

# Housing is a Human Right

ARB Interview

D.G. Gerard

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By August 2020, nearly one third of all Americans had outstanding rent or mortgage payments. As eviction moratoriums expire, communities should look to successful actions against the American housing system for inspiration. Moms 4 Housing of Oakland, California is a notable example. The organization formed when Carroll Fife, the director of Oakland Alliance of Californians for Community Empowerment (ACCE) was approached by several mothers who had recently become homeless. The moms formed a collective, and together, they occupied a spectator property that had remained vacant for years. The occupation continued for two months while a legal battle to evict them ensued. As the case dragged on, Moms 4 Housing became a media sensation, gaining support from liberal journalists and politicians. Moms 4 Housing lost their court case on January 10<sup>th</sup> 2020, and the mothers were evicted during a nighttime raid four days later. But the community stood by them, attempting to block the eviction and demanding justice. In response to the outcry, the landlord agreed to sell the property to a community land trust. Moms 4 Housing has drawn substantial attention to the severe failures of market housing.

Housing lawyer Leah Simon-Wiesberg, who represented the group in court, took some time to talk to *The Anarchist Review of Books* about these issues.

**ARB:** What drew you to work in tenant's rights?

**LSW:** I had planned to work as a public defender, but when I graduated, the available jobs were in eviction defense. As I did the work, I realized how important stable housing is in the struggle against the cycle of poverty. When men of color are incarcerated, women of color are evicted. The family is traumatized by the instability, and the cycle repeats. Strong housing rights can interrupt this cycle.

**ARB:** What do you do in cases where the law is unjust?

**LSW:** I never accept unethical laws, I change them. I've spent my career working to change California housing laws. Organizing has always been an important part of the work that I do. When I cannot achieve justice through the law, I reach out to activist and journalist friends. I ask them to make evictions as uncomfortable as possible for the landlord.

With Moms 4 Housing I expected a long, complicated case, since the moms had never rented the property. We planned to grow the movement while the case progressed, but discovered that the landlord had an eviction pending on the property. I was able to delay the case by using protections that we had enacted years earlier, protections we wrote in response to previous actions by the same landlord. This landlord was regularly evicting tenants by pretending that he was a resident in the building and submitting paperwork to evict himself. This confused tenants and gave them less time to enter the case, so they would often get evicted without a hearing. We changed the law to allow the correct party to enter the case at any time by filling out a simple form, even if the sheriff was at their door. The form is called "CLAIM OF RIGHT TO POSSESSION," which really fit the spirit of our movement. In the section where we were supposed to clarify our claim to residency, we put "HOUSING IS A HUMAN RIGHT." The landlord kept insisting that what we were doing was illegal, but the police couldn't evict us until he showed up in court.

The landlord was terrified of losing more properties to secondary occupations. As the occupation went on, elected officials turned against the landlord. They saw him as the source of the problem, and wanted him out of the area. The landlord conceded to our demands in an attempt to preserve his location. There was so much more that could've happened, but the pandemic interrupted our efforts.

**ARB:** Were you surprised by the outcome of the case?

**LSW:** Every day that the occupation continued I was surprised. Every day we stayed was a victory. There is no precedent for American courts to enforce human rights laws. The United States never ratified the international law that recognizes housing as a human right [International Covenant on Economic, Social and Cultural Rights]. But human rights are supposed to be inherent, so it doesn't make sense to claim that laws don't recognize them. With this argument, we were able to keep the case going for long enough to gain the attention of the press and the local government.

**ARB:** Was there anything unique about the structure of the organization?

**LSW:** The collective met every day during the occupation, and worked to build consensus through discussion. All decisions were made on consensus, which required a lot of work.

It's a great example of an anti-racist organization where organized white people were effective in providing support for an action led by Black women. There were many white activists involved who had years of organizing experience, and were committed to ending white supremacy. They were actively involved, but they took support roles within the organization.

**ARB:** Like what?

**LSW:** During the occupation, the moms needed security 24/7 to prevent unexpected police intrusions. Having people on watch gave the moms the safety they needed to continue with the work of the occupation. Many white people were involved in this security work, creating a barrier between the police and the moms. Some white people also made financial contributions to the collective, which went towards bail funds and the eventual purchase of the house.

**ARB:** What changes do you hope to see?

**LSW:** We cannot continue to treat housing as a commodity, it must become a right. Capitalism has left us with more empty homes than unsheltered people, and the free market will never solve this problem. I hope that as we recover from the pandemic, we will build new systems that succeed in meeting people's needs. As the pandemic progresses, we need rent cancellation, and we should not be subsidizing landlords.



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<https://www.fifthestate.org/archive/408-winter-2021/housing-is-a-human-right>  
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