

## Adequate housing size as an element of the right to housing

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### **Summary**

States have a duty to ensure that their subjects have homes. Typically, fulfilling the right to a home will require the construction of new housing, a very GHG-intensive activity. Given that efforts to address the housing crisis will take place within the climate crisis, it may be necessary to build less by building smaller. In this paper, we provide a legally-grounded and theoretically-oriented approach to the question of how large a home needs to be for it to count as adequate from the point of view of the right to housing. We suggest how this framework might help us think about some questions about the physical characteristics and size of adequate housing, through a review of current practices.

### Key Takeaways:

- Our theoretical approach understands the right to a home, from the perspective of law, as entailing the right to have a space in which one can do the things that we do in our homes without being subject to the control of anyone else. This understanding of a home generates a conception of adequacy: a home counts as adequate only when it allows its inhabitant(s) to participate as an equal member of their society, in respect of the kinds of relations and activities that society associates with a home.
- Our survey of existing standards for minimum housing size showcases the diversity of existing practices. Some are quantitative and others qualitative. Functional standards focusing on what is done in a home (e.g., Scotland, New Zealand, Germany, and Sweden, as well as in certain housing design policies) are most closely aligned with our account, which grounds the idea of adequacy on the purpose of a home in a liberal democracy.
- Our analysis suggests that functional minimum space standards—which focus on what can be done in a space, rather than merely on how much space one has access to—best reflect the normative basis of the right to a home.
- In the context of the city of Toronto, our account of the right to a home indicates that 9m<sup>2</sup> seems too low a figure to qualify for an adequate housing size, as such a comparatively constrained living space would more likely than not express occupants' exclusion from the "normal" mode of housing.
- Innovative design will be essential to realizing the right to a home in a way that is cost-effective and that minimizes GHG emissions. Developing functional, rather than strictly quantitative, minimum standards for housing space will help Toronto and other jurisdictions meet the demands of the housing crisis in a way that reflects the important place of the home in any liberal democracy.