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NO SHELTER FROM THE STORM: RECLAIMING THE RIGHT TO HOUSING AND PROTECTING THE HEALTH OF VULNERABLE COMMUNITIES IN POST-KATRINA NEW ORLEANS

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ABSTRACT

This article explores human rights- and health-related aspects of the rebuilding process in New Orleans, Louisiana, USA, following the August 2005 assault of Hurricane Katrina. We look at the health and social impacts of post-Katrina redevelopment policies on New Orleans' poor Black communities. We describe systematic violations of poor Black residents' human right to housing, and we explore associations between these rights violations and documented negative trends in community health. The article describes some of the ways that poor constituencies in New Orleans have organized to resist the destruction of their communities and to reclaim their rights to adequate housing, health, and dignity. Post-Katrina violations of the right to housing in New Orleans should be seen as part of a broader pattern in social policy and the control of urban habitats in the United States. Poor Black residents' struggle to assert their human right to housing has implications for the health of local communities and the credibility of democratic processes.

INTRODUCTION

On August 29, 2005, Hurricane Katrina struck New Orleans and the Gulf Coast region of the United States. Katrina's impacts on the people of New Orleans reveal a stark case of inequality in the protection of human rights. Public authorities' failure to prepare adequately meant that poor, predominantly Black communities bore the brunt of the hurricane's assault. Subsequently, instead of redressing patterns of injustice exposed by the storm, through discriminatory public policies, New Orleans' post-Katrina "recovery" has reinforced them. At the heart of human rights concerns plaguing the city's reconstruction lies the systematic violation of the right to housing for New Orleans' poor Black residents.

The failure to respect the right to housing of poor New Orleans residents is no accident. It is the logical consequence of persisting views about who has a place in the "new" New Orleans that officials wish to see rise from the devastation left by Katrina's passage. Before the flood waters receded, influential business and political constituencies had already begun to argue that New Orleans should "rebuild bigger and better."¹ A subtext of these messages was that a "better" New Orleans would not necessarily welcome back the poor, Black majority residents who had called the city home.² This hostile undercurrent was soon realized in the post-Katrina recovery policies of the Housing Authority of New Orleans (HANO): from the wholesale demolition of still-viable public housing units to the increasingly repressive regulation of public housing residents' behavior — regulation enforced using a "zero tolerance" policy that has intimidated residents and left them feeling powerless and unwelcome in their own communities. The scale of the repression sug-

gests that influential constituencies have grasped the natural disaster as an opportunity to purge the city of its poor inhabitants, the overwhelming majority of whom are Black women and children.³

Affected communities in New Orleans and their allies have fought back against the assault on their rights and well-being. While the post-Katrina onslaught against poor communities comprises a host of human rights violations, including the right to health, education, environmental protections, and work with dignity, this article focuses on the violations taking place that concern the human right to housing. The article 1) documents some of the violations of the right to housing that have occurred in post-Katrina New Orleans; 2) describes the consequences of these violations, particularly for the health of affected communities; 3) indicates some of the ways that poor communities have organized to struggle against these patterns and reclaim their right to adequate housing, health, and dignity; and 4) situates post-Katrina violations of the right to housing as part of a broader pattern in social policy and the control of urban habitats in the United States. The rights abuses and health consequences suffered by poor Black communities in New Orleans and the Gulf region are not isolated phenomena but are instead symptoms of an acute episode in a decades-long “war on the poor” involving the accelerated redistribution of resources and opportunities upward from low- and middle-income people toward the most affluent segments of American society.⁴ The control of urban space has been a key battleground in this protracted conflict. Efforts by poor Black residents to assert their human right to housing reveal the full extent of what is at stake: both the health of vulnerable communities and the quality of American democracy itself.⁵

THE RIGHT TO HOUSING IN INTERNATIONAL LAW

The right to housing acknowledges the fundamental need that people have for safety and security.⁶ Among the international human rights instruments that define the right to housing, the Universal Declaration of Human Rights (UDHR) and the International Covenant on Social and Economic Rights (ICESCR) have been most widely adopted.⁷ Both recognize the right to an “adequate standard of living,” which includes the right to housing.⁸

The substance of the right to housing hinges on the meaning of an “adequate standard” with respect to housing. The United Nations Committee on Economic, Social and Cultural Rights (CESCR) has delineated relevant criteria of housing adequacy that include, *inter alia*: legal security of tenure, availability of services and infrastructure, affordability, habitability, and accessibility.⁹ The CESCR has underscored governments’ obligation to ensure access to adequate housing for everyone, with an emphasis on the most vulnerable.¹⁰ The CESCR has further specified the right to housing as guaranteeing people’s right to live in conditions of “security, peace and dignity.”¹¹

Understood holistically, these international instruments move beyond defining the right of a person to a house; they affirm and protect the human need people have for a *home*. A home is more than shelter; it is a dwelling endowed with meaning and affective value by its occupants, a process that transforms it from a structure into a physical manifestation of community, security, and belonging.

Comments by the CESCR emphasize that the right to housing is “of central importance for the enjoyment of all economic, social and cultural rights.”¹² As such, the right to housing cannot be secured in isolation; rather, it is a locus of interactions between a multitude of needs and rights. When states fail to meet their obligation to protect the right to housing, other basic rights inevitably suffer.

HOUSING AND HEALTH

Violations of the right to housing have a direct impact on health. Decades of research have demonstrated the correlation between poor housing conditions and poor health.¹³ Much of this work has focused on the level of individual housing units and on environmental factors that impact health, such as poor ventilation, infestation by pests, or the presence of mold or lead. These factors fall primarily into the categories of “habitability” and “infrastructure” described by the CESCR.¹⁴

Yet health is also powerfully affected by issues relating to other dimensions of the right to housing, such as security of tenure, affordability, and accessibility.¹⁵ These issues have been empirically correlated to health outcomes by a growing body of authoritative

research.¹⁶ In addition, research has confirmed the negative impacts of homelessness on health status and outcomes.¹⁷ The international literature on social determinants of health has also highlighted the critical effect of housing conditions in contributing to health inequities among population groups. This literature documents how deficiencies in housing and community infrastructure can have direct health impacts on disadvantaged groups, emphasizing the role of underlying social and political power relationships in determining differential access to adequate housing and safe living environments.¹⁸

Pioneering public health research in the United States has documented the health impacts of “urban renewal” programs and other policies that, since the 1950s, have displaced poor communities to enable reuse of urban space for purposes more profitable than housing the vulnerable.¹⁹ These policies have precipitated both immediate and long-term health damage in affected populations through multiple pathways.

The groundbreaking work of Deborah and Rodrick Wallace in their book, *A plague on your houses*, catalogues the disastrous health consequences of one such policy, which constituted a massive disinvestment in communities deemed undesirable or expendable. The study by Wallace and Wallace directly links the closing of fire companies in New York City in the 1970s to outbreaks of AIDS, tuberculosis, other infectious diseases, and substance abuse.²⁰ Just as alarming as the public health consequences was the method by which the policy was developed: inferior science conducted by the Rand Institute to support the position that urban communities undergo a “natural” life and death cycle.²¹ The increase in disease burden affected not only communities directly targeted for disinvestment but spread to other locations as well; simply put, “the disaster of New York impacted national public health.”²² The ecological model employed by Wallace and Wallace points to connectivity between communities that renders housing policy, particularly policy affecting the poor, an issue of national concern.²³

A critical mechanism through which housing policy choices affect health has been described by Mindy Fullilove using the concept of “root shock,” the psychological response to the trauma of losing one’s community.²⁴ Writing on the effects of displacement, Fullilove has noted that “the ensuing disorienta-

tion . . . may undermine the sense of belonging, in particular, and mental health, in general.”²⁵ Fullilove has shown that dispossession and root shock can compromise health 1) directly, via psychological trauma and stress; 2) indirectly, by forcing displaced people into increasingly unhealthy living conditions; and 3) at a “fundamental” or structural level, by further diminishing people’s socioeconomic status, which has been linked to numerous negative health outcomes.²⁶ Researchers building on Fullilove’s work have recently connected root shock to a range of community health impacts, including negative effects on children’s early physical and cognitive development.²⁷

The health-compromising dynamics of urban renewal policies addressed in pioneering research by Fullilove and others are now being replayed in post-Katrina New Orleans.²⁸ The concept of root shock is directly relevant to the experience of New Orleans’ poor Black communities during the city’s post-Katrina rebuilding.

THE RIGHT TO HOUSING IN THE UNITED STATES

Public policy directed at securing housing for all in the United States predated international recognition of the right to housing.²⁹ The US Housing Act of 1937 created the nation’s first public housing program over a decade before the UDHR.³⁰ The Housing Act of 1949 echoed the UDHR in calling for the government to realize “as soon as feasible . . . the goal of a decent home and a suitable living environment for every American family.”³¹ While the act does not acknowledge a human right to housing per se, it lays the groundwork for understanding the provision of housing to citizens in need as a government obligation. Federal legislation over the next several decades continued to support public housing and the government’s role in maintaining it.³² By 1973, the US had more than 1.5 million units of subsidized housing, a threefold increase from 1961.³³

However, the three decades of US housing policy that began with the 1949 Housing Act were marked by inconsistencies and unresolved tensions. While expanding housing options for poor people through the construction of public housing, national housing policy in this period disproportionately favored more affluent segments of the population. Measures such as income tax breaks for homeowners who were

making mortgage payments rewarded comparatively well-off segments of the population who were in a position to purchase their own homes. Thus, while federal policy in the decades from 1949 to 1979 recognized a public responsibility to address housing needs of the poor, it also contained the seeds of later market-based approaches that would prove deeply damaging to low-income communities. Even at its height, the construction of public housing in the US lagged behind the provision of social housing in other industrialized democracies. Furthermore, US law failed to anchor access to public housing in explicit rights guarantees. This left constructive policy gains vulnerable to reversal.

Beginning in the 1980s, under President Ronald Reagan and his successors, the US government departed sharply from earlier policies that had implicitly recognized a home as a universal human need and a resource the government should have a role in providing. Housing policy subsequently adopted an aggressively market-driven approach.³⁴ Between 1980 and 1988, the Reagan administration decreased funding for the Department of Housing and Urban Development (HUD), the federal government body that oversees public housing, by 76%.³⁵ Predictably, when the government began to starve public housing programs of necessary resources, public housing infrastructure deteriorated and quality of life for many residents declined.³⁶

The aggressive downsizing of public housing programs continued through the 1990s under the ironically titled Housing Opportunities for People Everywhere (HOPE VI) program.³⁷ Simultaneously, the government began enacting highly punitive policies to “manage” people who remained in public housing, including a community service requirement and a “one strike and you’re out” policy that set stern rules on residents’ behavior.³⁸ These policies expanded the government’s ability to evict public housing tenants, the majority of whom are unable to secure housing in the private market. Eviction for these families is in many cases a direct sentence to homelessness. The 1998 Quality Work and Housing Responsibility Act (QWHRA) repealed earlier federal rules that had given preference in public housing to the homeless, those who live in substandard housing, victims of domestic violence, and residents involuntarily displaced by HUD-funded redevelopment

projects. QWHRA further compromised the spirit of equity underpinning the long legacy of US public housing programs.

The United States’ earlier commitment to provide fair access to housing for disadvantaged communities has been undermined by three decades of assault on the infrastructure of public housing and its underlying values. The fate of public housing in the US is now uncertain. This national pattern shapes the context in which displaced communities in New Orleans have struggled to assert their human right to housing.

POST-KATRINA NEW ORLEANS: YOU CAN’T GO HOME AGAIN

In the wake of Hurricane Katrina, New Orleans has become emblematic of the broader assault on the right to housing and on the well-being of poor communities across the US, particularly as it relates to the right to housing. While the storm itself wrought havoc on New Orleans’ poor Black neighborhoods, the political and economic assault that has followed has been even more devastating. Not only have public authorities failed to adequately support low-income residents in their efforts to return to and/or rebuild their homes in some of the city’s most disadvantaged neighborhoods, but in many instances the policies adopted by bodies such as HANO and HUD have seemed all but purposively designed to prevent poor communities from returning home.³⁹ In the words of Robert Tannen, a New Orleans urban planner and housing advocate: “After the disaster there was a desire for a clean slate on the part of local leaders . . . and that clean slate mostly displaces poor and minority residents.”⁴⁰

Assault on affordability

Pivotal to the protection of the right to housing for economically disadvantaged communities is the issue of affordability. New Orleans’ stock of affordable housing for poor people was inadequate before Katrina, and the existing stock was sharply reduced by the storm. Of 142,000 housing units damaged or lost due to the hurricane, 112,000, or 79%, fell in a price range officially considered affordable for low-income residents.⁴¹ Most of these units have not been repaired or replaced, nor are there any plans to do so. Only 8,900 affordable housing units were funded for redevelopment in 2008.⁴² The city’s post-Katrina

redevelopment plan seems expressly designed to limit the construction of affordable housing.⁴³

Not only were destroyed units of affordable housing not replaced, but HANO, with the support of HUD, has embarked on a systematic campaign of additional demolitions of public housing properties that survived the hurricane relatively intact. The agencies' plan, expected to cost US\$762 million, has already demolished 4,224 public housing units, with another several hundred units slated for destruction. They will be replaced with mixed-income housing, each unit of which will cost the government an average of US\$400,000.⁴⁴ Meanwhile, HANO's own reports reveal that it would have cost less than US\$10,000 each to repair the old units from storm damage.⁴⁵ The net result will be a much costlier rebuilding process and a drastically diminished number of public housing units in the "new" New Orleans.⁴⁶

The failure to replace storm-damaged housing stock in poor areas and the razing of habitable public housing units in large numbers have caused average rents in New Orleans to soar. As of October 2009, average rents in the city had risen to 52% above pre-Katrina levels.⁴⁷ Increased housing costs have had a powerful impact on poor residents seeking to rebuild their lives and communities. In 2009, the National Economic and Social Rights Initiative (NESRI) and Mayday New Orleans, a resident-led grassroots organization fighting for the equitable rebuilding of the city, conducted a survey of public housing and Section 8 tenants to determine the rebuilding policy's impact on their human right to housing.⁴⁸ The NESRI/Mayday survey found that "[a] majority of respondents who identified as living in public housing prior to the storm (50.8%) no longer live in public housing. Of that number, 70% cited the destruction of their former public housing development as the reason." Seventy percent of respondents to the same survey reported that they now pay "a lot more" for housing than they had paid prior to Hurricane Katrina.⁴⁹

Short-circuiting participation

The ability of people to participate in decisions that affect their living conditions is a fundamental dimension of the human right to housing. New Orleans' post-Katrina rebuilding process has thus far denied the city's poor residents — in particular those who live in public housing — the opportunity to participate

meaningfully in decision making. Cosmetic community hearings have been held, but the impact of community views on policy decisions has been undetectable. The demolition of the city's historic "Big 4" public housing projects — St. Bernard, B. W. Cooper, C. J. Peete, and Lafitte — illustrates the pattern. These projects date from 1941 and had been home to some families for generations. Despite clear evidence that most of the Big 4 buildings were still structurally sound following Katrina, HUD began the demolition of the Big 4 in March 2008, ignoring repeated protests from residents' groups and their supporters.⁵⁰

The draconian lifestyle regulations now imposed by HUD and HANO on residents of the city's surviving public housing facilities and on recipients of Section 8 housing assistance were also pushed through without substantive consultation. Indeed, not only have communities not been consulted but, in many cases, they have not even been informed of the new regulations, which nonetheless define conditions under which they can be evicted from their homes or have their Section 8 vouchers terminated. NESRI/Mayday survey responses from public housing residents and Section 8 beneficiaries reveal that roughly half are unaware of the stipulations of these new regulations, according to which, for example, Section 8 recipients can lose their housing assistance if they engage in a verbal dispute with a HANO employee.

Unraveling the fabric of community

The concept of the right to housing recognizes that housing is more than a roof over one's head. It is a deep human connection to a place, a community, a way of life. New Orleans' public housing residents have sought to defend this sense of community and belonging in their efforts to halt the destruction of public housing in the city. Fighting media caricatures of public housing as by definition crime-ridden and dehumanizing, New Orleans' public housing residents have stressed their experiences of authentic community within the public housing developments where many lived for years or decades. Respondents to the NESRI/Mayday survey, many of whom were former residents of the city's "Big 4" projects, cited the strong relational fabric of solidarity and reciprocity that had existed there, and that was lost when HUD and HANO hastily demolished this essential infrastructure. One survey respondent, who had lived in the St. Bernard project, explained:

When people ask me questions about my story, the first thing I talk about is the loss of my community and networks. People don't understand my pain. . . . Losing my community was a heart-breaker for me. There are so many families that can't get back. In our hearts, all of us want to go back. . . . [In St. Bernard,] we weren't just a community — we were a family. My neighbors would watch out for me and my children and make sure they were okay. I don't have that now. I'm on my own.⁵¹

The demolition of the Big 4 destroyed much more than the bricks and mortar of structurally viable buildings. It tore apart a fabric of community that had given meaning to people's lives.

Another predictable effect of the destruction of public housing and the upward spiral in rents has been a sharp spike in homelessness. The homeless population in New Orleans has doubled since the storm.⁵² The NESRI/Mayday survey documented the direct cause-and-effect link between the demolition of public housing and the surge in homelessness. The survey found that “21.4% of the survey respondents who formerly lived in public housing are now homeless.”⁵³

Changing the face of the city

Not coincidentally, the multipronged assault on housing options for poor people has brought about a change in the racial composition of post-Katrina New Orleans. Before Hurricane Katrina, Black residents made up 67% of the New Orleans population, while White residents represented 26%.⁵⁴ Since the storm and the initiation of the city's reconstruction program, the Black population has dropped by almost ten percentage points, while the proportion of White residents has grown to 34%.⁵⁵ Because the Black population was and is significantly poorer, policies that target poor residents for exclusion from the city and fail to protect their basic human right to housing have a large and disproportionate impact on the Black community of New Orleans.

HEALTH IMPACTS

Violations of poor communities' right to housing in post-Katrina New Orleans appear to be having a

negative impact on physical and mental health within these communities. There is an urgent need for more comprehensive studies to track and evaluate these effects. Research to date has been piecemeal and has generally relied on self-reports of health problems and health status, rather than more rigorous clinical and public health indicators. However, even given their limitations, existing studies provide a sobering picture of how discriminatory housing patterns in post-Katrina New Orleans may be undermining health in affected communities.

Evidence shows that New Orleans residents of all income levels and ethnicities have suffered physical and mental health consequences as a result of Hurricane Katrina. A 2008 survey conducted by the Kaiser Family Foundation showed evidence of widespread impacts of the storm and its aftermath on self-reported physical and mental health across the social spectrum. Fifteen percent of New Orleans residents surveyed reported being diagnosed with a serious mental illness such as depression. The proportion of New Orleanians who reported taking a prescription medicine for problems with their mental health in the previous six months was 17%. Twenty percent of survey respondents reported being in only “fair” or “poor” mental health, twice the level found in a previous survey a year earlier, suggesting that community health issues are becoming more severe with the passage of time, even as the acute trauma of August 2005 recedes.⁵⁶

While all strata of New Orleans society appear to have registered health impacts linked to Katrina, these effects have been unevenly distributed across population groups. Low-income communities and Black residents have suffered disproportionately. Tellingly, poor residents were three times more likely than other residents to be taking a new mental health-related prescription after the storm.⁵⁷ Twelve percent of Black residents and 15% of the “economically disadvantaged” reported that their mental health had worsened, as opposed to 4% of White residents and 4% of wealthier demographic groups.⁵⁸

Additionally, respondents to the NESRI/Mayday survey drew explicit connections between deteriorating physical and mental health and the struggle to find affordable housing in the “new” New Orleans. The NESRI/Mayday survey reveals communities in the grip of a contemporary version of the “root shock”

syndrome described by Fullilove, attacking people's well-being through an array of direct and indirect mechanisms.⁵⁹

The destructive effects of homelessness on people's health are intuitively clear and have been amply documented. To the extent that the recent programmed reductions in the stock of affordable housing and the upward spiral in housing costs have fueled an explosion of homelessness in New Orleans, these patterns have certainly also contributed to worsening health among people who have fallen into homelessness. But the NESRI/Mayday survey found that numerous returning residents of poor neighborhoods who are *not* currently homeless are also experiencing negative health effects linked to serial displacement, the increasing difficulty of securing affordable housing, and the wholesale destruction of community infrastructure and social capital characteristic of New Orleans' post-Katrina "rebirth." Among survey respondents who reported that their health has drastically deteriorated since the storm, "the majority cite the stress of finding housing as a major factor."⁶⁰

The NESRI/Mayday survey captured vivid personal accounts of these impacts from some of New Orleans' poor residents:

Ms. B, a 60 year old former public housing resident, now lives in private housing with her Section 8 voucher. She has repeatedly had to move due to poor housing conditions and lack of repairs. The impact of the demolition of her community and subsequent lack of adequate housing has taken a toll on her health. . . . Ms. B has been hospitalized for diabetes, hypertension and heart complications. She is in the process of moving for the eighth time since Hurricane Katrina. Ms. B remarked: "Ever since Katrina I haven't been feeling well. I'm so worried about finding a stable place to live. I feel bad. Even though I know that God hasn't left me, there have been days where I felt I wasn't going to make it."⁶¹

While anecdotal, such accounts reflect the human costs of systematic violation of the right to housing in New Orleans' poor communities. Many respon-

dents to the NESRI/Mayday survey reported health-damaging effects associated with the erosion of community ties and social support networks, accelerated by the destruction of public housing developments where many had lived for years.

Respondents also reported negative effects on their physical and mental health from the harsh regime of "zero tolerance" regulations imposed by HANO and HUD on those who continue to live in public housing or who benefit from housing subsidies through Section 8.

The pressure and intimidation associated with "zero tolerance" monitoring of residents' behavior creates an atmosphere of constant anxiety for many returning residents. The NESRI/Mayday survey documented how pervasive the effects of these new policies have been, and also what a sharp departure they are from pre-Katrina patterns. The new rules reflect public authorities' determination to use post-Katrina rebuilding as an opportunity to "rebrand" New Orleans and exclude populations who do not fit the city's redefined identity. Data from the NESRI/Mayday survey suggest that more than one in ten survey respondents in the city's poor areas have been threatened with eviction from public housing or with Section 8 voucher termination. Of survey respondents who have ever received an eviction or voucher termination notice, 20% received one before Katrina and a full 80% in the scant four years since the storm. These findings confirm the extent to which the post-Katrina era has seen a dramatically intensified crackdown on lifestyle patterns that the authorities deem unacceptable.⁶² Nearly 50% of survey respondents reported currently living in fear of eviction or voucher termination. Of those who have experienced eviction or voucher termination, about 50% stated that their physical or mental health has been impaired as a result.⁶³

COMMUNITIES FIGHTING BACK

Poor communities in New Orleans have resisted the assault on their fundamental rights and well-being. Communities have organized to press their demands for adequate housing and for a voice in the political and economic decisions reshaping their city. The group Mayday New Orleans, for example, was founded in 2005 by local public housing residents determined to fight the unjustified demolition of their homes and to challenge the redevelopment model advocated by

business interests and some of New Orleans' civic leaders. Mayday and its allies have backed their policy demands with human rights analysis based on the right to housing and the right of return guaranteed to displaced people under international law.⁶⁴

The struggle has been difficult. Poor communities face an unequal battle against powerful, well-resourced private interests and government authorities that have persistently remained aloof. Efforts to organize a unified community response have been hampered by the trauma of the storm itself and the geographical dispersal of affected constituencies during the rebuilding period. The demolition of the Big 4 public housing projects, riding roughshod over vocal opposition from residents, dealt a blow to the resistance effort and left some community members dispirited. Despite such setbacks, however, the campaign has gained increasing local, national, and international attention and won a number of victories.

The strategy adopted by Mayday New Orleans involves ongoing mobilization within the local community linked to outreach to national and international partners. Outside partners and coalitions provide technical and legal support, facilitate political lobbying efforts, and relay Mayday's messages in national and global forums. At the local level, Mayday has held rallies, lobbied lawmakers and officials, disseminated information via print and multimedia, and co-sponsored town hall meetings on policy issues related to the city's recovery.⁶⁵ Nationally, Mayday participates in the Campaign to Restore National Housing Rights, a coalition of housing rights groups from around the country that have joined forces to press the US federal government to reclaim its historic commitment to adequate housing for all.⁶⁶

As part of this campaign, in early 2009, Mayday and its partners initiated a lobbying effort to convince the US Congressional Subcommittee on Housing and Community Opportunity to hold field hearings on the public housing crisis in a series of severely affected US cities. In May 2009, on a lobbying visit to Washington, Mayday members and their campaign allies took this message forcefully to senior staff in the offices of Subcommittee Chair Maxine Waters and other key Congressional leaders. In August 2009, the effort bore fruit, as the Congressional Subcommittee on Housing and Community Opportunity convened in New Orleans for two days of field hearings — a

major breakthrough for New Orleans' poor communities and their advocates.

The field hearings provided an opportunity for Congressional representatives to hear directly from residents about the impact that failed federal housing policies have on people's lives, and to discuss viable solutions to the housing crisis.⁶⁷ The August 2009 hearings in New Orleans addressed two main themes: the unwarranted demolition of the Big 4 projects and the flawed "Road Home Program." The "Road Home" was intended to provide equitable financial assistance to New Orleans residents seeking to rebuild their lives after Katrina. However, evidence suggests that the program's benefits have been largely captured by more affluent constituencies, especially homeowners, and that poor public housing residents have gained little from the program.⁶⁸

In written testimony to the Congressional Subcommittee at its New Orleans hearings, Mayday New Orleans founder Sam Jackson spelled out the challenges faced by the city's poor communities, in particular residents and former residents of public housing, and articulated a set of policy demands that included: a full investigation into the circumstances behind the unjustified destruction of the Big 4; a commitment from HUD that the threatened Iberville public housing development not be demolished in turn; inclusion of public housing residents among the workforce hired to carry out government-supported post-Katrina rebuilding work; and a commitment from the Secretary of Housing and Urban Development, Shaun Donovan, to meet in person with local public housing residents to discuss their views on New Orleans' rebuilding and to find more effective ways for government authorities and affected communities to work together.⁶⁹

Mayday and its allies have also been effective in mobilizing support for their work from international partners and United Nations agencies. In July 2009, Mayday and its allies won a significant victory when they were able to broker a fact-finding mission to New Orleans by the international Advisory Group on Forced Evictions (AGFE), which undertook a five-day mission to the city. Its members visited affected communities across New Orleans and attended a town hall meeting where residents shared their experiences of forced eviction and their vision for a more just rebuilding process. Members of AGFE then met with

local and federal government officials to discuss the mission's findings.⁷⁰ In October 2009, Mayday and its partners hosted a visit to New Orleans by the United Nations Special Rapporteur on the right to adequate housing. During the site visit to New Orleans, Special Rapporteur Raquel Rolnik met personally with public housing residents, toured the demolished communities, and held a press conference where she expressed grave concern over the demolitions and their aftermath, including the increased housing vulnerabilities for poor residents. By engaging the attention of UN agencies and experts, Mayday hopes to build a compelling case that post-Katrina rebuilding processes violate human rights standards and international law. Such proof will provide political leverage for an ongoing struggle that promises to be both long and difficult.

CONCLUSION

In the years since Hurricane Katrina, New Orleans' poor, Black communities have experienced systematic violations of their human rights, and in particular their right to housing. There is evidence that such violations have compromised physical and mental health within these communities. Today, discriminatory public policies that marginalize and disempower poor groups in New Orleans remain in force. These policies deny poor people their legitimate voice and rightful place in a city struggling to reinvent itself. The fight for self-preservation, rights, and dignity undertaken by groups like Mayday New Orleans has won inspiring victories but faces continued resistance and an uncertain outcome.

The violations of the right to housing suffered by New Orleans' poor Black residents are extreme but they are not unique. The abuses described in this article are part of a wider pattern of change in public policy and social geography within the United States. Recent decades have witnessed an intensifying upward redistribution of resources and opportunities in American society, from low- and middle-income people to a narrow stratum of the extremely wealthy.⁷¹ Dismantling an earlier social consensus on the need to ensure decent housing for all has been a feature of this process, as has the increased privatization of other fundamental needs such as education and health care. The calculated splintering of the consensus on housing as a basic entitlement has brought social and economic consequences with which all Americans are familiar: the physical destruction of public housing and the discrediting of its very concept (typified

by New Orleans' Big 4); the phenomenon of mass homelessness; and also developments like the mortgage and foreclosure crisis, which affects working and middle-class Americans as well as those living below official poverty lines. All of these phenomena, though distinct, spring from the same root. All are outgrowths of a successful decades-long assault on the idea of adequate housing as an essential good to which all members of society must be entitled.

To reverse this assault will be an arduous process. It requires using human rights analysis and principles 1) critically, to expose the relationships among different forms of human rights abuses, for example the elimination of affordable housing options and declines in community health; and 2) positively, to propose and embody constructive, community-led policy alternatives that can meet human rights standards and improve communities' quality of life and hopes for the future. The fight for the right to housing in post-Katrina New Orleans embodies both the promise of such a rights-based grassroots struggle and the challenges it must be prepared to overcome.

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1. This terminology, rapidly invoked by some New Orleans business leaders, was picked up by US President George W. Bush in his September 15, 2005, Katrina address. Bush promised to create a "better and stronger" Gulf Coast through a "Gulf Opportunity Zone," arguing that "it is entrepreneurship that creates jobs and opportunity . . . it is entrepreneurship that helps break the cycle of poverty." Bush stated that his administration would "take the side of entrepreneurs as they lead the economic revival of the Gulf Zone." George W. Bush, "Katrina Address," New Orleans, September 15, 2005. Available at <http://www.foxnews.com/story/0,2933,169514,00.html>.
2. After Hurricane Katrina, conservative Louisiana congressman Richard Baker told lobbyists: "We finally cleaned up public housing in New Orleans. We couldn't do it. But God did." Available at http://www.huffingtonpost.com/2005/09/12/repub-rep-we-finally-clea_n_7239.html.
3. National Economic and Social Rights Initiative (NESRI), *A constant threat: How HUD policies and HANO administration deprive New Orleans' residents of the right to housing* (New York: NESRI, 2010).

4. See, for example, P. Krugman, *The great unraveling: Losing our way in the new century* (New York: Norton, 2003).
5. M. T. Fullilove, "Root shock: The consequences of African American dispossession," *Journal of Urban Health* 78/1 (2001), pp. 72–80.
6. Universal Declaration of Human Rights (UDHR), G.A. Res. 217A (III) (1948), Art. 25, Sec. 1. Available at <http://www.un.org/Overview/rights.html>; International Covenant on Economic, Social and Cultural Rights (ICESCR), G.A. Res. 2200A (XXI), Art. 11, Sec. 1 (1966). Available at <http://www2.ohchr.org/english/law/cescr.htm>; Article 5, Section 3 of the International Convention on the Elimination of All Forms of Racial Discrimination. Available at <http://www2.ohchr.org/english/law/cerd.htm>; and Article 9, American Declaration of the Rights and Duties of Man, O.A.S. Res. XXX, adopted by the Ninth International Conference of American States (1948). Available at <http://www1.umn.edu/humanrts/oasinstr/zoas2dec.htm>.
7. The UDHR, while not a treaty, was recognized by the United Nations in 1968 as "constitut[ing] an obligation for the members of the international community." United Nations, *Final Act of the International Conference on Human Rights, Tebran* (May 13, 1968). Available at <http://www.unhcr.org/refworld/docid/3ae6b36f1b.html>. As of September 2009, the ICESCR has 69 signatories and 160 parties (http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&lang=en); the United States is a signatory and thus obligated not to defeat the object and purpose of the treaty.
8. This quotation is taken from the ICESCR (see note 6); the UDHR contains similar language (see note 6).
9. ICESCR, Art. 8 (see note 6).
10. *Ibid.*
11. Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4, The Right to Adequate Housing, UN Doc. No. E/1992/23 (1992), para. 7. Available at <http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/469f4d91a9378221c12563ed0053547e?Opendocument>.
12. *Ibid.*, para. 1.
13. For three relatively recent reviews of existing literature and data, see J. Krieger and D. L. Higgins, "Housing and health: Time again for public health action," *American Journal of Public Health* 92/5 (2002), pp.758–768; D. E. Jacobs, J. Wilson, S. L. Dixon, et al., "The relationship of housing and population health: A 30-year retrospective analysis," *Environmental Health Perspectives* 117/4 (2009), pp. 597–604; and European Centre for Environment and Health, *Report on the WHO technical meeting on quantifying disease from inadequate housing* (Bonn: WHO, 2006). Available at http://www.euro.who.int/document/HOH/EBD_Bonn_Report.pdf.
14. CESCR (see note 11), para. 8.
15. Housing security and affordability have been key determinants of health for poor Black New Orleans residents post-Katrina. However, environmental factors have also affected returning residents' health. The formaldehyde contamination of tens of thousands of trailers provided by the Federal Emergency Management Agency provides one example. See M. Brunner, "Are FEMA trailers 'toxic tin cans'?" *MSNBC* (July 25, 2006). Available at <http://www.msnbc.msn.com/id/14011193/>; S. Kaplan, "FEMA covered up cancer risks to Katrina victims," *Salon.com* (January 29, 2008). Available at http://www.salon.com/news/feature/2008/01/29/fema_coverup/index.html; and A. Spake, "Dying for a home," *The Nation* (February 14, 2007). Available at <http://www.thenation.com/doc/20070226/spake>. For information on the more general pollution of New Orleans after the hurricane, see J. Manuel, "In Katrina's wake," *Environmental Health Perspectives* 114/1 (2006), pp. A32–A39.
16. For a review of the numerous linkages between housing and health, see Center for Housing Policy, *The positive impacts of affordable housing on health: A research summary* (Washington, DC: Center for Housing Policy and Enterprise Community Partners, 2007). Available at http://www.nhc.org/pdf/chp_int_summary_hsglth0707.pdf. While the messaging of this report emphasizes affordable housing and home ownership, the studies cited and results discussed are applicable to more general housing issues founded on the right to adequate housing.
17. For a recent study focused specifically on HIV/

- AIDS, see S. K. Schwarcz, L. C. Hsu, E. Vittinghoff, et al., "Impact of housing on the survival of persons with AIDS," *BMC Public Health* 9/220 (2009). Available at <http://www.biomedcentral.com/1471-2458/9/220>.
18. WHO Commission on Social Determinants of Health, *Closing the gap in a generation: Health equity through action on social determinants of health* (Geneva: WHO, 2008); and Commission on Social Determinants of Health Knowledge Network on Urban Settings, *Our cities, our health, our future: Acting on social determinants for health equity in urban settings: Final report of the Urban Settings Knowledge Network* (Geneva: WHO, 2008).
19. Fullilove (see note 5); R. Wallace, "A synergism of plagues: 'Planned shrinkage,' contagious housing destruction, and AIDS in the Bronx," *Environmental Research* 47/1 (1988), pp. 1–33.
20. D. Wallace and R. Wallace, *A plague on your houses* (London/New York: Verso, 1998).
21. *Ibid.*, pp. 21–46.
22. *Ibid.*, p. 157.
23. *Ibid.*, pp. 157–186.
24. M. T. Fullilove, *Root shock: How tearing up city neighborhoods hurts America and what we can do about it*, (New York: Ballantine, 2004).
25. M. T. Fullilove, "Psychiatric implications of displacement: Contributions from the psychology of place," *American Journal of Psychiatry* 153/12 (1996), pp. 1516–1523.
26. Fullilove (see note 5). For the impact of unit- and neighborhood-level environmental conditions on health, see Krieger and Higgin (see note 13); for the link between socioeconomic status and health, see WHO Commission on Social Determinants of Health (see note 18); and cf. O. Solar, A. Irwin, and J. Vega, "Determinants of health and disease: Overview and framework," in R. Detels, R. Beaglehole, M. A. Lansang, and M. Gulliford (eds), *Oxford textbook of public health*, 5th ed. (Oxford/New York: Oxford University Press, 2009), vol. 1, section 2.1.
27. C. L. McAllister, T. L. Thomas, P. C. Wilson, and B. L. Green, "Root shock revisited: Perspectives of Early Head Start mothers on community and policy environments and their effects on child health, development and school readiness," *American Journal of Public Health* 99/2 (2009), pp. 205–210. For a selection of additional recent research on root shock and related phenomena, see the papers presented at the April 2009 conference on the health impacts of serial displacement, hosted by the New York Academy of Medicine Working Group on Serial Displacement. Available at <http://www.rootshock.org/serial-displacement-conference>.
28. In the case of New Orleans, "forced relocation" resulted from the natural disaster of Hurricane Katrina. However, the government still played a role, through its failure to adequately maintain the levees protecting the city. See M. Grunwal and S. B. Glasser, "Experts say faulty levees caused much of flooding," *Washington Post* (September 21, 2005). Available at <http://www.washingtonpost.com/wp-dyn/content/article/2005/09/20/AR2005092001894.html>.
29. See, for example, the *National Industrial Recovery Act of 1933*, Public Law 73–67, *US Statutes at Large* 48 (1933), p. 195. Available at <http://www.ourdocuments.gov/doc.php?flash=true&doc=66>; see also the *United States Housing Act of 1937*, Public Law 93–383, *US Statutes at Large* 88 (1937), p. 653, as amended by the *Quality Housing and Work Responsibility Act of 1998*, Public Law 105–276, *US Statutes at Large* 112 (1998), p. 2518, in addition to others as of March 2, 1999. Available at <http://www.nhl.gov/offices/ogc/usha1937.pdf>.
30. *US Housing Act of 1937* (see note 29).
31. *American Housing Act of 1949*, Public Law 81–171, *US Statutes at Large* 63 (1949), p. 413.
32. President Lyndon B. Johnson's "Great Society" agenda, including the War on Poverty, echoed the New Deal's recognition of the fundamental importance of adequate housing. During Johnson's administration, the Department of Housing and Urban Development (HUD) was created, greatly expanding the number of public housing developments. See Department of Housing and Urban Development, "Questions and answers about HUD." Available at <http://www.hud.gov/about/qaintro.cfm>. The Fair Housing Act of 1968 prohibited discrimination in public housing, while the Brooke Amendment

regulated rent paid by public housing residents. See the *Fair Housing Act*, Public Law 90–284, *US Statutes at Large* 82 (1968), p. 81. Available at <http://www.usdoj.gov/crt/housing/title8.htm>; and *US Housing Act of 1937* (see note 29).

33. Ford Foundation, “Affordable Housing.” Available at <http://www.fordfound.org/archives/item/0176/text/034>.

34. See M. A. Miles, K. Roberts, and C. R. Herron, “A new push for public housing,” *New York Times* (June 14, 1987). Available at <http://www.nytimes.com/1987/06/14/weekinreview/the-nation-a-new-push-for-public-housing.html?scp=98&sq=public%20housing&st=cse>; K. B. Noble, “Public housing bill approved by House,” *New York Times* (June 12, 1987). Available at <http://www.nytimes.com/1987/06/12/us/public-housing-bill-approved-by-house.html?sec=&spn=&pagewanted=1>; and R. Pear, “Panel urges sale of public housing,” *New York Times* (November 11, 1987). Available at <http://www.nytimes.com/1987/11/11/us/panel-urges-sale-of-public-housing.html?scp=8&sq=public%20housing&st=cse>.

35. S. A. Venkatesh, *American project: The rise and fall of a modern ghetto* (Cambridge, MA: Harvard University Press, 2000).

36. See *Ibid.*; M. Fernandez, “Public housing residents face loss of their community centers,” *New York Times* (June 17, 2008). Available at <http://www.nytimes.com/2008/06/17/nyregion/17center.html?scp=1&sq=%22public%20housing%22%20+%20%22budget%20cuts%22&st=cse>; R. Kennedy, “Public housing shows its age; A crisis of advancing repairs and declining money,” *New York Times* (November 11, 1997). Available at <http://www.nytimes.com/1997/11/11/nyregion/public-housing-shows-its-age-a-crisis-of-advancing-repairs-and-declining-money.html?scp=65&sq=public%20housing&st=cse>; and cf. sources in note 29.

37. Enacted in 1992, the program has led to the demolition of scores of public housing communities, followed by long or indefinite delays in the construction of replacement housing. In theory, the program was to create mixed-income housing

to replace distressed public housing developments. But the current policy does not guarantee one-for-one replacement for the units that are destroyed or stipulate a right to return for residents. See Department of Housing and Urban Development, “About HOPE VI.” Available at <http://www.hud.gov/offices/pih/programs/ph/hope6/about/>.

38. One demeaning aspect of the Quality Work and Housing Responsibility Act is its labor requirement. Under this mandate, each adult resident in a household must perform at least eight hours of compulsory, unpaid “community service” work per month (in addition to monthly rental payment), or risk nonrenewal of the entire household’s lease. See Department of Housing and Urban Development, “Summary of the Quality Housing and Work Responsibility Act of 1998 (Title V of P.L. 105–276).” Available at <http://www.hud.gov/offices/pih/phr/about/titlev.pdf>; and B. Wallstin, “Placed in the Discard Pile,” *Houston Press News* (October 28, 1999). Available at <http://www.houstonpress.com/1999-10-28/news/placed-in-the-discard-pile&page=101>. As part of QWHRA, the Clinton administration created a legislative mandate to deny individuals access to public housing if they had criminal records, and evict entire households if one household member or guest is arrested (but not necessarily convicted) of certain crimes and misdemeanors. The catch-phrase “One strike and you’re out” means that public housing residents can be evicted even if they have no idea and are completely unaware of criminal activity that has taken place in their homes. See Human Rights Watch, *No second chance: People with criminal records denied public housing* (New York: Human Rights Watch, 2004). Available at <http://hrw.org/reports/2004/usa1104/usa1104.pdf>; and M. Fernandez, “Barred from public housing, even to see family,” *New York Times* (October 1, 2007). Available at http://www.nytimes.com/2007/10/01/nyregion/01banned.html?_r=1&oref=slogin.

39. Campaign to Restore National Housing Rights, “New Orleans,” *The movement blog for the UN Special Rapporteur on the right to adequate housing’s US mission*. Available at http://restorehousingrights.org/?page_id=16.

40. NESRI (see note 3).
41. J. B. Dianis and A. Sinha, "Exiling the poor: The clash of redevelopment and fair housing in post-Katrina New Orleans," *Howard Law Journal* 51 (2008), pp. 481, 484–485.
42. New Orleans City Planning Commission, "Fact sheet: Housing" (New Orleans: New Orleans City Planning Commission, n.d.), p. 1. Available at https://www.communicationmgr.com/projects/1371/docs/FactSheet_Housing_updated_1-27-09.pdf. For additional information on official plans for New Orleans' rebuilding process, see the materials published by the city's Planning Commission and its consulting firm, Goody Clancy, Inc. Available at <http://www.nolamasterplan.org>.
43. Dianis and Sinha (see note 41).
44. C. Johnson, "Pre-Katrina residents of New Orleans' public housing units question HUD's plans to continue demolition," *After Katrina Newswire* (University of Southern Mississippi). Available at <http://www.usm.edu/afterkatrina/Johnson2.html>.
45. Ibid.
46. J. R. Logan, *The impact of Katrina: Race and class in storm-damaged neighborhoods* (Providence, RI: Brown University, 2006). Available at <http://www.s4.brown.edu/katrina/report.pdf>.
47. NESRI (see note 3).
48. Ibid. The objectives, design, methods, and results of the survey are described in detail within the report.
49. Ibid.
50. See documentation at <http://www.maydaynola-housing.org/>.
51. NESRI (see note 3).
52. R. Jervis, "New Orleans' homeless rate swells to 1 in 25," *USA Today* (March 16, 2008). Available at http://www.usatoday.com/news/nation/2008-03-16-neworleans-homeless-rate_N.htm.
53. NESRI (see note 3).
54. K. Chappell, "Racial makeup shifts on New Orleans' City Council; Whites now the majority," *Jet Magazine* (Dec 17, 2007). Available at http://findarticles.com/p/articles/mi_m1355/is_24_112/ai_n24381740/.
55. Ibid.
56. Henry J. Kaiser Family Foundation, *New Orleans three years after the storm: The second Kaiser Post-Katrina survey* (Menlo Park, CA/Washington, DC: Kaiser Family Foundation, 2008). Available at <http://www.kff.org/kaiserpolls/posr081008pkg.cfm>.
57. Henry J. Kaiser Family Foundation, *Health challenges for the people of New Orleans: The Kaiser post-Katrina baseline survey* (Menlo Park, CA/Washington, DC: Kaiser Family Foundation, 2007), p. 15. Available at <http://www.kff.org/kaiserpolls/upload/7659.pdf>.
58. Ibid., p. 12.
59. Fullilove (see note 5).
60. NESRI (see note 3).
61. Ibid.
62. Under current regulations, public housing residents or Section 8 voucher holders can face eviction or voucher termination if, for example: a family member visiting them uses "abusive language" towards a HANO employee; a visiting family member "abuses alcohol and disturbs the peace"; or if they are judged guilty of "poor housekeeping." Ibid.
63. Ibid.
64. "History," *Mayday New Orleans*. Available at http://www.maydaynolahousing.org/?page_id=11.
65. Ibid.
66. More information on the Campaign to Restore National Housing Rights can be found at its website, available at <http://restorehousingrights.org/>.
67. Campaign to Restore National Housing Rights, "The National Campaign." Available at http://restorehousingrights.org/?page_id=3.
68. K. Reckdahl, "Report: Road Home falls

short,” *New Orleans Times-Picayune* (August 20, 2008). Available at http://www.nola.com/news/index.ssf/2008/08/report_road_home_falls_short.html.

69. Testimony of Samuel L. Jackson of Mayday New Orleans, House Financial Services Subcommittee on Housing and Community Opportunity, United States House of Representatives, New Orleans Field Hearings, August 21, 2009.

70. NESRI, “International Advisory Group on Forced Evictions investigates New Orleans housing crisis,” (press release, July 21, 2009). Available at http://www.nesri.org/AGFE_NOLA_July_2009_Press_Release.pdf.

71. See, for example, Krugman (see note 4).