

Submission to the Special Rapporteur on the right to adequate housing

**In response to the Call for Input: Localising the right to adequate housing:
How local Governments and community initiatives can contribute to
realisation of the right to adequate housing**

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SUBMITTED BY:

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Asia-Pacific Coalition on Deinstitutionalization
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Introduction

1. This submission has been jointly written by the Global Coalition on Deinstitutionalization, the Asia-Pacific Coalition on Deinstitutionalization, and the Inter-American Coalition on Deinstitutionalization in response to the Call for Input: Localising the right to adequate housing: How local governments and community initiatives can contribute to realisation of the right to adequate housing.
2. **The Global Coalition on Deinstitutionalization (GC-DI)** is a collection of eight of the leading international organizations of persons with disabilities and civil society organizations, formed around the collective goal of promoting the right to independent living and inclusion in the community for persons with disabilities, under Article 19 of the Convention on the Rights of Persons with Disabilities. Website: <https://gc-di.org/>.
3. **The Asia-Pacific Coalition on Deinstitutionalization (AP-DI)** is a vital regional network dedicated to ending institutionalization and advancing inclusive community-living systems for individuals with psychosocial, intellectual, and complex physical disabilities across Asia and the Pacific. APDI currently has members from nine countries in the region. Grounded in the UN Convention on the Rights of Persons with Disabilities (CRPD) and other international human rights frameworks, AP-DI works to bridge global standards with the region's diverse cultural, economic, and social landscapes. Through regular and special monthly meetings, the coalition monitors regional deinstitutionalization progress, shares critical country contexts, and drives powerful collective actions—including joint statements, collaborative research, and advocacy campaigns.
4. **The Inter-American Coalition on Deinstitutionalization** is made up of over 30 organizations representing eight countries of the Americas including USA, Mexico, Argentina, Colombia, Chile, Guatemala, Peru, among others. These organizations have combined decades of experience advocating for the rights of people with disabilities in the region through advocacy and strategic litigation. Several of the organizations are also run by people with disabilities, including people with psychosocial disabilities. The goal of the Coalition is to advance the right to community inclusion for persons with disabilities through the implementation of the UN Guidelines on Deinstitutionalization, including in emergencies, issued by the UN Committee on the Rights of Persons with Disabilities in September 2022.
5. This submission focuses primarily on the challenges persons with disabilities face in accessing housing and outlines the issues local authorities need to address. The submission aims to fill the gap left by the missing disability angle across various thematic areas related to adequate housing. Due to the broad scope of the submission and the large number of organisations involved, the proposed word limit has been increased. We are grateful to the Special Rapporteur for understanding this.

Remarks

6. The concept of adequate housing is complex and encompasses the interrelated elements of security of tenure; availability of services, materials, and infrastructure; affordability;

accessibility; habitability; location; and cultural adequacy.¹ Persons with disabilities are at increased risk of living in inadequate housing or of having no access to housing at all, due to poverty, inaccessible facilities, infrastructural barriers, stereotypes and other structural causes.²

7. While it is well acknowledged that the right to adequate housing is part of the right to an adequate standard of living in international human rights law, as recognised in the Universal Declaration of Human Rights (hereinafter “UDHR”) under Article 25, International Covenant on Economic, Social and Cultural Rights (hereinafter “ICESC”) under Article 11(1), and in other specific UN Treaties, including the Convention on the Rights of Persons with Disabilities (hereinafter “CRPD”) under Article 28, the meaning of adequate housing has a significant bearing on the realisation of all other rights of persons with disabilities. The paradigmatic shift from the medical model of disability to a human rights model, which essentially includes de-institutionalisation, cannot be achieved without access to adequate housing.
8. As the Guidelines on Deinstitutionalisation, Including in Emergencies by the UN Committee on the Rights of Persons with Disabilities (hereinafter “CRPD Committee”) note³, living independently and being a part of the community relies on full legal capacity, access to housing and enabling persons to regain control of their lives. Moreover, adequate housing is the way to choose where to live, how to live, who to be, and who to become. Therefore, one cannot overestimate the importance of access to adequate housing, which is not only a component of a single right but also a determinant of the enforcement of other rights. As observed by the UN Committee on Economic, Social and Cultural Rights, housing for all and for persons with disabilities should be seen as “the right to live somewhere in security, peace and dignity.”⁴ It is a space where human beings develop personalities, flourish as individuals, experience loving relationships, live as families, and acquire tools to participate in society.⁵ As clarified by the Committee on Economic and Social Rights and reinforced by the Special Rapporteur on adequate housing⁶, the right to adequate housing cannot be interpreted narrowly by States as a right to physical shelter or conceived as a commodity; “rather, the right to housing must be understood in relation to the inherent dignity of the human person.” Dehumanised housing, from social to commodity value, leaves vulnerable groups without access to adequate housing, while a significant number of investor-owned homes are vacant.⁷

¹ UN-Habitat, UNESCO, UNISDR, WHO, UNODC, UNEP and UNSD. *Tracking progress towards inclusive, safe, resilient and sustainable cities and human settlements: SDG 11 Synthesis Report* 2018.

² United Nations, Department of Economic and Social Affairs. [Disability and Development Report 2024: Accelerating the Realization of the Sustainable Development Goals by, for and with Persons with Disabilities](#). New York: United Nations, 2024.

³ Committee on the Rights of Persons with Disabilities, [Guidelines on deinstitutionalization, including in emergencies](#), CRPD/C/5, 10 October 2022. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/5

⁴ CESCR, General Comment No. 4: Right to Adequate Housing, E/1992/23 (13 December 1991), para. 7.

⁵ Koldo Casla, *The Social Right to Property: Social Function and Human Rights*, Edward Elgar Publishing, open access, ISBN 9781035339181. p. 184.

⁶ Human Rights Council, [Guidelines for the Implementation of the Right to Adequate Housing: Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context](#), A/HRC/43/43, para. 15., 26 December 2019.

⁷ United Nations Human Rights Council. (2017). [Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context](#) A/HRC/34/51., 18 January 2017.

9. The Human Rights Council resolution 55/11 on adequate housing,⁸ adopted on 3 April 2024, provides a clear framework for localising the right to adequate housing with disability inclusion at its centre. It calls on States to ensure that local governments uphold this right in all municipal action, including urban planning, zoning, transportation and housing provision and maintenance, taking accessibility into account and strengthening coordination between national and local authorities.⁹ Housing strategies should be disability-inclusive, developed in consultation with organisations of persons with disabilities, and establish clear responsibilities across government, measurable targets and monitoring mechanisms.¹⁰ Crucially, persons with disabilities and their representative organisations must be closely consulted and actively involved in all areas of housing policy and design.¹¹ The resolution links adequate housing to deinstitutionalisation, community support services and personal assistance, and the right to live independently within the community with persons of one's choice.¹² It further calls for universal design, accessibility requirements for new housing, a clear timetable for making existing housing accessible, and reasonable accommodation,¹³ alongside measures to address systemic discrimination and spatial segregation and ensure accessible remedies.¹⁴ These provisions offer a strong basis for local governments and community initiatives to advance accessible, inclusive housing through meaningful partnership with organisations of persons with disabilities.
10. However, the particular challenges and structural discrimination faced by persons with disabilities, which result in them losing or never being entitled to housing, are significant. While many other persons in vulnerable conditions face homelessness in times of crisis, related to wars, migration, environmental and ecological emergencies, and due to other abrupt causes, disability-based homelessness is a slowly unfolding process and might not happen overnight. The effects of emergencies and single events are visible and evident, whereas homelessness as a result of disability is often hidden. Institutionalisation, a widespread practice perpetrated against persons with disabilities, has contributed to the normalisation of homelessness, selling "forced eviction due to disability" as an act of care. The paternalistic approach claims that one cannot live independently where a person has certain support needs and, because of that, for safety reasons, it is better not to live in one's own house. Consequently, a compilation of deeply ingrained stereotypes against persons with disabilities has obscured the problem of inaccessible housing and consequent unlawful institutionalisation, delaying the design of human rights-based solutions.
11. To dismantle the culture that normalises disability-induced homelessness and institutionalisation on the basis of disability, one needs to distinguish among the different factors underlying the lack of accessible housing. Many of these factors are structural barriers, including at the level of local authorities, and cannot be effectively

⁸ Human Rights Council, [Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context](#), A/HRC/RES/55/11, 5 April 2024.

⁹ Ibid., para. 1(t).

¹⁰ Ibid., para. 1(b).

¹¹ Ibid., para. 1(q).

¹² Ibid., paras. 1(n)–(o).

¹³ Ibid., paras. 1(r)–(s) and 1(w).

¹⁴ Ibid., paras. 2–3.

addressed only through individual, case-by-case action but instead require as systemic response. These factors include the following:

12. **Failure to implement the CRPD Convention:** After almost 20 years of CRPD ratification and enforcement, very few States have promoted and implemented independent living policies and the deinstitutionalisation process¹⁵. Persons with disabilities remain isolated in social care institutions under paternalistic ‘care’ initiatives, as well as in residential facilities such as group homes, rehabilitation homes and other similar settings. As a result, access to adequate housing is not even on the agenda, a situation that reflects neither international human rights law, nor the needs of persons with disabilities, nor those of an inclusive society as a whole.
13. As the 2026 European Commission report on “*Accessible and sustainable housing for persons with disabilities in Europe*” points out, “[i]n many states, there is no clear, nationwide data on how many persons with disabilities are inappropriately accommodated in institutions due to a lack of affordable, accessible housing and support services to address the needs of people with high support needs (Germany, Latvia, Liechtenstein, Slovenia, Spain). This can be attributed to the varied legislative and policymaking structures and the fact that there are often multiple bodies or agencies within one country. Data sources are fragmented and often only record the type of accommodation or do not identify persons with disabilities within the data. Information about institutionalised populations vary between figures of residents, numbers of institutional settings and proportions of the population. The data suggests that the populations of institutions is reducing (Germany reports a reduction of 0.5 % between 2022 and 2023¹⁷⁷), but it is unclear whether the population is moving to accommodation and supports that comply with their UNCRPD rights. Where deinstitutionalisation initiatives are ongoing, they are slow. For example, Hungary has a target to replace 123 institutions, but the goal does not need be reached until 2036.¹⁷⁸ Based on the reports of poor conditions and ongoing human rights violations within ‘group homes’ and supported living arrangements (Bulgaria, Finland, Sweden), reductions in the institutionalised population do not equate to the realisation of human rights for former residents.”¹⁶
14. **Instrumentalisation of stereotypes to recreate vulnerable situations:** Stereotypes regarding persons with disabilities are driving policymakers to believe that institutions and isolated communities, rather than inclusive housing under the concept of independent living, are the appropriate solution. These include stereotypes regarding the perceived absence of the will, legal capacity and ability of persons with disabilities to live independently and make decisions for themselves, with support where necessary. In practice, we even see intentional instrumentalisation of these stereotypes: e.g. landlords often invoke "safety" or "neighbourhood concerns", or other unrelated reasons, to pressure tenants into "voluntarily" ending their leases.¹⁷ Negative assumptions about disability, as well as direct and indirect discrimination, contribute to

¹⁵ TCI and partners, *Submission to the OHCHR Call for Inputs for the Thematic Study on the Rights of Persons with Disabilities and Disability-Inclusive Infrastructure, Including Transport and Housing*. 2026. p. 9.

¹⁶ European Commission, *Accessible and sustainable housing for persons with disabilities in Europe*. 2026. pp. 46-47.

¹⁷ TCI and partners, *Submission to the OHCHR Call for Inputs for the Thematic Study on the Rights of Persons with Disabilities and Disability-Inclusive Infrastructure, Including Transport and Housing*. 2026. p. 9.

consolidating the “housing ablism” that persons with disabilities experience when seeking and maintaining housing.¹⁸

15. For example, Dalit persons with disabilities in Nepal, who are regarded as belonging to a so-called 'lower caste', face even greater difficulties in finding rental rooms due to untouchability. Even if they manage to secure a room by concealing their caste, landlords evict them immediately upon finding out. This further violates human rights leaving marginalised groups within the disability community facing double discrimination.
16. **Lack of competence on disability rights:** Local authorities often maintain outdated knowledge regarding the realisation of the right to adequate housing of persons with disabilities; in many places, local authorities limit the accessibility standards for housing to only people with physical or sensory disabilities and do not consider the accessibility for persons with intellectual or psychosocial disabilities. Moreover, a lack of knowledge about mechanisms to ensure the participation of persons with disabilities in the urbanisation plans and development of housing policies, as well as mere communication, may lead them to restrict such participation to avoid criticism. Local authorities do not realise their powers with the understanding that for persons with intellectual or psychosocial disabilities or those on the autism spectrum, housing habitability and safety require ensuring cognitive accessibility, environmental predictability, and the use of communication supports (such as augmentative and alternative communication systems and accessible signage). Conflicts regarding communal living that lead to pressure for eviction often stem from a lack of understanding among neighbours and administrators regarding non-normative behaviours.
17. **Lack of coordination among agencies:** The right to adequate housing for persons with disabilities may depend on the realisation of other rights, e.g. access to personal assistance, accessible technologies, legal capacity, etc. Lack of coordination among different governmental bodies results in their absence and creates excuses for failing to realise access to adequate housing. Moreover, deinstitutionalisation, when planned without clear housing policies, is likely to fail. Therefore, a lack of coordination and communication between different governmental units might impair access to adequate housing even before the issue of housing is considered.
18. **Lack of participation of persons with disabilities in urban planning and housing policies:** The process of developing local communities, which often ignores the needs of persons with disabilities, is frequently a result of not hearing the voices of persons with disabilities and their organisations. Consequently, local policies that are uninformed about these needs are discriminatory, offering the same options to all persons regardless of their differing needs.
19. **Abuse of the concept of progressive realisation:** States seeking to justify delays in providing accessible housing to persons with disabilities frequently invoke the concept of "progressive realisation" as a pretext, postponing access to housing until socio-economic resources are deemed sufficient, while invoking competing interests to

¹⁸ Lindsay, S., Öncil, G., & Leo, S. (2026). [Housing ableism in finding and maintaining housing among people with disabilities: A scoping review](#). *PLOS ONE*, 21, e0351309.

silence the needs of persons with disabilities. Framing the right to adequate housing within the narrow frame of a socio-economic right, which is subject to budgetary constraints, disregards the other, interrelated aspects it engages.

20. **Disability-based violence as a factor contributing to homelessness:** In the field of gender-based and domestic violence, the principle that, instead of the victim, the perpetrator should be removed, allowing the victim, in most cases a woman, to remain living in the house even if she does not hold title to it, is one of the important advancements of human rights law and practice. However, this principle almost always works in the opposite way in cases of disability-based violence. One of the forms of disability-based violence is the forced placement of a person in a psychiatric hospital or other institutional setting. The gaps in legal safeguards around housing title, ownership and inheritance can enable the institutionalisation of persons with disabilities and restrictions on their legal capacity, placing their housing, property and autonomy at risk. The drive to acquire title and ownership of housing can incentivise the placement of persons with disabilities in institutions and the removal of their legal capacity.
21. **Extraordinary expenses associated with disability as a barrier to accessing adequate housing:** Access to adequate housing depends largely on having sufficient income, yet social protection systems rarely take into account the fact that persons with disabilities face expenses not incurred by the rest of the population. These include costs directly related to the disability (healthcare, transportation, assistive devices, personal assistance, and home modifications, among others), as well as the higher prices they sometimes must pay for goods and services used by everyone else, such as health or life insurance. The minimum income floor that States must guarantee for this group must account for these additional expenses; otherwise, persons with disabilities are systematically excluded from housing programs and markets.
22. **Building and urban planning frameworks that lack a disability perspective:** The adoption of building codes and urban planning regulations that fail to incorporate accessibility and universal design standards results in a housing stock that is structurally exclusionary. Inaccessible dwellings do not constitute adequate housing for persons with disabilities, and their proliferation, enabled by flawed regulatory frameworks, reduces available options and increases the cost of necessary modifications.
23. **Reintroducing the medical model under different names:** Some local authorities apply a "service needs assessment" scored across eight items, including participation and cooperation, maintenance of health, daily living and social participation, self-management and risk behaviour, and capacity to sustain a single-person household. Disabled tenants scoring below 70 are moved towards eviction. Because deteriorating health lowers the score, the instrument withdraws housing from the tenant whose need for it has grown, the inverse of the programme's purpose, and a reintroduction of the "earn your tenancy" logic supportive housing was designed to displace.
24. **Geography determining entitlement:** While some local authorities provide accessible housing, others do not consider it at all. Persons with disabilities who happen to live in the latter areas are therefore either forced to relocate or denied equal access to housing.

25. **Corporations acting under the name of Deinstitutionalisation:** In certain municipalities, corporations take responsibility for closing disability institutions and building inclusive housing, where residents with and without disabilities live together; they even receive government funding for these initiatives. However, initiatives that are primarily corporate-led end up segregating persons with disabilities and prioritising financial interests. The lack of government oversight may create new institutions under the name of deinstitutionalisation.
26. However, beyond the structural barriers that overwhelmingly affect access to adequate housing, it is important to consider the specific circumstances in which persons with disabilities experience disproportionately negative effects arising from rapidly unfolding adverse situations, and in which they fall outside the scope of existing safety nets and safeguards.

Forced Evictions

27. Forced evictions, which have been acknowledged¹⁹ as a gross violation of internationally recognised rights, including the rights to adequate housing, food, water, health, education, work, security, freedom from cruel, inhuman and degrading treatment, and freedom of movement, unfortunately remain a widespread practice in many countries. It is important to note that forced eviction of persons with disabilities frequently carries an additional dimension, which is clearly related to disability-based discrimination: for example, families of children with autism or other intellectual disabilities, as well as families with a member who has a psychosocial disability, may be pressured to vacate their rented home because landlords dislike non-normative behaviour. Moreover, eviction of a person with a disability due to non-payment of rent is frequently linked to the absence of adequate economic means and the disproportionate impact of poverty at the intersection of disability; these and other disability-related factors remain outside the scope of consideration of local authorities, who are the duty-bearers responsible for regulating the rules governing accommodation.
28. For example, due to floods, river erosion, poverty, and other causes, fate-displaced individuals in Bangladesh and other countries in South Asia often seek shelter in slums, and many of these people are persons with disabilities. As these slums are often built on government land, authorities or landowners frequently carry out forced evictions without prior notice or rehabilitation. Such evictions violate national and international law, disproportionately harming persons with disabilities who may be injured or killed while evacuating hastily. As destitutes, they may also be detained under the Vagrancy Control Act and become victims of institutionalization in prison-like shelters.

Migration

29. As noted by the United Nations Department of Economic and Social Affairs, persons with disabilities are historically overlooked in the context of migration, including migrant workers with disabilities and refugees with disabilities²⁰. Persons with

¹⁹ Office of the United Nations High Commissioner for Human Rights. (n.d.). [Forced evictions and human rights](#). OHCHR.

²⁰ United Nations Department of Economic and Social Affairs, Division for Inclusive Social Development. (2016, April 4). [Refugees and migrants with disabilities](#).

disabilities, who increasingly seek access to decent health care and disability services, face an increased risk of worsening their condition when they are denied adequate housing that meets their accessibility needs in the migration context - first in shelters or detention centres, and later within the local communities of destination countries. While migration regulations remain outside the scope of local authorities' work, inaccessible shelters, housing policies and programmes that are directly under the authority of local governments increase the risk of isolation, institutionalisation and marginalisation on grounds of disability.²¹

Ecological disasters

30. Ecological disasters, caused by climate-related hazards, disproportionately affect persons with disabilities²² not only by raising risks to their lives due to the absence of information, policies, evacuation and emergency measures, but also due to the discrimination they face following disaster-related displacement. Post-disaster temporary housing has been acknowledged to alter and influence not only social networks but also support systems,²³ with particular consideration given to the fact that there is no universal design system for these facilities. Different types of post-disaster housing, including emergency shelters, temporary shelters, transitional shelters, progressive shelters, core or one-room shelters, and temporary housing, can become a source of discriminatory denial of post-disaster remedies for persons with disabilities unless disability is included in the planning of these housing systems. The failure of top-down planning approaches that primarily promote a generic approach to development across various post-disaster sites has been recognised²⁴ as a cause for rejection by communities, including persons with disabilities.

Energy poverty

31. In response to the current initiatives of addressing energy poverty, studies report that persons with disabilities are more likely to live in older, less energy-efficient housing that is often inadequately adapted to their needs. As the European portal for energy efficiency and renewable energy in buildings reports,²⁵ such vulnerability stems from lower incomes and is also related to higher energy needs, inaccessible or inefficient housing, and the absence of disability-sensitive support mechanisms. Consequently, persons with disabilities often are caught in a cycle where poor living conditions worsen health outcomes, and deteriorating health further reduces their ability to afford adequate energy services. Inefficient insulation, outdated heating systems, and poor ventilation are common in their living spaces, making it difficult to maintain a comfortable and healthy living environment without excessive energy use.²⁶ Due to their needs, persons with disabilities may also require heating or cooling for

²¹ United Nations Human Rights Council. [*Towards a just approach to the global housing crisis and migrants: Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context*](#), A/HRC/58/50, 8 January 2025.

²² United Nations, Department of Economic and Social Affairs (fn 2).

²³ Gkoumas, I., Mavridou, T., Seymour, V., & Nanos, N. (2025). [*Post-disaster housing and social considerations*](#). *International Journal of Disaster Risk Reduction*, 124, Article 105537.

²⁴ Ibid.

²⁵ Mara Florina Oprea and Kristina Eisfeld. [*Breaking the Cycle: Addressing Energy Poverty Among People with Disabilities in Europe*](#), BUILD UP, 8 December 2025.

²⁶ Disability Hub Europe (D-Hub). [*Involving People with Disabilities in Addressing Energy Poverty: A Just Transition*](#).

extended periods throughout the year to maintain a stable indoor temperature; many rely on assistive or medical equipment, which can further increase energy costs. Any reform aimed at a transition to a more sustainable and energy-efficient housing system, particularly initiated at the local level, risks becoming discriminatory if the needs and voices of persons with disabilities are not considered both at the planning and implementation levels.

Housing coupled with support services as means for independent living in the community

32. Access to housing for persons with disabilities, in the context of independent living, means meeting certain obligatory criteria²⁷ that primarily include the opportunity to live in the community on an equal basis with others. Housing facilities that restrict persons with disabilities to specifically designed areas, and solely to buildings specialised for persons with disabilities, do not meet the obligations specified under Article 19 of the CRPD. If local governments arrange support services only within a residence, group home, or institution, thereby making housing outside that space inaccessible due to the lack of support systems, the right to independent living is likewise violated. Ensuring non-discrimination in accessing housing also means adopting mandatory building regulations that make new and renovated housing accessible, while ensuring that persons with disabilities never bear the costs of such renovations. Missing these core elements of housing provision would violate the CRPD.
33. In addition to adequate housing, support services to enable independent living should be available, accessible, acceptable, affordable and adaptable for persons with disabilities and these support services should include personal assistance, peer support, supportive caregivers for children in family settings, crisis support, support for communication, support for mobility, the provision of assistive technology, support in securing housing and household help, and other community-based services.²⁸
34. Particular attention should be paid to the provision of housing as a form of reparation for people with disabilities who have been institutionalised and, therefore have suffered a severe violation of their right, including their right to independent living through access to housing.
35. In this context, it is necessary to point out that group residential settings, even small-scale ones, do not constitute an adequate response to the right to housing for persons with disabilities. Adequate housing entails access to a home where the individual can exercise control over daily decisions, choose whom to live with, and pursue their life plan according to their own interests and preferences. Housing programs that place persons with disabilities in shared residences managed by third parties, no matter how small, do not meet these requirements and should not be considered housing solutions in surveys and public policies.
36. Ensuring affordability and non-discrimination in the housing market would also require local governments to implement direct financing mechanisms, targeted subsidies, or co-financing funds designed to cover the cost of reasonable accommodations, whether physical, sensory, or cognitive, in both public and private housing. Shifting the financial

²⁷ Committee on the Rights of Persons with Disabilities, *General Comment No. 5 (2017) on Living Independently and Being Included in the Community*, CRPD/C/GC/5, 27 October 2017.

²⁸ Committee on the Rights of Persons with Disabilities (fn 3), paras 25-26.

burden of necessary adaptations onto the person with a disability or their family creates an indirect barrier to inclusion that perpetuates housing inaccessibility. The absence of these fundamental elements in housing provision would constitute a violation of the CRPD

37. In sum, all local government initiatives should consider structural barriers to accessing adequate housing, as well as the disproportionate effects of different crisis-related housing issues. Above all, local authorities' initiatives, whether labelled as social housing, sustainable housing, or under any other name, should be guided by the principles of inclusive equality²⁹ and independent living. No pre-existing housing system can be considered as responding to the needs of persons with disabilities and to human rights standards if the above-mentioned principles are not met. Dignity, equality, accessibility, independent living, and universal design make housing adequate and accessible, not the names of different housing initiatives.

Recommendations³⁰

38. We call on the Special Rapporteur to urge local governments and authorities to:

- Promote and implement deinstitutionalisation processes, coordinate with different agencies, prevent institutionalisation of persons with disabilities, and create opportunities for independent living through access to adequate housing and support within local communities.
- Strengthen and update their resources, competence, and knowledge of the human rights-based model of disability, including independent living in the community and decision-making rights, by ensuring adequate housing and support services.
- Initiate and co-lead awareness-raising campaigns, in collaboration with persons with disabilities and their organisations, to change stereotypes about independent living and access to adequate housing for persons with disabilities.
- Ensure the participation of persons with disabilities and their organisations in planning and implementing housing and community development programmes.
- Consider the needs of persons with disabilities and ensure their participation in developing models for introducing new energy-efficient technologies and infrastructure. Make such technologies, including smart-home systems, renewable energy, and energy-efficient appliances, accessible to persons with disabilities. Financial subsidies should cover the elevated costs associated with the increased energy needs of persons with disabilities.
- Consider the needs and participation of persons with disabilities in planning adequate housing plans for migrants and refugees with disabilities.
- Ensure that access to housing, as one of the pillars of independent living, receives a more holistic approach to it—including the right to personalised support, such as a personal assistant, as well as a decent income and access to legal capacity.
- Ensure that legal capacity is respected and realised so that persons with disabilities sign contracts and retain control over all payments linked to housing: insurance,

²⁹ Committee on the Rights of Persons with Disabilities, *General Comment No. 6 (2018) on equality and nondiscrimination*, CRPD/C/GC/6 (26 April 2018), para 11.

³⁰ For more useful resources and recommendations on housing as a right for persons with disabilities, please visit <https://whatweneed.in/15th-annual-federal-policy-forum-on-inclusion/>.

energy bills, and so on. Supported decision-making, for those who need it, must therefore be available.

- Return-to-housing policies must prioritise those who want to leave institutions and live in the community, with access to accessible housing and the needed support.
- Ensure that personalised reasonable accommodations are taken into account when budgeting for access to houses, both inside and outside.
- Increase the capacity of persons with disabilities to be able to buy themselves houses and adapt them as they want by allowing them you have access to social loans, including allocation to pay the more cost of accessible housing.
- Prohibit forced evictions of persons with disabilities by preventing disability-based eviction factors through identifying them as illegal and discriminatory practices.
- Guarantee dignified and accessible housing alternatives for persons with disabilities through public housing or social rental programs, the allocation of individual homes, loans for property acquisition, and programs for home improvement and adaptation in accordance with universal design principles. Eligibility requirements for these programs must not infringe upon the autonomy of persons with disabilities, and their right to freely choose where and with whom to live must be guaranteed.
- Adopt and implement building and urban planning codes that incorporate accessibility and universal design standards, establish mechanisms for monitoring and sanctions for non-compliance, and ensure that no new construction financed or authorised by the State is exempt from these requirements.
- Ensure that deinstitutionalisation processes avoid creating new forms of covert segregation, such as mini-residences, large-scale group homes, or isolated supported housing that replicates the institutional logic in a decentralised format, while guaranteeing, in all cases, the right of persons with disabilities to access ordinary, individualised housing integrated into the community, with the necessary personal supports
- Guarantee that local housing guidelines promote inclusive, tolerant communities characterised by mutual understanding.
- Establish disability-disaggregated data tracking in local government housing social protection schemes to ensure inclusive and equitable access for persons with disabilities.