plural noun: guarantees; noun: guaranty; plural noun: guaranties 1. a formal promise or assurance (typically in writing) that certain conditions will be fulfilled, especially that a product will be repaired or replaced if not of a specified quality and durability. "we offer a 10-year guarantee against rusting" Similar: warranty warrant contract covenant bond assurance promise 2. LAW a formal pledge to pay another person's debt or to perform another person's obligation in the case of default. verb verb: guarantee; 3rd person present: guarantees; past tense: guaranteed; past participle: guaranteed; gerund or present participle: guaranteeing provide a formal assurance or promise, especially that certain conditions shall be fulfilled relating to a product, service, or transaction. "the con artist guarantees that the dirt pile will yield at least 20 ounces of gold"