

Housing First programs from a right to housing perspective

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Abstract:

The notion that Housing First (HF) is a human-rights based approach to housing some of society's most vulnerable citizens is often alluded to in the literature, but seldom interrogated. In this paper, we examine whether HF in Alberta, Canada is practiced in a way that realizes the right to housing for chronically homeless people. We do so using four human rights principles identified by Fukuda-Parr: non-discrimination, participation, adequate progress and remedy. Based on interviews with staff of 14 HF programs in three cities, we identify constraints to a human rights-based approach, including time-limited support, which necessitates a strong emphasis on housing sustainability. We also identify positive practices, such as client participation in decision-making and tenant rights education. The paper also provides a model for systematically assessing whether HF programs respect, protect and fulfil the right to housing.

Introduction

Homelessness is a profound and enduring crisis in Canada. On any given night, 35,000 Canadians are unsheltered or staying in emergency shelters, and approximately 235,000 people experience homelessness per year (Gaetz et al., 2016). This crisis is widely attributed to public policy decisions, especially at the federal level. The withdrawal of the Canadian government from most aspects of affordable housing provision, beginning in the 1980s, has been characterized as a process of systematic 'dehousing' (Hulchanski et al., 2009, p. 3). Initial responses to mass homelessness were based on the provision of emergency services – e.g., shelters, drop-in centres and foodbanks (Gaetz et al., 2016). This changed from 2007/2008, with an increased focus on Housing First (HF) and a policy goal of ending homelessness in Canada, including at the federal level from 2013 (Anderson-Baron & Collins, 2019). The aim shifted from simply managing the crisis to preventing homelessness in the first place and to ensuring people exit homelessness as quickly as possible (Gaetz et al., 2016).

In November 2017, Canada adopted the National Housing Strategy (NHS), a \$40 billion plan grounded in the notion that 'every Canadian deserves a safe and affordable home' (Canada, 2017, p. 2). Of this sum, \$2.2 billion is intended specifically for ending homelessness. Adopting a 'human rights-based approach to housing' (Canada, 2017, p. 2), the NHS seeks to reduce chronic homelessness by half in ten years, to prevent forced evictions and discrimination, and to provide affordable, safe, and adequate housing for all Canadians. In 2019, the National Housing Strategy Act was passed, making the government

responsible for realizing the right to housing. This legislation is not entrenched and does not provide for individual claims that can be enforced in court, meaning that the right to housing does not have the status of a constitutional right. Nevertheless, the Act 'provides orientation for the practical implementation of this human right' (Oren & Alterman, 2021, p. 6) by enshrining in law the requirement for a National Housing Strategy, establishing a National Housing Council to further housing policy, and creating the position of Federal Housing Advocate to monitor progress and assess impacts.

HF is central to achieving reductions in homelessness mandated by the NHS. The federal Homelessness Strategy (Reaching Home), which is situated under the NHS, embraces HF and its delivery by municipalities and communities. The HF model was developed by Pathways to Housing, founded by Sam Tsemberis in New York City in 1992. It targeted chronically homeless people who were hard to house because of mental illness and addiction problems, and offered them independent market apartments and separate support services (Tsemberis, 2010). Sobriety and treatment were not required to obtain housing, thus removing 'onerous, moralising conditions that [had] been favoured in the past' (Baker & Evans, 2016, p. 30). HF sought to move chronically homeless people rapidly into permanent housing, using the principles of consumer choice, recovery orientation, community integration, and separation of housing and services (Tsemberis, 2010). Although chronically homeless people are a small-set of the total homeless population, they account for a large proportion of total expenditure on homelessness, due to long and repeated shelter stays, and heavy use of other public services (Baker & Evans, 2016; Woodhall-Melnik & Dunn, 2016). The potential for HF to reduce these costs has been central to its uptake.

A substantial body of literature addresses the outcomes of HF. Some of the strongest evidence for its effectiveness comes from At Home/Chez Soi, a \$110 million field trial of the HF model conducted in five Canadian cities (Aubry et al, 2015; Goering et al., 2014). Participants in HF received a subsidized apartment and off-site supports (Assertive Community Treatment for those with high needs and Intensive Case Management for those with moderate needs). With respect to housing, HF was found to have a significant positive effect on residential stability. With respect to service use, HF led to reduced use of hospitals and emergency shelters, and fewer criminal justice contacts. These reductions produced significant cost offsets, especially for high needs participants. With respect to social outcomes, HF participants experienced improvements in quality of life and community functioning. Although all of the HF programs in At Home/Chez Soi were based on the Pathways model, those with higher fidelity to the model produced more positive results for housing stability, quality of life and community functioning (Goering et al., 2016). It is important to Housing Studies 3 note, however, that with the spread of HF and its adaptation to local contexts, some programs depart significantly from the original model (Baker & Evans, 2016; Stefancic et al., 2013).

Because HF removes most of the conditions associated with previous approaches to addressing homelessness and offers direct access to housing in the community, it is 'prima facie consistent with the premise that everyone has a moral claim to housing' (Collins & Stout, 2021, p. 337). It provides housing to some of society's most marginalized citizens (Heffernan et al., 2015), allowing them to exit homelessness before addressing other

challenges in their lives (Stewart, 2019). Put another way, HF prioritizes housing ‘as an immediate need that cannot be delayed’ (Woodhall-Melnik & Dunn, 2016, p. 289).

Collins & Stout (2021) observe that ‘the phrase “housing is a basic human right” repeatedly appears in descriptions of [HF’s] ethos or philosophy,’ although ‘these claims are seldom elaborated upon or interrogated’ (p. 339). To begin addressing this gap, they conducted a rights-based analysis of policy documents guiding the implementation of HF in Alberta, Canada. They found that policies focused on expanding affordable housing to prevent and respond to homelessness, but neglected other components of the right to housing. Moreover, the policy corpus contained relatively little rights-related language, and did not present housing as something to which people experiencing homelessness are entitled.

This research moves beyond the discourse of HF to consider whether, as a matter of practice, HF programs provide an effective rights-based remedy to homelessness. By examining whether HF is practiced in a way that is consistent with human rights principles, it provides a basis for judging whether HF contributes to realizing international and domestic commitments to the right to housing, and ultimately to addressing the universal human need ‘to live somewhere in security, peace and dignity’ (General Comment No 4: The Right to Adequate Housing, 1991, para 7). Our specific objective is to assess whether HF programs in Alberta, Canada realize the right to housing for chronically homeless people. To do so, we evaluate their practices using Fukuda-Parr’s (2006) framework for measuring the realization of human rights.

Alberta was the first Canadian province to implement HF, via a 10 Year Plan to End Homelessness adopted in 2008. The plan is credited with housing and supporting 23,000 people between 2008 and 2018 (7 Cities on Housing and Homelessness, 2020). However, progress has been impeded by shortages of affordable housing and inadequate social assistance rates (Anderson-Baron & Collins, 2019). Homelessness remains pervasive, with a 2018 point-in-time count identifying 5,735 homeless people in Alberta in a single day, including 2,911 in Calgary, 1,971 in Edmonton and 190 in Fort McMurray (7 Cities on Housing and Homelessness, 2018) – the three cities in which this research was conducted.

2. Economic, social and cultural rights

Economic, Social and Cultural (ESC) rights, including the right to housing, seek to ensure an adequate standard of living for all people and secure the preconditions for participation in society (Hohmann, 2013). They focus on the substantive freedoms 4 S. L. STADLER AND D. COLLINS and opportunities that support human dignity (Vizard et al., 2011). ESC rights are strongly embedded in international law, most notably via the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966). Almost all states – including Canada – are party to these agreements. As such, they have made binding commitments to fulfil ESC rights through both immediate actions and progressive steps, using ‘the maximum of their available resources’ (OHCHR, 2008, p. 13). ESC rights impose three duties on governments: (1) the duty to respect (refrain from interfering with the enjoyment of the right), (2) protect

(prevent others from interfering with the enjoyment of the right) and (3) fulfil (adopt appropriate measures towards the full realization of the right) (OHCHR, 2009; 2019). Nolan refers to this 'tripartite typology' as the 'primary framework' for understanding the obligations that ESC rights create (Nolan, 2018, p. 832).

2.1. The right to adequate housing

Safe, adequate and affordable housing is not merely having a roof over one's head – it also means having a home, which is 'necessary for human life' (Heffernan et al., 2015, p. 11). A home provides the basis for inclusion in community and participation in social life (Alexander, 2017). In Kenna's (2008) words, "'home" itself [...] involves more than a permanent or temporary dwelling, but includes the human dimension of living and having relationships' (p. 468). Thus, home is foundational to realizing other human rights (King, 2003).

As with all ESC rights, the right to housing is a competitive claim on a scarce resource. The state has a duty to ensure that the ability to access and retain this resource is not a privilege of socioeconomic status (Sánchez, 2017). With regards to the tripartite typology, it must respect people's home and therefore, e.g., must not participate in forced evictions. It must also protect people from actions by third parties that would lead to exclusion from housing, e.g., due to unlawful discrimination. The obligation to fulfil is the most complex duty associated with realizing the right to housing, entailing actions of a positive character. It requires the state to ensure access to adequate housing through legislative,

administrative and budgetary actions. Moreover, marginalized people must be able to participate in the development of these actions (General Comment No. 4, Article 12).

The right to housing requires governments to take immediate actions to prohibit discrimination, and to minimize the number of people experiencing homelessness and living in inadequate housing (OHCHR, 2009). The UN further specifies that the right 'include[s] taking measures to prevent homelessness' (OHCHR, 2009, p. 23). Additionally, states must avoid retrogression, even in times of economic difficulty, and always use all available resources to advance the right to housing. Where aspects of the delivery of rights are contracted out to non-state actors, governments have ongoing duties of supervision and regulation (Nolan, 2018). General Comment No. 4 – which sets out the entitlements and obligations associated with the right to housing – anticipates that states may use 'a mix of public and private sector measures' provided that 'in aggregate, the measures being taken realize the right for every individual in the shortest possible time in accordance with the maximum of Housing Studies 5 available resources' (Article 14). This standard is directly relevant to HF, which involves non-state actors in the coordination and delivery of housing and support services.

2.2. Homelessness as rights-breach

Homelessness is 'perhaps the most visible and severe symptom of the lack of respect for the right to adequate housing' (OHCHR, 2009, p. 21). General Comment No. 4 specifically identifies homelessness as a breach of the right to housing, and emphasizes that 'housing should be ensured to all persons irrespective of income or access to economic resources'

(Article 7). The severity of the rights infringement experienced by homeless people lies in the consequences that follow from being deprived of housing: homeless people's livelihoods and autonomy are impaired because of their housing status. This highlights the importance of the right to housing for ensuring a life of dignity. As Waldron (1991) explains, 'everything that is done has to be done somewhere', and to be homeless is to lack the necessary resources for personhood and be rendered 'comprehensively unfree' (p. 296, p. 303). A rights-based approach sheds light on this injustice, as it 'reveals patterns of inequality and injustice that deny those who are homeless their rights to be equal members of society' (Farha, 2015, para 18). Framing housing deprivation as a human rights abuse can also give homeless people 'legitimacy, confidence, and belief' in advocating for better housing conditions (Hearne & Kenna, 2014, p. 14). Although there are challenges in translating the right into effective policies and programs (Hohmann, 2013), conceptualizing housing as a right emphasizes the need for adequate housing for everyone and highlights the urgency of actions to address homelessness.

2.3. Fukuda-Parr's framework

In a 2006 article, Fukuda-Parr observes that 'The logic of human rights is not an entitlement to a handout or charity. The entitlement is to social arrangements that secure a person's rights' (p. 976). However, developing this principle into substantive obligations has proved difficult, with analysis often 'stopping short of evoking the correlate duties and responsibilities of states and other actors to do their utmost to help achieve realization of rights' (p. 968). Fukuda-Parr seeks to address this gap, and in so doing to clarify human

rights obligations and guide specific actions required to progress human rights. She emphasizes that creating appropriate social arrangements requires an attentiveness to both process and outcomes; institutions, particularly states, have ‘obligations of conduct as well as result’ (p. 970). With this dual focus in mind, Fukuda-Parr identifies four key principles – non-discrimination, participation, adequate progress and remedy – that must be followed in order to respect, protect and fulfil human rights. Non-discrimination centres on equitable treatment and equality of outcomes, and ‘implies greater priority to improvement of the most deprived and excluded’. Participation refers to involvement ‘in making decisions that affect one’s life [and] is secured only when the structures of decision making are democratic, and institutionalized procedures are put in place for the voices of the peoples to be heard’. Adequate progress entails overcoming historical and contextual obstacles to the realization of a right, and typically requires use of ‘[i]ntermediate targets and benchmarks’. Finally, remedy refers to ‘the obligation to put in place procedures for remedy of [a rights] violation and for holding responsible parties accountable’ (Fukuda-Parr, 2006, pp. 974–975). This combination of principles provides a foundation for ‘social arrangements that ensure people can enjoy their rights and realize their human dignity and freedoms’ (Fukuda-Parr, 2006, p. 968). In this way, Fukuda-Parr addresses a broader need ‘to integrate human rights standards and principles into applied frameworks for public policy’ (Vizard et al., 2011, p. 1).

We apply Fukuda-Parr’s framework to the right to housing, which requires putting in place systems to ensure that everyone has access to adequate, affordable housing – something that is fundamental to human capabilities (Alexander, 2017). The concept of

capabilities centres on the entitlements inherent in ideas of social justice and human dignity – entitlements that determine ‘what each person is actually able to do and be’ (Nussbaum, 2011, p. 32). Capabilities are not optional needs – rather, they are essential for human functioning. A focus on capabilities contributes to the moral foundation for human rights, particularly those (such as the right to housing) that impose positive obligations on the state and other duty-bearers. A human rights approach, in turn, articulates standards and principles for fulfilling these obligations (Vizard et al., 2011). A key contribution of Fukuda-Parr’s framework is that it identifies four human rights principles that impose specific duties and responsibilities, and in so doing it provides a basis for identifying actions and policies required to enhance capabilities.

3. Methods

This research focused on three of the seven municipalities in Alberta that have adopted a HF approach to addressing homelessness. Calgary and Edmonton are metro regions with populations over one million, while Fort McMurray is an urban centre of 70,000 people within the largely rural Regional Municipality of Wood Buffalo. Our selection of Alberta’s two largest cities and a smaller centre followed a critical case sampling approach, with sites selected on the basis that they would ‘yield the most information and have the greatest impact on the development of knowledge’ (Patton, 2001, p. 236). For each site, we obtained a complete list of HF programs from the local system planner organization: nine in Edmonton, 11 in Calgary and four in Fort McMurray. All 24 organizations were contacted

and asked to nominate staff members (frontline staff and/or managers who had some frontline experience) to participate in the research. In total, 14 organizations agreed to be involved (five in Edmonton, five in Calgary, and four in Fort McMurray), with 21 individuals participating as interviewees (six in Edmonton, 11 in Calgary, and eight in Fort McMurray).

The interview questions were structured around Fukuda-Parr's (2006) four principles. To explore non-discrimination, questions covered program eligibility criteria, processes for assessing clients' priority, and whether notions such as client readiness or deservingness influence practices. Questions relating to participation centred on client choice in housing and service delivery, and organizational systems to request and receive client input. To consider adequate progress, we asked questions about the adequacy of units used in HF programs and measurements of clients' housing stability. Lastly, to explore remedy, we asked how tenancies are organized and sustained, and about procedures for addressing potential tensions between clients and landlords or service providers.

The first author undertook semi-structured interviews with the participants between November 2018 and March 2019, each about an hour in length. Interview questions were used as a guide to understand aspects of the participants' work that were relevant to any of the four categories. However, the environment was conversational, and participants were free to talk about any issue they deemed important. All interviews were audio-recorded, with consent, and resulting audio files were then transcribed in full by a professional transcription service. The anonymized transcripts were analysed using NVivo. To protect the anonymity of interviewees, they are identified in the results by codes indicating only their

city (E, C or FM). Approval for this study was granted by the Research Ethics Board at the University of Alberta.

Fukuda Parr's (2006) framework provided the a priori categories for analysis, which was undertaken by both authors: relevant data were assigned deductively into the four categories of Non-Discrimination, Participation, Adequate Progress and Remedy. Within each category, inductive thematic analysis was conducted, following Braun & Clarke's (2006) step-by-step procedure. After first familiarizing ourselves with the data, we used NVivo to create and apply codes within each of the pre-determined categories. Here, we coded 'for as many potential themes/patterns as possible', keeping surrounding content to ensure the context was not lost, and tagging extracts with multiple codes where appropriate (Braun & Clarke, 2006, p. 89). In the next step of the analysis, we identified themes within each category by aggregating related codes. These themes allowed us to assess compliance with each of Fukuda-Parr's four principles. Upon completion of the analysis, a summary was distributed to all participants for review and feedback to ensure that their accounts had been appropriately interpreted and expressed.

4. Results

4.1. Non-discrimination

To assess whether HF clients are protected against discrimination, we examined the processes around obtaining and maintaining housing. We were also attentive to the rules

and expectations associated with tenancy in the private rental apartments used by HF programs in Alberta.

4.1.1. Eligibility and admission to HF

Participants explained that Alberta HF programs prioritize chronically homeless people, especially those with mental illness and/or addictions, consistent with the HF model. All three cities use a 'Coordinated Access System' as a single point of entry and to standardize assessment. Potential clients can self-refer to this system, or be referred by homeless serving agencies, and are then screened for eligibility and assessed using the Service Prioritization Decision Assistance Tool (SPDAT). This tool uses 15 measures to calculate an acuity score out of 60, which is then used to prioritize service delivery.

While the Coordinated Access System is necessary to manage demand, participants deemed it problematic in several respects. First, clients with lower acuity scores are waitlisted and typically left homeless until space in a HF program becomes available or their circumstances deteriorate to the point where they are reassessed as 'vulnerable enough' to be a priority client. Thus, experiencing chronic homelessness is not in itself sufficient to ensure timely access to a HF program, particularly in Calgary, where waitlists are long: 'it's crappy that we have to do it that way, [but] we just don't have the capacity to house everybody at once, so we try to get the clients that are the most complex' (C4). Second, participants reported that relying on SPDAT acuity scores could be problematic, as it sometimes led to clients being assigned to programs that did not meet their needs. These

'non-fit' clients were vulnerable to evictions and often required re-housing with higher levels of support:

E1: We get a participant that's been screened in at a lower acuity, so they don't present as having serious mental health or needing high levels of intervention. But then we find that out three months later and we're like, 'Okay, this wouldn't have been a fit. You would have been better served by a higher acuity program or permanent supportive housing....' It can really burn our staff out ... getting to that point, after like three re-housings.

E2: There are times where we recognize that that person requires a higher level of service than our program is designed for. ... Sometimes what we find is that person is experiencing more severe mental health than maybe was previously indicated in the original assessment.

FM3: The scoring isn't really accurate all the time ... because we get a lot of clients that might score super low, but when they come into the program, they could've scored a 50, which is almost the highest. ... I find a score on a paper doesn't do justice to what they need.

The reliance on acuity scores and associated inappropriate placements were understood to complicate caseloads and HF programs' capacity to successfully house clients. Discrimination occurs here because the right to housing for 'non-fit' clients and for those with a lower acuity is not realized quickly (or at all in some cases).

4.1.2. Responsiveness to indigenous clients

In Alberta, 26% of homeless people identify as Indigenous (7 Cities on Housing and Homelessness, 2018). Although some Indigenous clients have access to Indigenous-led HF agencies, most access 'general' programs. In these programs, staff receive mandatory but brief Indigenous awareness training, which was understood as inadequate for meeting cultural needs:

E6: If you look at the demographic that make up the teams across the sector, they are primarily not Indigenous workers. A lot of them ... would have their Indigenous Housing Studies 9 awareness from either a half-day or a full day in a classroom setting. And essentially all that is was check a box saying 'hey, we provided that training for our workers'. But it didn't do anything to inform them on what a sweat lodge was, what the medicines did, what is a pipe ceremony, what happens in individual one-on-one traditional healing with an elder.

Conversely, these cultural practices were well-understood and offered to all clients in Indigenous-led HF programs, which primarily employed Indigenous staff:

C5: With intake we always ask, are there things that the [client] is interested in culturally? It could be ceremonies with sweat lodges, it could be doing beading or crafts, arts, it could be going to events like powwows or round dances. ...they have a right to a cultural and Indigenous resource too, so if [clients] ever need anything, if they want an elder, we can provide that.

C8: A lot of the reason why our clients like Aboriginal case managers is because they feel at home with us. They have that homey feeling. Although no overt discrimination was suggested, the HF system

was unable to offer services with high levels of cultural awareness and responsiveness to all Indigenous clients.

4.1.3. External barriers

Discrimination in housing can be direct, as exemplified by the unwillingness of many landlords to accept HF tenants:

E1: As much as Edmonton has a high vacancy [rate] at the moment, the percentage of landlords that are willing to work with our population cuts that in half.

FM3: Landlords have their stigma, it's an ongoing issue. And there's a major landlord in town, they won't even accept our clients. ... About six, seven months ago they said they were going to crime free buildings – so they associate all of our clients with crime. ... Sometimes ... one of the biggest barriers [is] trying to find landlords on board with our program.

Discrimination by landlords can be based on various factors, from outright prejudice to negative experiences in working with HF tenants and programs in the past:

E5: Some of the barriers are, unfortunately, racism. Just the stereotype of homelessness itself, of, 'oh, why don't you just get a job?' kind of thing, and 'are they gonna be lazy?' ... It's an ugly reality, but it is a barrier, and we have to work through that by educating and through continual advocacy.

FM8: And some people have just had bad experiences with the program, unfortunately. And sometimes that is out of our control when things like that happen, but I think some of our landlords have had bad experiences where ... damages weren't paid.

In addition, acquiring a tenancy requires an application to be approved by a landlord – something that may hinge on requirements that are difficult or impossible for a person exiting chronic homelessness to meet:

E3: A lot of the barriers include things like credit checks. ... We try to [address] that concern by ... writing letters of support, which often detail things like, 'Okay they might have a poor credit history. So we set up their rent payments third party, your cheque would come directly from [social assistance]'.

E1: A lot of the criminal history we have is people with unpaid transit tickets, [where] they failed to show up for court. So they have to put, 'Yes, I have a criminal record', and as soon as a landlord sees a yes on there, they say, 'No, no thank you. We're not interested'.

The ability of HF programs to re-house homeless people is greatly complicated by prejudice, which reduces the stock of housing available and creates other discriminatory barriers for people exiting homelessness.

4.2. Participation

Both the level of participation within HF programs, in terms of interactions between clients and staff, and the level of client choice in housing and service provision, were examined. Participants emphasized client empowerment and autonomy in decision-making.

However, this focus was complicated by an emphasis on housing sustainability – the ability of clients to retain housing, including after HF support ends. All programs involved in this study provided time-limited support and were required to graduate clients (see Anderson-Baron & Collins, 2018). Consequently, staff were under pressure to prioritize stabilizing procedures and services.

4.2.1. Relationships with clients

Participants described building relationships with clients through regular meetings – a requirement of all HF programs. Many characterized these relationships as accompanying, supporting, and informing clients. Staff sought to identify each client’s strengths and encouraged them to gain independence:

C2: It’s self-directed, they are in charge, and ... we just keep reminding them what their assets are. I’ll give you an easy example: Something in their unit needs to be tended to, so maintenance needs to be called. They come to the office, ‘my sink’s plugged, call maintenance’. So, we take them to the phone, ‘you call maintenance’. And we’ll be there with them should they need that support, but it’s empowering people and helping people see they have power and authority in their life.

C3: The best analogy I ever heard was the client is driving the car, we’re in the passenger seat helping them get to where they want to go.

These practices support client self-sufficiency and empowerment, which are important for maintaining tenancies once clients graduate from HF. In this respect, encouraging independence is a requirement for successful housing.

4.2.2. Housing choice

Most HF programs understood participation as integral to finding housing, with clients having responsibility for choosing an apartment and neighbourhood. Staff described methods of facilitating participation, including thinking of themselves as realtors:

E4: It is really a conversation where it's like: 'What do you need in a home? What area is it in? What community is it in? What does it look like?' ... That's where the idea of [being a] realtor came into play ... [because] I want our participants in HF to feel they're getting housed by our workers. I certainly made it clear that I don't want participants to feel like 'hey here's a place, just sign it because it's available and it's here'.

Participation was perceived as critical to housing sustainability, as tenancies were more likely to be successful when clients' opinions were taken into account:

E5: Some will just take whatever they can get because they've been outside for so long ... we're saying that you don't have to settle for this, you can have something better. Because we have found that a week or two later they'll be like, 'Oh my god, why did I choose to live here?' And then they start to kind of sabotage, and it can lead to an eviction.

Clients who did not participate in selecting their housing often became dissatisfied and therefore ‘take whatever you can get’ attitudes were discouraged. However, this is dependent on HF programs having access to an adequate supply of affordable units from which clients can choose (cf. Anderson-Baron & Collins, 2019).

4.2.3. Harm reduction

All participants identified harm reduction as key to their programs’ operations. It was ultimately up to clients to decide whether to engage with services and treatment:

E1: We can try motivational interviewing and we can try change talk with them and we can try to show them what their life could be like without that or making different choices, but at the end of the day, we really have no power over their decisions other than to guide them.

FM8: For me a lot of times I just encourage my clients to reach out to those services, about going to treatment. You know if they call me say, ‘Can you give me a ride to detox today?’ I’ll have a discussion with them, ‘You know I’m glad you made that decision to go’.

Participants also noted that HF’s emphasis on housing sustainability shapes interactions and advice:

FM1: Just about everybody that comes to us uses one substance or another. It is their choice if they want to address that. Our piece is a harm reduction model. What we like to focus on with them is how do we not let this particular thing in your life that’s important to you impact your tenancy.

E4: The reality though is that many of the clients that we work with that have addictions, their addictions are so grand that it clearly impacts their housing sustainability. I've seen some glorious evictions in my time. So, we would never mandate someone has to go to treatment, however, we might be like 'you know what ... if you don't get your addiction under control, you're gonna be consistently struggling with your housing sustainability.'

While HF staff respect the priorities of their clients, the goal of sustainable housing influences the support offered. However, decisions about whether and how to engage with services remains with clients.

4.2.4. Rental payments and budgeting

Third-party rental payments are standard for HF in Alberta. The client's rent contribution is automatically deducted from their income (typically social assistance), and bundled with HF subsidies to ensure the landlord is paid on time and in full:

C3: We do set up third-party consent ... so there's usually no financial stress because we are taking care of that well ahead of time. There are some instances where clients decide to pay their landlords themselves because that's what they want to do, and there have been times where their rent has not been paid.

E1: We can set up third party payments for them and they can phone the next day and cancel. And it doesn't mean we kick them out of the program, but it definitely means we're having that conversation about, 'Hey, this is a way easier way of making sure your rent is paid'.

Third party payments are effective in preventing evictions for rent arrears. However, because set up is mandatory at intake, clients' independence and participation in managing their tenancies is reduced (at least initially). Moreover, tension may exist between HF programs' insistence on third-party payments and client priorities:

E1: The major barrier to successfully exiting our program ... tends to be the ability to pay the rent. ... A lot of our participants don't want to talk about that. ... There has to be that balance between 80% what does the client want to do, what do they want to talk about and engage with, and 20% what do we have to do to make sure they're going to be stable and sustainable?

The emphasis on housing sustainability reflects the goals of HF programs and may shift focus away from goals clients wish to address first.

4.3. Adequate progress

We examined whether and how HF programs measure adequate progress towards the goal of ending homelessness. To do so, we considered their use of benchmarking, intermediate targets (to assess progress) and their ability to address obstacles to adequate housing for clients.

4.3.1. Benchmarking and assessments

All programs seek to benchmark clients' progress and measure housing stability and personal goal achievement. Three-monthly meetings assess progress on both of these criteria and a score is produced, which is reported back to programs' funders:

E3: So when we're doing our assessments every three months.... There is managing tenancy, which would be: Have they had any complaints from the landlord? Were they written or were they verbal? Did the participant work to address their concerns or was the Follow-up Support Worker heavily involved? Is there a current eviction notice? Has there been previous eviction notices? ... like all of those kinds of things. And then they get a score, of course, from zero to four.

C4: So we have the individual service plans we do every 90 days that keeps us on track. ...each case manager sits with the clients and every 90 days we do a reporting Housing Studies 13 package with them. That gives us stats going to the funders as well as ... are they in housing stability? Where are we? Are they advancing? Are their goals changing?

Participation in these activities is effectively mandatory and is central to HF practices in Alberta. Programs are required to collect and report data as a condition of their funding, while clients must cooperate if they wish to continue receiving assistance.

4.3.2. Graduation

Housing sustainability is the ultimate goal of HF in Alberta, in part because the supports provided by HF programs are time-limited. All programs in this study seek to graduate

clients anywhere between three and 18 months after they have been housed. In practice, however, graduation does not necessarily have hard deadlines, and often depends on assessments of individual progress:

E5: Well, if it's starting to look like, 'You know, this person is going to need some ongoing support', it might turn into a referral for permanent supportive housing. But there is such a long waiting list for it, so ... we would probably stay in their life a little bit longer, but maybe not so heavily.

FM5: [Graduation happens when] individuals can pay their rent, buy their food, go to the food bank. So they can access resources in the community independently, pay their utilities, and function within the community. Many staff described graduation as appropriate only when the client is deemed self-sufficient. This assessment is based on various factors that support housing sustainability and protect against repeat homelessness:

FM1: I don't think I've ever graduated anybody in 12 months. If I did, they probably didn't belong in this program. There's no 'out the door'. We graduate people when we think they got it. When we think that there's no risk to them going back. When all components are in place and that means financial and social, emotional, community supports, etc.

C3: So once a client reaches stability and they're able to live independently for six months with no issues with guest management, their own behaviour, financial – basically once we know they can support themselves – that's when we'll come together and we'll chat about their graduation. If all parties agree, that's when we'll move on.

Programs sought to assist clients to prepare for graduation by connecting them with outside resources, and securing housing that would remain affordable after HF subsidies ended, although the latter was a difficult task:

C5: We're not a forever resource for them, and so ... we outsource a lot in the sense that we're always trying to connect them with resources outside of us, so that independently they're not relying on us right, they know where to go.

FM7: You want to set an individual up for success and you want them to be able to afford their housing when they graduate from the program.... And that's difficult to find as well.

FM8: I just had a client who started working, is in a one-bedroom unit for \$1000 a month plus he pays electricity. So he's making minimum wage. Even at minimum wage, he would not be able to afford his housing, medications, to get food and whatnot. ... it's still not really realistic for our clients to be able to graduate at minimum wage.

Staff generally resisted efforts to get clients 'out the door', and instead relied on individualized assessments of each client's ability to sustain housing. These assessments are, in essence, a measure of progress towards independent living. However, there is no formal monitoring of client outcomes once they have left HF programs in Alberta.

4.3.3. Adequate housing

HF programs are attentive to the adequacy of housing, ensuring clients' apartments meet health and safety standards, and include basic amenities. Substandard units are avoided:

C3: Right off the bat, they have to be safe. We have to make sure there is proper fire safety protocol being followed. Our housing communication team will do inspections on their first viewing of the apartment.

E3: Every apartment has to be a self-contained unit, so: fridge, stove, own bathroom. ...run of the mill apartments that anyone else would rent. It is standard practice for HF program staff to join clients in undertaking inspections of apartments prior to move-in.

This is in some respects a 'normalizing' process, as inspections are a routine step for renters generally. However, staff bring additional expertise, including in assessing safety. Inspections are also precautionary, as the state of the unit is officially recorded so landlords cannot later blame (and potentially evict) a client for damage they did not cause.

4.3.4. Physical accessibility

One area in which all HF programs struggled to achieve adequate outcomes was securing appropriate housing for clients with mobility impairments. In all three cities, staff reported a lack of housing stock that is both accessible and affordable:

C4: Accessible housing is hard ... it's expensive. We have an accessible building where the elevator breaks - well, it's not accessible anymore. Like these are real problems.

E3: Finding suites with elevators is really difficult. There's a handful of them that ... work with us on a continual basis, but yeah, elevators are difficult. And then even harder than that is actually accessible units – where we would have wheelchair accessible and ... accessible for the counters and slopes, stuff like that. Yes, it's definitely difficult to find. ... We have a lot of folks in walkers. Living rough, experiencing homelessness is hard on the body.

FM5: We can't afford the apartments that have elevators so we have accessibility issues. These circumstances led HF programs to rely on ground floor suites to house clients with mobility issues. However, these suites were problematic (and otherwise avoided), due to the risk of break-ins.

4.4. Remedy

We examined HF programs' accountability and effectiveness in providing remedy to clients whose right to housing was being violated by homelessness. Remedy includes preventive actions that are aimed at forestalling further rights breaches.

4.4.1. Prevention

Preventive measures were focused on averting evictions and possible conflicts with landlords. A key component of this work was educating clients on their rights as tenants so they could advocate for themselves:

C5: Part of the life skills is what are your rights in housing? ... Because our [clients] are vulnerable and for sure there are instances and situations with landlords where they try to take advantage of them. So we are constantly educating. To be like 'these are your rights – this is legally your right, what you have.'

C6: It's our responsibility when they don't know their housing rights to educate them, that's why they're in our program. So they can go down the road and be self-sustainable, right? And know how to fight for their rights, that housing is a right, for you.

All HF clients in Alberta are required to sign a standard tenancy agreement. This is an important part of the re-housing process, which offers some protection against unfair practices, as well as preparation for independent housing:

E1: It's just a regular lease, because again, we work under the premise that within a year, these guys are going to be just like you and me... They're not incapable of living independently. They just have some barriers and then need some supports, so we want to make sure that ... they're not treated as different from any other tenant. They're still governed and protected by the same rights and responsibilities.

Clients in HF are expected to adapt to a normal tenancy and to uphold related expectations, steps that are understood as a necessary part of housing sustainability.

4.4.2. Redress

Redress in the case of evictions relies on a commitment to re-housing. All HF programs stated that they would re-house clients after an eviction, review what went wrong and

identify how further evictions could be prevented. They were willing to devote substantial resources to re-housing clients, but there were limits:

E1: Three times is a general rule of thumb, but it's not a hard and fast rule. ... If it's the participants themselves that are trashing their units and being evicted ... [after three times], we're going: 'This is it. There's not a lot else we can do. We're trying to offer you these supports and connect you to these resources. You don't seem to want to.' So at that point we're saying, 'Do you even want to be in our program?'

E3: Our program is usually a year to 18 months long. So, if someone gets evicted in that time, there's a case conference between the participant, the participant's support worker, and either the team leader or myself to say, 'Okay, this is what happened. This is what the landlord reports, this is what you report. ...what kind of intervention can you see us putting in place so this wouldn't happen again?' ... As long as they're willing to work with us ...and there's something that we can put in place so it doesn't happen again, sure: let's give it a shot.

Redress also takes place in cases where there are tensions between clients and landlords, to prevent escalation and potential evictions. All programs reported that they seek to mediate such situations and maintain the tenancy:

E2: We can act as mediators. We are an intermediary between the two. And we might even facilitate an opportunity for them to sit down and talk about what's going on. Communication is a huge factor. When people aren't getting along for whatever reason, communication breaks down and the tenancy is not gonna go well.

E5: [We] try to advocate for the client, but we also try to support the landlord as best as possible. We also educate. Some landlords aren't always 100% certain of their own rights as well as clients' rights.

Although HF clients have the same rights and responsibilities as other tenants in private rental housing, it can take them time to adjust to the expectations of tenancy. Mediation of conflicts with landlords and ensuring landlords understand tenants' rights can give both parties time to learn from mistakes and avoid evictions.

5. Discussion

In this section, we interpret the findings presented above to assess whether HF programs in Alberta respect, protect and fulfil the right to housing for people exiting chronic homelessness. We start with the duty to respect, which requires refraining from interfering with enjoyment of the right (OHCHR, 2008). It mandates a non-discriminatory approach, to uphold the inherent dignity of rights-holders. While the Coordinated Access System in Alberta is not discriminatory in the first instance, its reliance on measurements of acuity can be problematic. First, the measurements were perceived as unreliable in some cases, creating 'non-fit' clients who were unable to succeed in the program to which they were assigned. In this respect, our study contributes to knowledge of potential limitations of SPDAT scores (Fritsch et al., 2017). Second, the measurements were linked to a triage system, whereby only the most acute cases were re-housed, leaving others in a state of homelessness. This approach contrasts with the understanding of housing that underpins

HF – namely, that it is ‘an immediate need that cannot be delayed’ (Woodhall-Melnik & Dunn, 2016, p. 289). This said, HF programs in Alberta have limited capacity, and cannot house everyone waiting for housing in a rapid manner (which would be the only completely non-discriminatory solution). The underlying constraint is a mismatch between supply and demand, which indicates the need for additional resourcing.

Resource constraints are exacerbated by the discriminatory attitudes of some landlords. Far from refraining from interfering in the enjoyment of the right to housing, these landlords create an additional barrier by refusing to rent to HF clients. Their actions reduce the affordable, adequate housing stock available to HF programs; this was particularly noticeable in Fort McMurray, where one of the city’s largest landlords refused to cooperate with HF programs, associating their clients Housing Studies 17 with crime. HF programs’ commendable efforts to advocate for their clients, mediate conflicts and educate landlords can be understood in this context. Conversely, one area in which programs need to improve is in training staff to better support Indigenous clients; their right to housing is respected when unique cultural needs are understood and supported.

Respect for the right to housing also requires recognizing the dignity of rights-holders. Participants described building relationships based on a recognition that clients know best where and how they want to live and what their needs are. This approach is consistent with two core principles of the HF model – the separation of housing and treatment services, and client choice in housing (Tsemberis, 2010). However, there were limits to this focus on client-driven decisions, grounded in an emphasis on ‘housing sustainability.’ While acting to stabilize tenancies in principle respects the right to housing, in practice it can create

tensions between the priorities of individual tenants, and what HF programs perceive as essential: e.g. third party payments, or engagement with treatment. As one participant put it, HF support may be '80% what does the client want to do' and '20% what do we have to do to make sure they're going to be stable and sustainable.' This finding connects to Hennigan's (2017) argument that even though HF programs do not coerce clients into treatment, the need to uphold tenancy agreements and prevent evictions creates pressure to follow staff recommendations.

A key part of the context for this tension is that HF in Alberta is time-limited, with programs expected to graduate clients (Anderson-Baron & Collins, 2018). While the withdrawal of HF supports was characterized as tailored to individual progress in sustaining a tenancy rather than set deadlines, it was not followed by measurements of housing retention. The notion that HF supports can and should be withdrawn after a certain amount of time sits uneasily with the importance the HF model places on 'permanent housing tenure' with 'no expected time limits' (Stefancic et al., 2013, p. 246), and with respect for the right to housing, which is an open-ended commitment.

Turning to the duty to protect, we consider HF programs' efforts to prevent others from interfering with enjoyment of the right to housing. These efforts centred on relationships with landlords. First, providers sought to educate both landlords and tenants to ensure they know the rights and responsibilities associated with a lease, in order to reduce conflicts and the potential for eviction. The use of standard tenancy agreements – a characteristic of HF since its inception (Tsemberis, 2010) – formalizes this relationship and is intended to ensure a measure of legal protection for tenants. Second, to protect clients against being taken

advantage of, HF staff undertake walk-through inspections at the start of each tenancy. This routine also serves as a self-empowerment exercise: it helps tenants to know their rights, including for future tenancies. Third, the focus on tenancy sustainability seeks to pre-empt situations that may lead to a loss of housing: most noticeable here is the use of third-party payments, which ensure rent is paid in full and on time. While rent arrears are by far the most common cause of eviction generally (Garboden & Rosen, 2019), the requirement that third party payments be set up for each new tenancy potentially conflicts with notions of client autonomy and the broader emphasis within HF on clients learning from successes and mistakes in decision-making (Tsemberis, 2010).

The duty to fulfil entails obligations of a positive character, as well as a requirement for participation. While this duty is held by state, in the context of chronic homelessness, it is transferred to HF programs; as Nolan (2018) explains, it is through such organizations that states seek to meet their obligations to realize ESC rights. Another way of thinking about the duty to fulfil in this context is thus to ask: to what extent do HF programs provide effective remedy to the human rights breach of homelessness for individual clients? First, eligible clients are effectively housed, in a manner that is consistent with the principle of client choice. Clients' participation in choice of apartment and neighbourhood is prioritized, something that was not previously possible in Alberta, when vacancy rates were lower and affordable housing more difficult to access (Anderson-Baron & Collins, 2019). The standard of housing is adequate as programs select 'run of the mill apartments that anyone else would rent' and conduct inspections with clients prior to move-in. However, programs find it difficult to fulfil the right to housing for clients with mobility impairments, as they struggle

to identify (and afford) accessible buildings and units. Considerable efforts are made to avoid evictions, and in the event that evictions do occur, clients are eligible for re-housing, within certain limits.

Second, participation is incorporated in HF programs after initial housing; a strong emphasis is placed on conversation, support for each client's unique strengths, and recognition that each client is capable of making their own decisions (consistent with a harm reduction approach). In addition to regular meetings, one of the few obligations for clients in HF generally (Tsemberis, 2010; Stefancic et al., 2013), more formal three-monthly assessments also occur. While these are consistent with the human rights emphasis on bench-marking adequate progress, they also have a surveillance function. One of the most positive dimensions of staff-client interaction was the emphasis on tenant rights education, 'So they can go down the road and be self-sustainable.' In a context where HF is time-limited, it is vital that clients are prepared to advocate for themselves in current and future tenancies. The use of standard tenancy agreements, while not above critique (Hennigan, 2017), is beneficial in setting out rights and responsibilities for tenants and landlords alike, and in preparing clients to sustain housing without HF programs' help.

6. Conclusion

The notion that Housing First is a human rights-based approach is often alluded to in the literature, but seldom interrogated (Collins & Stout, 2021). We have established that the practices of HF programs can be systematically evaluated from a right to housing

perspective, using principles developed by Fukuda-Parr (2006). Our analysis of the principle of non-discrimination highlighted a number of shortcomings with the operation of HF programs in Alberta, including a sometimes problematic intake and assessment system, limited staff training in Indigenous ways of knowing, and external constraints imposed by discriminatory landlords. Conversely, participation was a strong point of the programs considered here, in terms of interactions between staff and clients, and the level of client choice in housing. However, analysis of this principle also revealed tensions associated with programs' emphasis on housing sustainability. These were further explored with reference to the principle of adequate Housing Studies 19 progress, which highlighted the role of graduation in HF programs in Alberta. Participants spoke out against set deadlines, emphasizing that graduation should only occur once a client is assessed as being able to sustain their housing. We also found that considerable efforts are made to ensure housing itself is adequate. Consideration of the principle of remedy indicated a strong focus on preventing evictions, and providing redress where evictions occur, through re-housing. As long as clients remain in HF programs in Alberta, the breach of their right to housing is likely to be effectively remedied; however, no data are collected on housing retention once clients graduate. Thus, it is not known to what extent HF clients are able to exit homelessness permanently.

Our analysis based on Fukuda-Parr's (2006) principles provided the foundation for considering whether HF programs in Alberta meet the international standard for ESC rights – that is, to respect, protect and fulfil. Our overall verdict is a positive one. However, the emphasis on housing sustainability as a paramount goal of HF programs is a grey area from

a human rights perspective: it both supports clients to retain housing, and limits their choices and independence. It is, in part, a function of the expectation of graduation, which orients case management towards ensuring clients are able to sustain housing once program support ends. Our study was limited to Alberta, where the HF model has been modified to incorporate graduation (Anderson-Baron & Collins, 2018) and this pressure may not be evident elsewhere. Future research into HF and the right to adequate housing could examine the experiences of clients, particularly with respect to non-discrimination and participation. Measurements of program fidelity were beyond the scope of this research, but the assessment framework we present could be utilized alongside the Housing First fidelity tool (Stefancic et al., 2013) to investigate the relationship between fidelity and respect for housing rights. More generally, there is a need for research in other jurisdictions to assess whether HF fulfils its promise of realizing the right to housing for society's most marginalized citizens.

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