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***The Situation of Human Rights in the District of Columbia as Concerns the  
Lack of Statehood and Voting Rights as well as Entrenched Inequality and  
the Lack of Affordable Housing***

*Presented by:*

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*Established in 1953, UNA-NCA is one of the oldest and largest divisions of the United Nations Association of the USA (UNA-USA). With the help of over 2,000 members, volunteers, and supporters in the greater Washington area, UNA-NCA works to build public knowledge, strengthen UN-U.S. relations, and aid the U.N. in achieving its goals.*

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*Founded in 2004, the GW Law School International Human Rights Clinic engages actively in domestic and transnational human rights advocacy on a range of cutting-edge issues. Under the direction of Professor Arturo J Carrillo, the Clinic partners with civil society organizations in the United States and abroad to press for the protection of human rights in a variety of contexts, including before the United Nations.*

## INTRODUCTION

1. At the heart of the United States is a powerful paradox: the world's pioneer in representative democracy has a capital in which more than 700,000 people are denied equal political and economic rights simply because of where they reside.<sup>3</sup> Washington, D.C., which stands for District of Columbia ("D.C." or "the District"), has a diverse population: 46.4% are Black or African American;<sup>4</sup> of this group, nearly 30% live in poverty.<sup>5</sup> Many of these are residents who can claim to be native Washingtonians. Yet, along with the rest of the city, they are blocked from fully realizing their political and economic rights, for at least two reasons. First, unlike persons living in the 50 states, D.C. residents do not have voting representation in the federal Congress, which, moreover, directly oversees the District's legislative and judicial powers. Second, the District's poorest inhabitants continue to suffer from discriminatory housing policies and the lack of adequate affordable housing. While their city continues to expand and gentrify, these residents remain deprived of their basic human rights under the International Covenant on Civil and Political Rights ("ICCPR") and the Universal Declaration on Human Rights.
2. This Report describes the denial of D.C. residents' political and economic rights. It came to be as follows. In June 2019, the American Friends Service Committee and UNA-NCA conducted a public survey of D.C. residents to determine what human rights issues they considered to be the most pressing. Housing and homelessness emerged as the top concern across the board, followed by poverty and economic inequality. The other problem that figured prominently was D.C. Statehood and voting rights. To flesh out these topics and collect first-hand information, AFSC DC and UNA-NCA hosted three community roundtables over the summer of 2019,<sup>6</sup> inviting experts and the public to learn about and discuss each of the priority issues identified. The first roundtable focused on housing and homelessness,<sup>7</sup> the second on D.C. statehood and voting rights;<sup>8</sup> the final roundtable addressed poverty and economic inequality.<sup>9</sup> Building on the input from these roundtables, the GW IHR Clinic conducted additional research and in-depth interviews with experts to round out the information collected for this report.<sup>10</sup>

### **I. D.C. STATEHOOD & VOTING RIGHTS**

3. The United States was born of revolution: colonies seeking representation and political autonomy. Today, its capital—the District of Columbia—is a modern-day colony, deprived of political representation and authority.<sup>11</sup> The District's legal status is a national paradox: "[A] generation after Americans went to war to protect 'taxation without representation,' Congress stripped Washingtonians of democracy's basic unit of currency: the right to vote."<sup>12</sup> And the hypocrisy persists. In 2018, 79% of residents voted in favor of granting D.C. statehood, yet their will has been ignored.<sup>13</sup> Washingtonians' license plates have long been tagged with the infamous "taxation without representation" rallying cry of the American Revolution, serving as constant reminders of this national contradiction.<sup>14</sup> The District—more populous than Vermont and Wyoming—needs federal representation.<sup>15</sup> It must become a state to guarantee that residents enjoy their fundamental rights and freedoms in full.
4. The United States betrays the very values it claims to embody—representative and democratic governance. The District's archaic legal status violates the United States' affirmative obligation

under the ICCPR to ensure that “[e]very citizen, shall have the right and opportunity . . . without unreasonable restrictions . . . to vote . . . [by] equal suffrage.”<sup>16</sup> Collectively, Articles 3 and 25 of the ICCPR recognize that *every* citizen has an *equal* right to take part in “public affairs” and to “have access” to his country’s “public service.”<sup>17</sup>

5. The people of the District of Columbia face three challenges that directly stem from the federal Congress’ sustained rejection of D.C. statehood and voting rights: (1) partial and merely symbolic Congressional representation; (2) curtailed autonomy through direct Congressional oversight of local D.C. legislation and taxation; and (3) the existence of a federally-run criminal justice system that is out of touch with local needs. As will be demonstrated, the United States Congress has the ability to end these human rights abuses in the District by making it the 51<sup>st</sup> state. It alone can resolve the nation’s ultimate paradox. Until then, D.C. residents will be surrounded by monuments symbolizing the nation’s devotion to liberty and equality without fully enjoying those rights themselves.

#### **A. Inadequate Federal Representation for D.C. Residents**

6. The United States, a party to the ICCPR, openly denies nearly a million of its citizens the right to vote and participate in the nation’s political process. By depriving D.C. residents of the same federal representation afforded to residents of the 50 states, Congress is in direct violation of ICCPR Article 25.<sup>18</sup> Although, the District’s non-voting delegate to the House of Representatives—currently, Eleanor Homes Norton—is selected through a free, democratic election, the position lacks the same agency and authority held by states’ representatives: it has no voting power on the house floor. In the Senate, the District has no representation at all. Consequently, D.C. residents do not actually “take part” in public affairs at the federal level: no vote represents their will in either house of Congress.<sup>19</sup>
7. By depriving the District of substantive federal representation, and the federal-level voting power associated with it, the U.S. government disproportionately deprives persons that represent racial and ethnic minorities of the right take part in national public affairs. The terms of Article 25 —it references “every citizen”—poignantly highlight the importance that political participation and suffrage rights not be infringed upon as a result of a population’s “race, colour, . . . [or] political” beliefs.<sup>20</sup> In 2018, 46.4% of D.C. residents self-identified as Black or African American—nationally, this drops to only 13.4% of population—with another 11.8% identifying themselves as Hispanic or Latin American.<sup>21</sup> In other words, people of color make up the majority of the District’s population, and it is this population that has been effectively disenfranchised by Congress’ sustained rejection of D.C. statehood.
8. Further, historical accounts suggest that the District’s legal status is the result of conscious racism.<sup>22</sup> In 1870, the 15<sup>th</sup> Amendment of the U.S. Constitution formally prohibited disenfranchisement on the basis of race.<sup>23</sup> Within a year—in 1871—Congress passed legislation that severely reduced the District’s democratic representation and that denied it a voting representative at the federal-level.<sup>24</sup> These overt racial motivations may no longer exist; nonetheless, the history demonstrates two critical points. First, the District’s present legal status is rooted in racist biases, as is discussed further below. Second, the District’s residents did, at one time, possess significant autonomy that was not subject to Congressional oversight.<sup>25</sup> For 50

years, the policies and regulations set forth by the District’s Mayor and Council faced the same Congressional scrutiny as the nation’s states, without raising any constitutional concerns.<sup>26</sup> This precedent demonstrates that the expansion of the District’s autonomy would not undermine Constitutional provisions.

## **B. Deprivation of Local Autonomy**

9. The national paradox that is Washington D.C. further manifests in the lack of local legislative autonomy. All draft laws (“bills”) emanating from the D.C. Council, the District’s parliamentary authority, are subject to Congressional review.<sup>27</sup> Because it lacks statehood and is formally subject to Congressional oversight, the District along with its Council lack the local autonomy enjoyed by the 50 states’ legislatures—a critical feature of the nation’s federalist political system. Most notably, Congress can veto any D.C. law, including those governing budgetary matters; this effectively undermines D.C. residents’ participation in local political affairs (because they vote for the Council members), and results in policies that contradict the District’s public and political will, not least by blocking efforts to raise essential tax revenue.<sup>28</sup>

### **i. Congressional Veto of the District Legislation**

10. The U.S. Constitution was created to protect the rights and will of the people. Under the Tenth Amendment,<sup>29</sup> states in the union retain all powers not specifically delegated to the federal government; thus, states exercise their authority over an impressive range of legal fields: family, labor, and especially criminal laws are mostly set forth in state legislation. For examples, more than 90% of cases litigated in the United States are heard in state, not federal, courts.<sup>30</sup> These “states’ rights,” however, do not extend to the District.
11. D.C. residents live in a different reality, one in which they are disempowered relative to residents of the 50 states. This is because Congress exercises oversight over all D.C. legislation, and possesses the power to veto any local initiative.<sup>31</sup> Congress can reject laws adopted by the Council in one of two ways. The first—a disapproval resolution—requires both houses of Congress and the President to sign it; it is thus rarely invoked. However, the second method—adding a rider to D.C. legislation or budgetary proposals—allows *either* house of Congress to act unilaterally, without the President’s approval, to effectively veto prospective D.C. legislation enacted by the D.C. Council.<sup>32</sup> Every potential D.C. law faces a waiting period of at least 30 days for Congress to review, which puts undue pressure on the District’s operation by leaving it vulnerable to disruptive interventions.<sup>33</sup>
12. A federal veto of D.C. legislation offends core democratic values. It not only contradicts public will, but has also cost lives. In 2007, the District was the only city in the country that could not use local funds to implement a needle-exchange program in response to the HIV/AIDS epidemic because of repeated Congressional vetoes of local legislation.<sup>34</sup> As a result, the District faced the fastest spread of HIV/AIDS in the country.<sup>35</sup> Only in 2016, when Congress finally refrained from vetoing the District’s proposed needle-exchange program, did the number of local HIV/AIDS-related deaths plummet.<sup>36</sup> More recently, Congress has acted contrary to local public will—and national trends—by prohibiting the District from legalizing the sale of marijuana. Ten states have

legalized the recreational use of marijuana, yet Congress continues to reject the District’s efforts to follow suit.<sup>37</sup>

ii. Congressionally-Imposed Restraints on The District’s Taxing Power

13. In an affirmative push for D.C. statehood, residents of the District added the word “end” to their license plate tagline—which now reads “*End* taxation without representation.”<sup>38</sup> Nonetheless, D.C. taxation schemes, as with all other forms of legislation in the District, are subject to Congressional oversight.<sup>39</sup> The D.C. Council’s ability to raise funds via tax revenues is thus hampered by Congressional vetoes in ways not experienced by the 50 states: namely, the District (1) is barred from implementing a nonresident income tax, and (2) is unable to implement a regulation and taxation scheme for the sale of marijuana.
14. The power to tax is at the heart of the D.C. statehood debate. Opponents of D.C. statehood argue that the District will be unable to raise the necessary tax revenues to function as a state.<sup>40</sup> Ironically, this alleged obstacle is rooted in the Home Rule Act: the law that gives the District its own mayor and legislative council.<sup>41</sup> The Act established that the D.C. Council cannot “impose any tax on the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District.”<sup>42</sup> Elsewhere in the country, the taxing of individuals who work in one state, but reside in another is not uncommon; agreements between New York and New Jersey, as well as between Oregon and Washington, allow the state of employment to tax individuals that reside in another state.<sup>43</sup> Not in the District: commuters from Maryland and Virginia, who earn two-thirds of the income generated in the District, cannot have their incomes taxed by the District.<sup>44</sup> Some calculate that this prohibition costs the District two to three billion dollars in revenues annually.<sup>45</sup> Given the stark issues of inequality and homelessness in the District, described below, these additional funds could save lives and aid in ending the cycle of poverty for many of the District’s most vulnerable citizens.
15. The District also cannot leverage recreational use of marijuana to raise much-needed tax revenues, a problem with broader implications, as noted.<sup>46</sup> Congress has vetoed the District’s decriminalization of marijuana on all but one narrow ground: its consumption on private property.<sup>47</sup> This limitation disproportionately leaves those who live in public or subsidized housing—the majority of whom are persons of color—vulnerable to criminal possession charges. In fact, persons of color make up 70% of all marijuana-related criminal charges that occur in the District.<sup>48</sup>

**C. A Federal Monopoly Over Prosecutorial, Judicial and Prison Authorities**

16. Without statehood, much of the District’s justice system—the administration of which is traditionally left to states—is under the control of federal agencies. This is true with respect to the role of prosecutors, local courts, and prison authorities. Relinquishing control of the judicial and penal system to federal authorities in this way has led to tension and conflict, as well as violations of D.C. residents’ basic civil and human rights.

i. D.C. Prosecutors

17. Without control over its criminal justice system, the District lacks prosecutors and penitentiary authorities who are beholden to local citizens. In the United States, prosecutors are among the most powerful officials in the government; they have virtually exclusive discretion to choose what charges to bring, against whom, and when.<sup>49</sup> State prosecutors tend to be directly elected by their local citizens;<sup>50</sup> prosecutorial discretion, therefore, can be checked by the will of the electorate.<sup>51</sup>
18. Prosecutors in the District, conversely, are federal officials; D.C. residents thus have no means of holding them accountable through elections.<sup>52</sup> For example, in 2018–19 there was a notable decline in the number of hate crimes in the District charged by Department of Justice prosecutors, which has been of great public concern.<sup>53</sup> Without the leverage of their voting power, D.C. residents have no means of holding their prosecutors, who are federal appointees, accountable.<sup>54</sup> It is worth noting that the leader of the current administration, President Trump, received only four percent of votes in the District.<sup>55</sup>

ii. D.C. Superior Court

19. The federal government funds the District’s Superior Court, a result of which is that all of the court’s security and support staff come from the U.S. Marshals Service.<sup>56</sup> This further exacerbates the tensions that can arise between the federal and local authorities who administer justice in the District. In response to recent changes in federal immigration policies, for example, D.C. officials declared Washington D.C. a “sanctuary city,” which means it would not coordinate with Immigration and Customs Enforcement (“ICE”) officials to identify undocumented residents.<sup>57</sup> The D.C. superior courts, however, operate otherwise because of the court system’s integration with the U.S. Marshals, who automatically send ICE data on all “foreign-born detainees to better facilitate the identification, detention, and removal” of unlawfully present individuals.<sup>58</sup> Despite declaring itself a sanctuary city, then, the District “ha[s] fallen short on resisting ICE” because of a reality that “is beyond the city’s control: Superior Court itself.”<sup>59</sup> In other words, the federally-operated courts in the District have undermined the local government’s ability to protect its residents to the same extent the 50 states have.

iii. Prisons and Parole

20. Even after a person is prosecuted and convicted in the District, the adverse effects of its federally-run justice system continue. The reason is that D.C. does not operate prisons *per se*; so, persons convicted of a crime in the District are processed instead into the federal prison system. Federal prisons are spread across the country, such that a D.C. convict ends up incarcerated at a facility in another state, sometimes a distant one.<sup>60</sup> This makes conjugal and family visits more difficult, especially for poorer residents of the District. Distance from D.C. further restricts inmates from asserting their voting rights and from gaining “access to reentry programing specific to the District.”<sup>61</sup>

21. The District's parole system, like much of its justice system, is operated by federal officials. State parole employees tend to be local residents who know their cities: the cultural dynamics and the people in it. This is not true for the District, which is under the jurisdiction of the U.S. Parole Commission. The Commission is made up of federal employees who are not required to be local residents.<sup>62</sup> This undermines basic fairness because it means the federal officials may not be well informed about a parolee's family or local support system, or understand the city's particular contexts. In 2016, more than 1,500 crimes in the District were committed by individuals under parole supervision in this fashion.<sup>63</sup>
22. The District of Columbia's Mayor and Council have no authority to reform the probation system. In fact, the branch of the U.S. Parole Commission tasked with operating the District's parole procedures has no obligation even to communicate with local D.C. officials.<sup>64</sup> For instance, as a rule, parole agencies in the 50 states are required to report a parolee's absences to local law enforcement; U.S. Parole Commission officials have no such obligation *vis à vis* the D.C. police. And, in practice, they often choose not to inform the D.C. police of parole violations.<sup>65</sup> The Commission answers only to Congress, which has not called a hearing to discuss potential parole-system reforms for the District in nearly seven years.<sup>66</sup>

#### **D. Recommendation: Justice Through D.C. Statehood**

23. There is proposed legislation—H.R. 51—currently sitting in Congress that would make the District of Columbia the nation's 51<sup>st</sup> state. For the foregoing reasons, we seek the support of U.N. Member States in the form of recommendations to the United States urging it to honor the country's obligations under the ICCPR by ensuring that H.R. 51 is passed into law.<sup>67</sup>

## **II. INEQUALITY, POVERTY, HOUSING, AND HOMELESSNESS IN THE DISTRICT OF COLUMBIA**

24. The long legacy of racial discrimination that has haunted American history since the founding of the nation remains very much alive in its capital today. Years of racially discriminatory policies and practices have created vast inequalities between White and Black residents of the District of Columbia. Many policies currently in place exacerbate this inequality and lack of opportunity for Black residents, and have dramatic effects on their quality of life. Nowhere is this more evident than with respect to adequate housing and homelessness.
25. The world has taken note. Several Recommendations to the United States after the 2015 Universal Periodic Review speak strongly to poverty, homelessness, and affordable housing.<sup>68</sup> Others raise concerns about the poor treatment of Blacks in the country.<sup>69</sup> The dire living conditions of many Black D.C. residents, in particular, testify to the fact that the United States—including local D.C. authorities—has failed to take adequate action since 2015 to address these concerns. With this in mind, D.C. residents and experts came together in two roundtables and detailed their concerns with issues of inequality, poverty, housing, and homelessness in the District.<sup>70</sup> While these issues possess a critical gender dimension, that perspective is addressed in a separate report by the UNA-NCA and the Gender Justice Project of the University of the District of Columbia Law School,<sup>71</sup> and will not be discussed here in detail.
26. It is imperative that the ongoing crisis of widespread inequality and lack of adequate housing for Black D.C. residents be addressed. To that end, this section makes three points. First, it describes the enormous gulf that exists in the District between Blacks and Whites in terms of wealth, income, and opportunity; it does so by looking briefly at the long history of racially discriminatory policies that helped to create the present-day situation. Second, this section examines the government's failure to remedy deeply entrenched discrimination by examining existing D.C. policy on zoning, development, and budgeting, as well as the repercussions these policies have had in creating a city-wide housing crisis. Finally, this section decries the impact the inequality and housing crisis has had on residents in terms of homelessness, child poverty, and housing habitability issues.

### **A. Inequality and Poverty in the District of Columbia**

27. Inequality and poverty in the District of Columbia, deeply rooted in the city's history and development, continue to plague many of the city's predominantly Black residents.
28. Washington D.C. currently has one of the highest rates of poverty in the United States. At more than 16%,<sup>72</sup> it is significantly higher than the national average.<sup>73</sup> Many of the pressing issues related to inequality and poverty in the District of Columbia concern the racial disparities in wealth and income between Whites and residents of color, as noted by many at the D.C. roundtable on inequality and poverty.<sup>74</sup> This discrepancy was created by a long history of racially discriminatory policies that segregated the District's residents of color into the poorer parts of town and prevented them from achieving economic growth or prosperity.<sup>75</sup> To make

matters worse, current policies do not effectively address this historical discrimination and its resulting economic inequality. In fact, they actually contribute to it.

29. Racial differences in wealth and income are reflected in the District’s poverty rate. Black residents suffer a 27.9% poverty rate, while that for White residents is only 7.9%.<sup>76</sup> Wealth differences are even more dramatic. The median wealth (savings and investments minus debt) for White residents is \$284,000, while for Black residents it is only \$3,500, eighty–one times lower.<sup>77</sup> Finally, median wages for White residents are nearly twice that of Black residents.<sup>78</sup> This vast gulf in economic equality is the product of years of discriminatory policies that have limited and continue to limit the economic mobility of the District’s Black population.

- i. History of Discriminatory Policies in the District of Columbia

30. The current racial divide in wealth and prosperity in the District can be traced back to racially discriminatory policies implemented in the 20th Century. While most of these policies are no longer in place, their effects are still felt, especially in the way that housing affordability, availability, and habitability differ for Black residents in the District, who have been effectively segregated to the less desirable parts of town.<sup>79</sup> Nowhere is that more palpable than in distorted housing policies. Much of the District’s differences in wealth and opportunity can be traced back to housing policies that have kept Black residents of the District segregated into their own poorer neighborhoods, and unable to move up economically.<sup>80</sup>

31. Historically, federal policies have kept Black residents segregated in their own poorer neighborhoods with less opportunity for advancement and to achieve the “American Dream.” For example, until the 1950s, the federal government allowed racially restrictive covenants to be attached to a deed of home or to be stipulated in neighborhood agreements, preventing homeowners from selling their property to people of color, primarily Blacks, thus preventing the latter from moving to more affluent neighborhoods.<sup>81</sup> This problem was exacerbated by the Federal Housing Administration (“FHA”) through their policy in the 1950s of “redlining” certain neighborhoods.<sup>82</sup> When appraising the housing values of Black neighborhoods, the FHA factored in the racial composition of a neighborhood, which resulted in lower property values.<sup>83</sup> This meant investment in these neighborhoods slowed and hampered residents from selling their property at a fair value. The FHA also limited new housing opportunities for poorer Blacks through discriminatory loan practices.<sup>84</sup> These policies contributed substantially to the prevailing lack of housing opportunities for the District’s Black families today.

- ii. Current Policies in the District of Columbia

32. While the facially discriminatory policies that persisted through much of the District’s history have since been eliminated, other policies remain that amount to *de facto* discrimination. These have contributed to persistent problems in poverty, inequality, and homelessness for Black residents. Discriminatory policies in the District today have created an affordable housing crisis of critical proportions for poor, particularly Black, residents of the District; in turn, this crisis has had a multitude of effects on their well-being and quality of life. Among such policies are those relating to the District’s zoning laws, development priorities, and budgetary programs.

33. The District’s zoning laws have contributed heavily to the housing crisis by preventing developers from creating more affordable, multi-family housing in large swaths of the District. D.C. residents raised this concern multiple times.<sup>85</sup> For example, 75% of all taxable lots in the District are zoned for single-family housing, which favors White residents over Blacks and other people of color who can only afford cheaper, multi-family apartment buildings.<sup>86</sup> Such multi-family housing cannot be built in areas predominantly zoned for single family homes. Policies that authorize and encourage construction of more multi-family buildings would provide more affordable housing for poorer, Black residents. While the District has begun to implement “Mandatory Inclusionary Zoning,” which requires that affordable housing be built in areas with other forms of development, this policy has not yet been implemented effectively.<sup>87</sup>
34. Additionally, the city government’s desire to promote growth has led to unfettered gentrification which serves to price out Blacks from their own neighborhoods and destroy a rich history and culture in these areas.<sup>88</sup> Gentrification was one of the main concerns addressed at the D.C. housing roundtable.<sup>89</sup> In historically-Black neighborhoods, such as Columbia Heights and Petworth, recent development has caused housing prices to skyrocket; many former residents can no longer afford to live in the area.<sup>90</sup> Private property owners who once provided affordable, low-income housing are choosing instead to sell their property to developers looking to build more expensive luxury apartments catering to the District’s growing professional class.<sup>91</sup> This forces poorer residents out of their apartments, as old buildings are demolished to make way for the new. Even elderly residents who have owned their property for decades are being forced out because of property tax increases due to the unchecked development of their neighborhoods.<sup>92</sup>
35. In short, the D.C. government contributes to the crisis in affordable housing by not only failing to regulate the decline in the availability of such housing, but by also encouraging the development practices that drive it.<sup>93</sup> Over the past two decades, these policies have resulted in extensive losses in affordable housing and skyrocketing rent. From 2000 to 2010, the total number of low-income rental units in the District fell more than 50 percent from 70,600 to 34,500.<sup>94</sup> The number of low-value homes fell even more in the same period, from 65,000 to only 17,600.<sup>95</sup> This has led to an extraordinary surge in rent prices, rising 45 percent from 1999 to 2005.<sup>96</sup> The unchecked gentrification in the District has led to a major housing crisis that has a disproportionately large impact on Blacks who can no longer afford to live where they once did.
36. While the D.C. government has attempted to combat the affordable housing crisis through multiple programs, its efforts so far have largely failed. For example, a program in the proposed fiscal year 2020 budget known as the “Workforce Housing” program would support housing development for people earning between 60% and 120% of the District median income, a range of \$70,000 to \$140,000.<sup>97</sup> However, the program does not help the majority of Black residents, whose average income is approximately \$42,000, well below this range.<sup>98</sup> It thus largely excludes the poorer Black residents who are most disproportionately affected by the housing crisis.
37. In sum, recent government initiatives to address the affordable housing crisis in the District have failed to improve the situation and overcome the historical racism and discriminatory practices that underpin it. The lack of affordable housing for many Black inhabitants of the District has severely prejudiced their quality of life and led to other related problems.

## **B. The Effects of Inequality, Poverty, and Lack of Housing on D.C. Residents**

38. The consequences of decades of racism and discriminatory policies have dramatically undermined the quality of life for Black residents of the District. The lack of affordable housing in particular has contributed to a substantial homeless population, much of which lives under abysmal conditions in the city's shelters. Even poor residents who are not homeless face deplorable living conditions in public housing, stemming from the structural discrimination described above. This section describes the widespread problem of homelessness in the District of Columbia and the city's inadequate response to that dire problem. It then examines several other detrimental effects on the quality of life for many Blacks in the District, including child poverty and poor housing habitability.

### **i. Homelessness in the District of Columbia**

39. The clearest consequence of the affordable housing crisis in the District of Columbia is widespread homelessness. Estimates put the homeless population in the District at 6,521 in 2019;<sup>99</sup> most of those people live in shelters with deplorable living conditions, or, even worse, on the street because of the lack of space in these shelters.<sup>100</sup> The District has one of the highest rates of homelessness per capita of any major American city.<sup>101</sup> While the number of people experiencing homelessness in the city has fallen over the last couple of years,<sup>102</sup> it remains one of the primary concerns of D.C. residents.<sup>103</sup> Similar to the lack of affordable housing and poverty, homelessness also disproportionately impacts Blacks in the District. According to the 2019 Point-in-Time Count, 87% of the adults experiencing homelessness in the city were Black or African American—a stark reality considering that only 47% of D.C. residents are Black or African American.<sup>104</sup> Among other things, this shows the profound impact that discriminatory policies and gentrification continue to have on the Black population in the District.

40. Because of the large number of homeless people in the city, shelters are constantly at capacity, forcing many affected individuals to live on the street.<sup>105</sup> Especially compelling is the plight of homeless families, of which there were an estimated 815 in 2019.<sup>106</sup> The main issue for homeless families is access to shelter. Recently, the largest family homeless shelter, D.C. General, was closed.<sup>107</sup> Currently, many of the shelters planned to replace it are not yet operational; as a result, many homeless families are being forced out onto the street because of capacity issues.<sup>108</sup> Some are placed into hotels, and face problems such as strict curfews and room checks, assault by officials, and insect infestations.<sup>109</sup> Similarly, shelters for single homeless people are dilapidated and communal, meaning that there is little privacy.<sup>110</sup> Clearly, D.C. government programs that assist homeless people—especially homeless families—in finding permanent, habitable homes are desperately needed.

41. Unfortunately, few such programs exist. The District's Rapid Rehousing ("RR") program, the main tool used to assist homeless families to find a home, is insufficient at best. This program in particular was criticized at the D.C. roundtable on housing as a major issue.<sup>111</sup> The RR program fails the homeless in the city and does little to combat the root of the problem: the lack of affordable housing. The program provides rent subsidies to families for certain low-income apartments for up to a year; however, these subsidies fall short of what is needed.<sup>112</sup> The average

monthly rent for units under this program is \$1,200 a month, while the average monthly income for those in the program is only \$500.<sup>113</sup> This means that once subsidies run out after a year, the beneficiary families are unable to afford their rent and are forced back into homelessness, but now with an eviction on their record. An estimated 30% of program participants end up homeless again shortly after the year of subsidized rent is up.<sup>114</sup> This further exacerbates the problem of too many homeless families and not enough shelters.

ii. Other Effects on D.C. Residents' Quality of Life

42. Homelessness is but one symptom of pervasive inequality and poverty in the District. Historical racism and discriminatory policies also contribute to maintaining child poverty and poor housing at unacceptable levels. The District of Columbia has a child poverty rate of 26%, much higher than the national average of 18%.<sup>115</sup> This too, of course, is dramatically different along racial lines.<sup>116</sup> In 2016, nearly *half* of the children in Ward 8, which is predominantly Black, were found to be below the poverty line; in Ward 3, which is predominantly White, that corresponding figure was below 3%.<sup>117</sup>
43. Many specific issues concerning habitability of low-income housing were listed during the D.C. housing roundtable.<sup>118</sup> Because of poverty, many poor Black residents are forced to live in the city's deficient public housing. These residents live in deplorable conditions, dealing with problems such as mold, water damage, leaks, and insect infestations.<sup>119</sup> These problems are not limited to a small percentage of public housing either; approximately 78% of public housing requires repairs at an estimated total cost of \$1.3 billion.<sup>120</sup> A critical problem in much low-income housing is lead poisoning, which can lead to brain damage in children.<sup>121</sup> City inspectors have frequently missed this issue;<sup>122</sup> funding for a program to replace lead paint has been drastically cut.<sup>123</sup> The government has failed to address these problems, creating terrible living conditions for families both in public housing and low-income housing in general.

**C. Recommendation: Sustainable Housing Reform in the District of Columbia**

44. In order to combat the problems created by historical and modern discriminatory policies, we urge U.N. Member States to recommend that the United States (a) through the D.C. government implement change in local zoning policies, provide more incentives to develop affordable housing, and improve the quality of low-income housing in the District generally; and (b) provide more federal funding to the District to combat homelessness and assist in providing affordable and adequate housing to its most vulnerable citizens.

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<sup>1</sup> Members of the DC Human Rights City Alliance include: [the DC Statehood Green Party](#), [Empower DC](#), [Justice Revival](#), [People for Fairness Coalition](#), [Occupation Free DC](#), [DC Jobs with Justice](#), [HRE USA](#), [Jewish Voice for Peace- DC Metro](#), The Fifty (Howard University Student Organization).

<sup>2</sup> The GW Law IHR Clinic team that drafted this Report was comprised of third-year law students Madeline A. Greathouse and Alexander G. Gardner, and supervised by Clinic Director Arturo J. Carrillo.

<sup>3</sup> *Quick Facts: District of Columbia*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/DC> (last visited Sept. 10, 2019); *Quick Facts: United States*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/US/PST045218> (last visited Sept. 10, 2019).

<sup>4</sup> *Quick Facts: District of Columbia*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/DC> (last visited Sept. 10, 2019).

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5 Minahil Naveed, *Income Inequality in DC Highest in the Country*, DC FISCAL POLICY INST. (Dec. 12, 2017), <https://www.dcfpi.org/all/income-inequality-dc-highest-country/>. This compares to the 17% of the broader D.C. population, regardless of race, that lives of them below the poverty line. *Quick Facts: District of Columbia*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/DC> (last visited Sept. 10, 2019)

6 With thanks to the guidance of the roundtable experts: Eric Tars, Legal Director, [Nat'l Ctr. on Homelessness; Poverty](#); Bo Shuff, Executive Direction, [DC Vote](#); and, Ed Lazere, Executive Director, [DC Fiscal Policy Inst.](#)

7 Roundtable on Housing & Homelessness at the University of the District of Columbia (July 23, 2019). In attendance: Machee Kelly, *Mikva Challenge DC*; Michael Scott, *Equity Matters*; Reginald Black, *Street Sense Media*; Matthew Gerken, *Urban Institute*; Caitlin Cocilova & Kristi Matthews, *The Washington Legal Clinic*; Emilie Schmeidler, *Voluntary Service Overseas*; Allyson McKinney Timm, *Justice Revival*; Christina Hansen; Robert Warren; Sekethia Marshall; Robert Harvey; Robert Robinson; Dequan Marshall.

8 Roundtable on D.C. Statehood & Voting Rights at the D.C. Office of Human Rights (Aug. 13, 2019). In attendance: Arturo Carrillo, *The George Washington University Law School, International Human Rights Clinic*; Nicolas Wicaksono, *Search for Common Ground*; Alyssa Tender, *Children's Law Center*; Eric Spencer; Fred Edwards; Brian Heilmary; Carol L. Phelps; Micayla Costa; Andrew Jung; Sarah Drory. Six additional participants attended this event.

9 Roundtable on Poverty & Economic Inequality at ONE D.C.'s Black Workers & Wellness Center (July 23, 2019). In attendance: Nicolas Wicaksono, *Search for Common Ground*; Heather Hill; Byron Grant; Robert Carter; Claire Cook; Micayla Costa; Michelle Williams; James Heapphy; Blondine Alexandre. Two additional participants attended this event.

10 See Bo Shuff, Executive Director, DC Vote, Remarks at DCHRA discussion on DC Voting Rights (Sept. 13, 2019); Interview with Marta Beresin, Attorney and Jessie duPont Legal Fellow, Health Justice Alliance Law Clinic, Georgetown University Law Center, in Washington, D.C. (Sept. 17, 2019). Ms. Beresin spent decades working on homelessness issues in D.C., most notably for the Washington Legal Clinic for the Homeless.

11 See CHRIS MYERS ASCH & GEORGE DEREK MUSGROVE, *CHOCOLATE CITY: A HISTORY OF RACE AND DEMOCRACY IN THE NATION'S CAPITAL* 18 (2017) (“[D.C.] became a political colony, a district whose fate rested not with the local people who called it home but with the national political leaders who resided there temporarily.”).

12 *Id.*

13 Rebecca Hershers, *D.C. Votes Overwhelmingly to Become 51st State*, NPR (Nov.9, 2016, 10:37 AM), <https://www.npr.org/sections/thetwo-way/2016/11/09/501412360/d-c-votes-overwhelmingly-to-become-51st-state>.

14 See Tom Sherwood, *DC License Plate Could be More Assertive With One Word*, NBC News (Apr. 19, 2016, 6:53 PM), <https://www.nbcwashington.com/news/local/DC-License-Plate-Could-Be-More-Assertive-With-One-Word-376263621.html>.

15 Matt Vasilogambros & Nat'l Journal, *D.C. Has More People Than Wyoming and Vermont, Still Not a State*, THE ATLANTIC (Dec. 30, 2013), <https://www.theatlantic.com/politics/archive/2013/12/dc-has-more-people-than-wyoming-and-vermont-still-not-a-state/437661/>.

16 *Id.*

17 ICCPR art. 25.

18 ICCPR art. 25 (recognizing the right of every citizen to “take part in the conduct of public affairs . . . through freely chosen representatives.”); see, *supra* ¶ 4.

19 Shuff, *supra* note 10

20 Gen. Comm. No. 25: The Right to Participate in Public Affairs, Voting Rights, and the Right of Equal Access to Public Service (Art. 25), U.N. Doc. CCPR/C/21/Rev.1/Add.7, at ¶3 (Dec. 12, 1996).

21 *Quick Facts: United States*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/US/PST045218> (last visited Sept. 10, 2019); *Quick Facts: District of Columbia*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/DC> (last visited Sept. 10, 2019).

22 In January 1870, amidst debates over the legal status and political rights of D.C., one newspaper asserted that politicians “are opposed to negro suffrage; and as they cannot withdraw it, they seek to diminish if not destroy, the opportunities for its exercises. Here is the whole secret of the recently inaugurated movement to take away our municipal government.” CHRIS MYERS ASCH & GEORGE DEREK MUSGROVE, *CHOCOLATE CITY: A HISTORY OF RACE AND DEMOCRACY IN THE NATION'S CAPITAL* 152 (2017).

23 U.S. CONST. AMEND. XV (“The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.”).

24 CHRIS MYERS ASCH & GEORGE DEREK MUSGROVE, *CHOCOLATE CITY: A HISTORY OF RACE AND DEMOCRACY IN THE NATION'S CAPITAL* 152–162 (2017) (“Though District voters could still elect some officials, most of the power was vested in the presidential appointees.”).

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25 Shuff, *supra* note 10.

26 *Id.*; see also Martin Auster Muhle, *Four Decades After Getting Home Rule, The Fight in D.C. Goes On*, WAMU (Nov. 15, 2013), [https://wamu.org/story/13/11/15/four\\_decades\\_on\\_dc\\_continues\\_fighting\\_for\\_home\\_rule/](https://wamu.org/story/13/11/15/four_decades_on_dc_continues_fighting_for_home_rule/) (“From 1820 to 1870, [D.C.] residents were allowed to elect [their own] mayor and legislature.”).

27 See *How a Bill Becomes a Law*, D.C. COUNCIL, <http://dccouncil.us/how-a-bill-becomes-a-law/> (last visited Sept. 24, 2019) (“[A]n approved Act of the Council must be sent to the United States House of Representatives and the United States Senate”).

28 *Id.*; see also, Shuff, *supra* note 10.

29 U.S. CONST. Amend. X. (“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”).

30 Anisha Singh & Billy Corriher, *State or Federal Court?*, Ctr. Am. Progress (Aug. 8, 2016, 5:23 AM), <https://www.americanprogress.org/issues/courts/reports/2016/08/08/142438/fact-sheet-state-or-federal-court/> (noting state courts hear a variety of cases: “criminal cases or lawsuits involving state laws, as well as family law issues like marriage or divorce.”).

31 This contrasts Congress’ limited power to intrude on states’ legislation, as set forth in the U.S. Constitution. Shuff, *supra* note 10.

32 *Id.*

33 *Legislative Autonomy for DC*, DC VOTE, <https://www.dcvote.org/legislative-autonomy> (last visited Sept. 24, 2019).

34 Ian Urbina, *Alone in a City’s AIDS Battle, Hoping for Backup*, N.Y. TIMES, May 29, 2007, at A1.

35 *Id.*

36 Shuff, *supra* note 10.

37 *Id.* The District can use neither federal nor local funds to implement a regulation scheme or tax the revenues that flow from it, as will be further discussed below. *Id.*; see also, Michael Pineda, *Washington DC’s Budding Market for Legal Pot is Rife With Potential Pitfalls – Here’s What You Need to Know*, CNBC (Sept. 16, 2018, 12:27 PM), <https://www.cnn.com/2018/09/15/heres-what-you-need-to-know-about-dc-marijuana.html>.

38 Aaron C. Davis, *D.C. Poised to Change License Plate Slogan in Push to Become 51st State*, WASH. POST (Apr. 19, 2016), [https://www.washingtonpost.com/local/dc-politics/dc-poised-to-change-license-plate-slogan-in-push-to-become-51st-state/2016/04/19/edd0e538-063f-11e6-b283-e79d81c63c1b\\_story.html](https://www.washingtonpost.com/local/dc-politics/dc-poised-to-change-license-plate-slogan-in-push-to-become-51st-state/2016/04/19/edd0e538-063f-11e6-b283-e79d81c63c1b_story.html).

39 Shuff, *supra* note 10. Not only is the District unable to create its own taxation policies without the threat of Congressional impediments, but D.C. citizens have also consistently been subject to *pay* more federal taxes than state residents, who do have Congressional representation with voting powers. Naomi Jagoda, *D.C. Paid More Taxes Than Many States Despite Lack of Congressional Representation*, THE HILL (Apr. 25, 2016, 2:33 PM), <https://thehill.com/policy/finance/277532-dc-paid-more-taxes-than-many-states-despite-lack-of-congressional> (“District of Columbia residents and businesses paid more federal taxes than 22 states in 2014 despite lack of full voting representation in Congress . . . . D.C. paid \$26.4 billion in federal taxes in 2014, an 80 percent increase from 2002. In return, the federal government only gave D.C. \$3.5 billion in grants, payments and court contributions, excluding matching federal funds all states receive . . . .”).

40 See Jenna Portnoy, *District Officials Make Case for D.C. Statehood in Face of GOP Opposition*, WASH. POST (Sept. 19, 2019, 4:37 PM), [https://www.washingtonpost.com/local/dc-politics/republican-leaders-sound-off-against-dc-as-too-corrupt-financially-insecure-to-be-a-state/2019/09/19/bb4dc412-da23-11e9-ac63-3016711543fe\\_story.html](https://www.washingtonpost.com/local/dc-politics/republican-leaders-sound-off-against-dc-as-too-corrupt-financially-insecure-to-be-a-state/2019/09/19/bb4dc412-da23-11e9-ac63-3016711543fe_story.html).

41 D.C. CODE § 1–201.01 (1973).

42 *Id.*

43 Shuff, *supra* note 10.

44 Robert Ebel et. al, Deputy Chief Financial Officer, Office of Revenue Analysis, *Testimony Before the Special Committee on Statehood and Self-Determination Council of the District of Columbia: Public Oversight Roundtable on the Economic and Financial Impacts of District of Columbia Statehood* (Jul. 13, 2009).

45 *Id.*

46 Further, because the sale of marijuana remains illegal, D.C. also cannot regulate the industry to ensure all marijuana is safe for consumption and that only authorized vendors are selling it.

47, *Know the Facts About Marijuana in DC*, Metro. Police Dep’t (2015), [https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/page\\_content/attachments/Marijuana%20Fact%20Card\\_FEB2015.pdf](https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/page_content/attachments/Marijuana%20Fact%20Card_FEB2015.pdf).

48 Shuff, *supra* note 10.

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<sup>49</sup> See e.g. *The Power of Prosecutors*, ACLU, <https://www.aclu.org/issues/smart-justice/power-prosecutors> (last visited Sept. 20, 2019) (“Prosecutors are the gatekeepers of the criminal justice system.”).

<sup>50</sup> See GEORGE COPPOLO, OFFICE LEGISLATIVE RESEARCH, STATES THAT ELECT THEIR CHIEF PROSECUTORS (2003), <https://www.cga.ct.gov/2003/rpt/2003-R-0231.htm> (“According to a report published in the May 2002 U.S. Department of Justice, Bureau of Justice Statistics Bulletin, 47 states elect their chief prosecutors and three (Alaska, Connecticut, and New Jersey) appoint them.”); see also Daniel Nichanian, *Prosecutors and Sheriffs Elected in 2018 Take Office, and Plenty Will be Elected in 2019, Too*, THE APPEAL (Jan. 4, 2019), <https://theappeal.org/prosecutors-and-sheriffs-elected-in-2018-take-office-and-plenty-will-be-elected-in-2019-too/> (“About 500 prosecutors and sheriffs will be elected in 2019 [in the United States].”).

<sup>51</sup> Michael J. Ellis, *The Origins of the Elected Prosecutor*, 121 YALE L.J. 1528, 1568 (noting the decision to elect prosecutors in the United States was largely motivated by the desire to “ensure that prosecutors would remain accountable to the local communities they served.”); see also,

<sup>52</sup> Irvin Nathan, *Let D.C.’s Elected Attorney General Prosecute D.C. Crimes*, WASH. POST (Feb. 12, 2016), [https://www.washingtonpost.com/opinions/let-dcs-elected-attorney-general-prosecute-dc-crimes/2016/02/12/91ded204-c91c-11e5-88ff-e2d1b4289c2f\\_story.html](https://www.washingtonpost.com/opinions/let-dcs-elected-attorney-general-prosecute-dc-crimes/2016/02/12/91ded204-c91c-11e5-88ff-e2d1b4289c2f_story.html).

<sup>53</sup> Petula Dvorak, *A Prosecutor Won’t Do Her Job So Bigots Are Getting Away With Hate Crimes in D.C.*, WASH. POST (Aug. 22, 2019, 6:47 PM), [https://www.washingtonpost.com/local/a-prosecutor-wont-do-her-job-so-bigots-are-getting-away-with-hate-crimes-in-dc/2019/08/22/9d6499c4-c508-11e9-9986-1fb3e4397be4\\_story.html](https://www.washingtonpost.com/local/a-prosecutor-wont-do-her-job-so-bigots-are-getting-away-with-hate-crimes-in-dc/2019/08/22/9d6499c4-c508-11e9-9986-1fb3e4397be4_story.html) (“The District had its highest number of reported hate crimes last year [in 2018]: 204 . . . . Not a single person has been convicted.”).

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*; see also *District of Columbia Presidential Race Results: Hillary Clinton Wins*, N.Y. TIMES (Aug. 1, 2017, 11:24 AM), <https://www.nytimes.com/elections/2016/results/district-of-columbia-president-clinton-trump> (noting Clinton received 282,830—or 90.9%—of votes in the District compared to Trump’s 12,723.).

<sup>56</sup> U.S. DEP’T OF JUSTICE OFFICE OF THE INSPECTOR GEN. AUDIT DIV., THE UNITED STATES MARSHALS SERVICE’S WORKFORCE PLANNING AND MANAGEMENT (2007), <https://oig.justice.gov/reports/USMS/a0738/final.pdf>.

<sup>57</sup> Martin Austerhuhle, *Marshal Law: D.C. Is a Sanctuary City, But That Status Stops at the Courthouse Door*, WAMU (Sept. 20, 2018), <https://wamu.org/story/18/09/20/marshal-law-d-c-sanctuary-city-status-stops-courthouse-door/>.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.* (“[I] D.C. officials say their hands are tied. They say they are frustrated . . . but they concede there’s little they easily can do to change that. ‘If you go to just about any other city or state and you look at the court[’s] . . . [organizational] chart, it generally leads to someone who was elected by the people,’ said Kevin Donahue, D.C.’s Deputy Mayor for public safety and justice. ‘If you come to D.C. and follow the same lines on the org chart, it leads to a national politician that got four percent of the vote in D.C.’ . . . referring to Trump.”).

<sup>60</sup> Martin Austerhuhle, *D.C. Inmates Serve Time Hundreds of Miles from Home. Is It Time to Bring Them Back?*, WAMU (Aug. 10, 2017), <https://wamu.org/story/17/08/10/d-c-inmates-serving-time-means-hundreds-miles-home-time-bring-back/> (noting individuals convicted in D.C. have been imprisoned in federal prisons as nearby “as Cumberland, Maryland (136 miles from D.C.), as far as Victorville, California (2,586 miles).”).

<sup>61</sup> Avis E. Buchanan, *Improve D.C.’s Parole Practices*, WASH. POST (Aug. 14, 2015), [https://www.washingtonpost.com/opinions/improve-dcs-parole-practices/2015/08/14/56b9f03c-3475-11e5-8e66-07b4603ec92a\\_story.html](https://www.washingtonpost.com/opinions/improve-dcs-parole-practices/2015/08/14/56b9f03c-3475-11e5-8e66-07b4603ec92a_story.html).

<sup>62</sup> Philip Fornaci, Wash. Lawyers’ Comm. For Civil Rights & Urban Affairs et al., Presentation to the D.C. Council: Restoring Control of Parole to D.C. (Mar. 16, 2018), [https://www.washlaw.org/pdf/2018\\_03\\_16\\_why\\_we\\_need\\_a\\_dc\\_board\\_of\\_parole.PDF](https://www.washlaw.org/pdf/2018_03_16_why_we_need_a_dc_board_of_parole.PDF) (“[D.C. parole] [c]ommissioners are not required to—and historically have not had—any connection to DC; there is no DC residency requirement. At this time, two commissioners are Maryland residents and one comes from the Kentucky prison system. Commissioners have no line of authority from any D.C. government agency or court and are not accountable to either. . . . [The Commission] has no connection with the D.C. government or the D.C. community, and it has no sound basis for making policy decisions like these without any input from D.C. officials or residents.”).

<sup>63</sup> Aaron C. Davis, *In D.C. The Federal Government Gives Released Criminals Too Many Chances to Fail*, WASH. POST (Dec. 28, 2016), [https://www.washingtonpost.com/investigations/in-dc-the-federal-government-gives-released-criminals-many-chances-to-fail/2016/12/28/e26f4e5e-c7c4-11e6-8bee-54e800ef2a63\\_story.html](https://www.washingtonpost.com/investigations/in-dc-the-federal-government-gives-released-criminals-many-chances-to-fail/2016/12/28/e26f4e5e-c7c4-11e6-8bee-54e800ef2a63_story.html)

<sup>64</sup> See *id.* (“The District is the only jurisdiction in the country where Congress has made supervision of local criminals a federal responsibility.”). Although the D.C. Council has created the Committee on the Judiciary and Public Safety, which acts as a “liaison” between the Council and CSOSA, it possesses no mechanisms through

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which CSOSA can be compelled to engage. *See* RULES OF ORGANIZATION AND PROCEDURE FOR THE COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY, COUNCIL OF THE DISTRICT OF COLUMBIA (Jan. 24, 2019), <https://dccouncil.us/wp-content/uploads/2017/06/Committee-on-the-Judiciary-Public-Safety-CP-23-Rules-of-Organization-and-Procedure.pdf>.

<sup>65</sup> Davis, *supra* note 63 (“[The District’s parole system] is set up to fail people.”).

<sup>66</sup> *Id.*

<sup>67</sup> Statehood is the only means of ensuring D.C. residents realize their human rights to civic engagement in full. It is only through the passage of H.R. 51 and the creation of the 51<sup>st</sup> state that the D.C. residents’ fundamental rights can be fully achieved. Voting representation at the federal level alone would not remedy the harm that stems from Congressional infringement on local affairs: legislation and prosecutorial discretion that does not represent the will of the people. *See* Shuff, *supra* note 10. Nor would expanding the scope of local autonomy be sufficient as D.C. residents would continue to be deprived of their representation at the national level. *Id.* It is only by providing *both* adequate Congressional representation and substantial local autonomy that the people of the District can exercise the same political rights as the residents of the current 50 states.

<sup>68</sup> *See, e.g.*, UPR Recommendation 176.309 (“Guarantee the right by all residents in the country to adequate housing, food, health, and education, with the aim of decreasing poverty, which affects 48 millions of people in the country.”).

<sup>69</sup> *See* UPR Recommendation 176.124 (“Invest further efforts in addressing the root causes of recent racial incidents and expand its capacity in reducing poverty in neighborhoods experiencing subpar public services, including access to adequate housing and public safety.”); UPR Recommendation 176.125 (“End discrimination in law and practice against all minorities and immigrants, particularly against women and children from poor families and take effective steps to prevent and combat violence against them.”).

<sup>70</sup> *See* Roundtable on Housing and Homeless, *supra* note 7; Roundtable on Inequality and Poverty, *supra* note 9.

<sup>71</sup> Gender Equity in Our Nation’s Capital, The Gender Justice Project with the United Nations Association of the National Capital Area (2019).

<sup>72</sup> U.S. CENSUS BUREAU, *supra* note 4.

<sup>73</sup> Naveed, *supra* note 5, at 2.

<sup>74</sup> Roundtable on Inequality and Poverty, *supra* note 9.

<sup>75</sup> *See* ASCH & MUSGROVE, *supra* note 11.

<sup>76</sup> Naveed, *supra* note 5, at 2.

<sup>77</sup> Tinsae Gebriel, *Economic Inequality in DC Reflects Disparities in Income, Wages Wealth, and Economic Mobility. Policy Solutions Should Too*, D.C. FISCAL POLICY INSTITUTE 2 (Aug. 6, 2018).

<sup>78</sup> *Id.*

<sup>79</sup> THE URBAN INSTITUTE, *THE COLOR OF WEALTH IN THE NATION’S CAPITAL* 23 (2016).

<sup>80</sup> *Id.*

<sup>81</sup> Lauren Ober, *How Racial Covenants Shaped D.C. Neighborhoods*, WAMU (Jan 17, 2014), [https://wamu.org/story/14/01/17/how\\_racial\\_covenants\\_shaped\\_dc\\_neighborhoods/](https://wamu.org/story/14/01/17/how_racial_covenants_shaped_dc_neighborhoods/).

<sup>82</sup> THE URBAN INSTITUTE, *supra* note 79, at 23.

<sup>83</sup> *Id.*

<sup>84</sup> *Id.* The FHA favored financing for single-family homes over cheaper, multi-family homes, new developments outside the city over ones inside, and newly built homes over repairs of existing ones, resulting in more loans being given to housing in the suburbs than for Black communities downtown. *Id.*

<sup>85</sup> Roundtable on Housing and Homelessness, *supra* note 7.

<sup>86</sup> Yesim Sayin Taylor, *Single-Family Zoning and Neighborhood Characteristics in the District of Columbia*, D.C. POLICY INSTITUTE 3 (2019).

<sup>87</sup> Beresin, *supra* note 10.

<sup>88</sup> *See generally* Sabiyha Prince, *Washington D.G.: The District of Gentrification*, NATIONAL COMMUNITY REINVESTMENT COALITION (Mar. 18, 2019), <https://ncrc.org/gentrification-dc/>.

<sup>89</sup> Roundtable on Housing and Homelessness, *supra* note 7.

<sup>90</sup> Beresin, *supra* note 10.

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> THE URBAN INSTITUTE, *supra* note 79, at 37-38.

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

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- 97 Kate Coventry et al., *Budgeting for Equity: How to Advance Opportunity for People of Color in DC*, D.C. FISCAL POLICY INSTITUTE 4 (April 24, 2019).
- 98 *Id.*
- 99 THE COMMUNITY PARTNERSHIP FOR THE PREVENTION OF HOMELESSNESS, 2019 POINT-IN-TIME COUNT OF PERSONS EXPERIENCING HOMELESSNESS IN THE DISTRICT OF COLUMBIA [hereinafter POINT-IN-TIME COUNT].
- 100 Beresin, *supra* note 10.
- 101 See Mikaela Lefrak, *Report: D.C. Has Highest Homelessness Rate Among 32 Major Cities*, WAMU (Dec. 14, 2016), <https://wamu.org/story/16/12/14/report-d-c-highest-homelessness-rate-among-38-major-american-cities/>.
- 102 POINT-IN-TIME COUNT, *supra* note 99.
- 103 Roundtable on Housing and Homelessness, *supra* note 7.
- 104 POINT-IN-TIME COUNT, *supra* note 99.
- 105 Beresin, *supra* note 10.
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