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Homelessness, Shelter, and Human Rights in California and New York

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Homelessness, Shelter, and Human Rights in California and New York

Wilson, Beck

Thesis

California and New York, the two states with the highest homeless populations in the United States, have developed very different policies and practices concerning the homeless and shelter, making it useful to compare the strengths and weakness of implementing shelter as a human right.

California

- 20% of the national homeless population is in California
- 62.7% go without shelter on any given night
- Majority of state protections are for homeless families and children (in regards to shelter)
- High rate of homelessness caused in part by high housing prices
 - The market crash of 2008 saw an incline in rates of homelessness
- California has trends of criminalizing homelessness
 - California cities have more anti-homelessness laws than other states

	Ranking for Total Population in State	Ranking for Homeless Population	Largest City in the State and Ranking of Size of Homeless Population	Percentage of Total Population in the United States	Percentage of Total Homeless Population in the United States Located in the State	Percentage of Total Homeless Population Without Shelter
California	1	1	Los Angeles 2	12%	20%	62.7%
New York	4	2	New York City 1	6%	14%	5.4%

New York

- 14% of the national homeless population is in New York
- 5.4% go without shelter on any given night
- Protections for people suffering from homelessness
 - State constitution says, “the aid, care and support of the needy are public concerns and shall be provided by the state”
 - *Callahan v. Carey* – shelter for all men suffering from homelessness
 - *Eldred v. Koch* – shelter for all women and children suffering from homelessness
- Recently, many lawmakers have tried to limit the right to shelter in the state

Literature to Note

- Cohen, A. (2015, February 19). Targeting laws that afflict homeless people in California. UC Berkeley School of Law. Retrieved from <https://www.law.berkeley.edu/article/targeting-laws-that-afflict-homeless-people-in-california/>.
- Henry, M., Cortes, A., Shivji, A., & Buck, K. (2014). *The 2014 annual homeless assessment report (AHAR) to Congress*. Retrieved from The U.S. Department of Housing and Urban Development <https://www.hudexchange.info/resources/.../2014-AHAR-Part1.pdf>.
- Meanwell, E. (2012). *Experiencing homelessness: A review of recent literature*. *Sociology Compass*, 6(1), 72-85.

Methodology

This paper analyzes the strengths and weaknesses of adoption of policy in either state in providing the human right to shelter, and why California is falling behind New York in meeting human rights standards. This is done by reviewing existing governmental and nongovernmental reports, comparing policies in California and New York, and consulting existing literature about the issue at hand.

Conclusions

California and New York have taken very different paths in how they deal with homelessness. Examining actions, legislature, and literature reveal that New York is much closer to providing the human right of shelter than California. Thus, California can learn from the steps taken by individuals and groups in New York to provide shelter as a human right.

10 Steps For Making Human Rights a Reality in California

1. Envision all Work as Human Rights Work
2. Build an Education Base for Human Rights
3. Use Relevant Human Rights Standards
4. Research International Human Rights Mechanisms
5. Use International Human Rights Mechanism Domestically
6. Build Complementary Standards Between Institutions and Corporations
7. Follow up on Those Standards
8. Document Success
9. Make Human Rights Real and Attainable
10. Hold the Government Accountable