

ANALYTICAL PAPER

ON LAW OF UKRAINE
"ON THE FUNDAMENTAL PRINCIPLES OF HOUSING POLICY"
NO. 4751-IX OF 13 JANUARY 2026



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Council of Europe consultant,
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The document was prepared with financial support from the Council of Europe as part of the Council of Europe project “Facilitating housing solutions for the war-affected people in Ukraine. Phase II”, which is implemented under the Council of Europe Action Plan for Ukraine “Resilience, Recovery, and Reconstruction” 2023-2026.

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1. INTRODUCTION

The Law of Ukraine "On the Fundamental Principles of Housing Policy" (Law No. 4751-IX, hereinafter "UKL") was adopted by the Verkhovna Rada of Ukraine in January 2026 and signed by the President in February 2026. This Law defines the basic legal, economic, social and organisational principles of Ukraine's housing policy regarding the realisation of the right to housing, and the sustainable and efficient use of the housing stock.

Ukraine ratified the Revised European Social Charter (ESC) on 21 December 2006, accepting 76 of the 98 paragraphs of the Charter, which involves automatic incorporation into domestic law.¹ These include Articles 15, 16, 17, 23, 30, and 31.1 and 31.2. This Report examines these Articles, considering how the UKL addresses the standards arising from the Charter and the case law of the European Committee on Social Rights (ECSR). It considers the principles, safeguards and mechanisms necessary for a future social housing regulatory framework in Ukraine, and makes recommendations which will require legislative and institutional development, adequate investment, appropriate administrative arrangements and effective housing programmes.

2. PERSONS WITH DISABILITIES – ARTICLE 15

Article 15 ESC (right of persons with disabilities to independence, social integration and participation in the life of the community) requires that the needs of persons with disabilities be taken into account in housing policies, including the construction of an adequate supply of suitable public, social or private housing.² Financial assistance must be provided for the adaptation of existing housing, and organisations of persons with disabilities must be consulted in the design, review and implementation of measures affecting them.³ In its 2020 Conclusions, the ECSR requested information on progress made to phase out large institutions (including measurable targets, clear timetables and strategies to monitor progress), the proportion of accessible private, public and sheltered housing, financial assistance to adapt existing housing, as well as extent of persons with disabilities who live independently with support.⁴

Conclusion: Article 6(2) UKL takes a holistic view of the application of the right to housing, and includes "ensuring the inclusiveness of buildings, increasing the level of accessibility and ensuring unimpeded access for people with limited mobility" in accordance with the Laws of Ukraine "On the Fundamentals of Social Protection of Persons with Disabilities in Ukraine" and "On Regulation of Urban Development". Article 7(5) UKL enables local self-government, in specific situations, to provide replacement housing for persons with disabilities where existing housing does not meet accessibility standards.⁵ Section IV UKL amends other legislation granting servicemen, discharged disabled military personnel and their dependent family members special discounts on housing costs, and/or building plots. The UKL addresses issues of physical access to housing for people with limited mobility, but does not address key issues of deinstitutionalisation and the provision of housing for independent living for persons with disabilities.

Recommendations:

- To ensure that the housing needs of persons with disabilities are fully addressed in housing legislation, strategies, institutional and funding arrangements, as well as in assessments of housing need and in the types of housing produced in market and non-market sectors, to promote independent living for persons with disabilities.
- To consult organisations of persons with disabilities on the scope, design, allocations and other issues impacting persons with disabilities in legislation, strategies and action plans on housing.

¹ <https://www.coe.int/en/web/european-social-charter/ukraine>.

² Conclusions 2003, Italy, para 15.3.

³ Ibid.

⁴ ECSR Conclusions 2020 Ukraine, <https://rm.coe.int/rapport-ukr-en/1680a1c815>

⁵ See also Article 20(8).

3. RIGHT TO ADEQUATE HOUSING – ARTICLES 16 AND 31.1

Article 16 ESC addresses the rights of families to adequate housing, while Article 31.1 ESC requires States Parties to guarantee to everyone (not just families) the right to adequate housing.⁶ This requires States Parties to promote access to housing, in particular for different groups of vulnerable persons, such as low-income persons, unemployed persons, single-parent households, young persons, and persons with disabilities, including those with mental health problems.

Conclusion: These ESC obligations are largely reflected in the UKL. Articles 4, 6, 7, 12, 27 and 33 UKL guarantee the right to housing to everyone and "individuals" in housing need, including orphans and children deprived of care, through social or affordable housing provision, construction or purchase.⁷ The categories of eligible beneficiaries are set out broadly, including persons who do not have access to housing of a minimum standard, those in need of social protection, those forced from their homes, and other categories to be set out in law. These groups will have the right to receive affordable rented social or "affordable" housing based on a means test⁸, or the opportunity to buy or build their own housing.⁹ Service housing will also be provided for military personnel, police officers, civil defence personnel and members of their families, orphans, children deprived of parental care and other persons who have the right to receive free housing for ownership or use.¹⁰

Recommendations:

- To adopt legislation on the criteria and administrative arrangements for assessments of need for social and affordable housing, with transparent allocation policies which prioritise those in greatest need, including internally displaced people and other vulnerable groups, such as low-income persons, unemployed persons, single-parent households, young persons, and persons with disabilities, including those with mental health problems.
- To ensure that local housing strategies include specific targets for IDP housing integration, with ring fenced funding for IDP housing programmes.
- To ensure that all social and affordable housing developments include provisions for IDPs, with particular attention to single-parent households headed by women, unaccompanied children, and older displaced persons.

ADEQUACY

The "adequacy" requirement in Articles 16 and 31 ESC requires that dwellings must not be sub-standard, must have essential amenities, and must be of suitable size for the occupying family. In 2023, the ECSR raised the issue of legal requirements on minimum living space size, adequacy of the entire housing stock, level and frequency of inspections, action taken for non-compliance, and measures to house.¹¹ Regular social housing stock condition surveys are required.¹²

Conclusion: UKL refers to housing consumer quality, with forthcoming indicators on the comfort, safety, hygiene, energy efficiency and affordability of housing.¹³ Article 17 UKL refers to regulation of minimum standards in

⁶ Conclusions 2003, France.

⁷ Article 6 - The right to housing & Article 7 - Housing rights and obligations and Section II. REALISATION OF THE RIGHT TO HOUSING Chapter 4. General Provisions on the Exercise of the Right to Housing. See also Article 28 UKL. However, Article 33 UKL provides that this right is limited by the limits of available funding within the Budget Code of Ukraine and tasks set out in the State Strategy of Housing Policy. It is assumed that this will include families, although the actual term is used in the UKL only in relation to families of military, police and rescuers.

⁸ Article 6(5) provides that those whose housing has become unfit as a result of emergency situations, internally displaced persons and others who are in temporary housing will also be able to access these State supports, although dormitories may be used for temporary accommodation. See also Article 28.

⁹ Article 1.

¹⁰ Article 1(13).

¹¹ ECSR Conclusions 2023 Ukraine - <https://rm.coe.int/european-committee-of-social-rights-conclusions-2023-ukraine/1680b11a8c>

¹² International Federation for Human Rights (FIDH) v. Ireland. Complaint No. 110/2014. Decision on the merits 12 May 2017, §108

¹³ Article 1(18).

consumer quality of housing. Housing quality standards will address minimum requirements for total area, living space, operational, sanitary and hygienic and other characteristics of housing.¹⁴ Indicators will be developed on comfort, safety, hygiene, energy efficiency and affordability for permanent or temporary residence.¹⁵ Article 32(1) UKL states that the Unified Information-Analytical Housing System (UIAHS) will provide complete, reliable and up-to-date information on the housing stock of Ukraine and on individuals who can use state support to exercise the right to housing, as well as "monitoring compliance with the requirements of housing legislation".¹⁶ However, while the information systems may be in place through UIAHS, regular inspections, assessments and information updates on housing adequacy will be necessary, and these are most commonly undertaken at local level.

Recommendations:

- To legislate for enforceable minimum standards for housing quality, including living space, unit size, amenities, aspect, heating and insulation, overcrowding and other housing quality issues, requiring that these standards be met for all accommodation available for letting or purchase.
- To establish institutional arrangements at local level to monitor compliance with forthcoming legislation on statutory housing standards, including housing conditions, amenities and space standards.

DATA COLLECTION ON NEEDS AND ALLOCATIONS – UIAHS

Article 31.1 ESC requires adequate procedural safeguards and access to affordable and impartial judicial or other remedies and appeals in relation to access to housing.¹⁷ The ECSR has held that social housing should target, in particular, the most disadvantaged, that waiting periods for the allocation of housing are not excessive, and that such housing be provided without discrimination, particularly in respect of Roma or Travellers wishing to live in mobile homes.¹⁸ In its 2023 Conclusions, the ECSR stated that Ukraine was not in conformity with Article 16 ESC on the grounds that there is no adequate protection, both in law and in practice, for women in cases of domestic violence.¹⁹

Conclusion: Allocation criteria and practice must be objective, transparent and legally reviewable. Waiting list management should be standardised and regularly updated to reflect changes in applicants' circumstances. The means testing framework for social and affordable housing will require clear definitions of which forms of income and benefits are included or excluded. Regular updating of eligibility thresholds and accessible appeals mechanisms will also be necessary. Normally, the local authority is responsible for verifying eligibility according to established criteria, managing waiting lists and administering allocation systems.

The innovative UIAHS will be central to the collection, accumulation, protection, recording, display, processing and provision of information on the adequacy of the housing stock, as well as recording needs and allocations to persons who can benefit from state support for the exercise of the right to housing.²⁰ However, the UIAHS will also contain land registry and cadastre information and is likely to be central to the housing market. Given the scale and complexity of such a national system, and the challenges of maintaining and verifying up-to-date information on housing needs and conditions, as well as the ever-changing circumstances of persons seeking social housing, it is questionable whether this should be a national system or one which is kept and updated locally. Indeed, the practice in most EU States is for local authorities to collect this information, as they are primarily responsible for housing allocations and enforcing housing standards.

¹⁴ Article 1(8) and (10).

¹⁵ Article 1(18).

¹⁶ Article 32(2)(5).

¹⁷ Conclusions 2003, France.

¹⁸ International Movement ATD Fourth World v. France, Complaint No. 33/2006, decision on the merits of 5 December 2007, §131.

¹⁹ ECSR Conclusions 2023 Ukraine.

²⁰ Articles 1(9) and 31(1) which provides that it is mandatory for private, state and territorial housing stock to be registered with UIAHS.

Recommendations:

- To establish the housing needs and housing conditions elements of the UIAHS at local level, giving priority and institutional responsibility for collecting and updating this information to local authorities.
- To prioritise the needs of poor and marginalised groups in the allocation of social and affordable housing and data collection, to ensure that their needs are met, especially internally displaced people, Travellers and Roma, and victims of domestic violence.
- To create legislation with explicit prohibitions against discrimination in housing access and allocation, with clearly defined protected categories in line with the non-discrimination clauses of Article E ESC.

MONITORING AND ACCOUNTABILITY

The ECSR has stated that where the implementation of an ESC right is expensive (such as housing), States Parties should adopt the necessary legal, financial and operational means of ensuring steady progress towards achieving the goals, maintain meaningful statistics on needs, resources and results, undertake regular impact reviews, establish a timetable for achieving objectives, and pay close attention to the impact of the policies adopted on each category of persons concerned, particularly the most vulnerable.²¹

Conclusion: Effective implementation of housing policy requires robust monitoring and accountability mechanisms. At present, the UKL does not establish a comprehensive system for monitoring the delivery of housing programmes or assessing their outcomes – especially in relation to meeting the needs of those in greatest need. Many EU States have a national agency which provides such information annually and submits a Report to Parliament, which significantly strengthens government accountability. Independent oversight mechanisms, such as a Housing Ombudsman, could also play an important role in evaluating policy outcomes and ensuring transparency.

Recommendations:

- To create a statutory Agency or Agencies which monitor and report on implementation of housing policy and legislation, and which will submit an annual report to Parliament. This report would contain data on the number and types of housing units delivered, aggregated details (including income levels) of persons on waiting lists, rent levels, the functioning of social and affordable housing programmes, levels of homelessness, eviction statistics and other relevant indicators.
- To require that all forthcoming secondary legislation undergo human rights impact assessments, with consultation of civil society organisations and organisations representing vulnerable groups, prior to adoption.

4. CHILDREN – ARTICLE 17

Article 17 ESC on the right of children and young people to social, legal and economic protection, guarantees the right of children, including children in an irregular situation and unaccompanied minors, to appropriate accommodation.²² In its 2023 Conclusions, the ECSR found non-conformity with Article 17§1 on the grounds that Ukraine failed to provide information on measures taken to ensure that accommodation facilities for children in an irregular situation, whether accompanied or unaccompanied, were appropriate and adequately monitored, and on assistance given to unaccompanied children to protect them from abuse and exploitation.²³

Conclusion: The UKL does not specifically address housing for children, but they would presumably be entitled to the housing rights of their families. Section IV UKL amends other laws²⁴, providing that upon expiration of the term of care, the state will provide orphans and children deprived of parental care with

²¹ FEANTSA v France, Complaint No. 39/2006, decision on the merits of 5 December 2007 §56.

²² EUROCEF v France Complaint No. 114/2015.

²³ ECSR Conclusions 2023 Ukraine – <https://rm.coe.int/european-committee-of-social-rights-conclusions-2023-ukraine/1680b11a8c>

²⁴ Article 33 of the Law of Ukraine "On Ensuring Organisational and Legal Conditions for Social Protection of Orphans and Children Deprived of Parental Care" (2005).

improved housing for permanent residence or social housing within one month. Orphans and children deprived of parental care, upon reaching the age of 23, will not lose the right to receive improved housing or social housing on a priority basis until they are provided with permanent residence, or can participate in financial and credit mechanisms to build, buy or rent.

Recommendation:

- To ensure that the needs of children are included in all Housing Strategies and are recorded in the UIAHS data collection system, especially unaccompanied minors and others leaving care, so that they can be fairly allocated social housing.

5. OLDER PEOPLE – ARTICLE 23

Article 23 on the rights of elderly persons to social protection, requires States to enable elderly persons to choose their lifestyle freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of provision of housing suited to their needs and their state of health, or adequate support for adapting their housing. In its 2021 Conclusions, the ECSR recalls that Article 23 provides that measures should be taken to enable older persons to lead independent lives in their familiar surroundings. This requires States to make adequate provision for independent living, including housing suited to their needs and state of health, as well as the necessary resources and supports.²⁵ The ECSR requested information on how the needs of older persons are taken into account in national or local housing policies and strategies, as well as on the supply of sheltered/supported housing and the range of accommodation options for older persons. States Parties are expected to ensure that the supply of adequate housing for older persons is sufficient and to make measurable progress within a reasonable timeframe, consistent with the maximum use of available resources. There also needs to be reasonable waiting periods to access housing options for older persons; unreasonably long periods in temporary shelter are in violation of the Charter.²⁶

Conclusion: The UKL does not make any reference to housing or independent living for older people.

Recommendations:

- To ensure that Housing Strategies and subsequent legislation specifically address the housing needs of older people, including opportunities for independent living and limitations on institutional accommodation.
- To ensure that the UIAHS system records details of housing needs and allocations for older people.

6. OVERALL AND COORDINATED FRAMEWORK TO ADDRESS SOCIAL EXCLUSION AND POVERTY – ARTICLE 30

Article 30 ESC requires an overall and coordinated framework to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to housing. In its 2021 Conclusions, the ECSR held that the situation in Ukraine was not in conformity with Article 30 ESC on the ground that there was no adequate overall and coordinated approach in place to combat poverty and social exclusion. The ECSR asked for detailed information demonstrating that the budgetary resources allocated to combating poverty and social exclusion were sufficient in view of the scale of the problem at hand.²⁷

²⁵ European Committee of Social Rights Conclusions 2021 Ukraine. <https://rm.coe.int/conclusions-2021-ukraine-en/1680a5da23>

²⁶ Council of Europe, Rights of older people Article 23 of the Revised European Social Charter FACTSHEET. <https://rm.coe.int/prems-013225-gbr-2005-factsheet-on-older-persons-a5-charter-a5-web-fin/488029ae10>

²⁷ European Committee of Social Rights Conclusions 2021 Ukraine. <https://rm.coe.int/conclusions-2021-ukraine-en/1680a5da23>

Conclusion: Steps towards such a coordinated approach required under Article 30 ESC are evident in Article 4 UKL. This sets out the principles, goals and objectives of Ukrainian housing policy, based on transparency and public participation, freedom of choice, fairness and equal access to housing for everyone, strategic planning, social integration and economic efficiency. Article 4(1)(7) UKL establishes important policy objectives, including social integration, mixed income communities, social inclusion and mobility, prevention of poverty concentration and promotion of socio economic and cultural diversity. Housing policy will be implemented through programme documents that define long-term priorities, tasks, implementation mechanisms, sources of funding, expected results and performance indicators.²⁸ This includes the State Housing Policy Strategy²⁹, as well as regional and territorial strategies. While such strategies can articulate, through detailed action plans, the realisation of socioeconomic and cultural diversity, thereby ensuring that social housing – and housing generally – fostering community cohesion rather than advancing exclusion or segregation, this needs to be anchored in legislation.

Recommendations:

- To legislate for social inclusion to be mandatory within all housing policies and strategies, planning laws and policies, and to be integrated into all public, or part public funded housing developments.
- To consult with organisations working with people experiencing social exclusion and poverty in drafting housing legislation and strategies and include these categories in Annual Parliament Report on the implementation of the Housing laws.
- To ensure that the social inclusion objective is incorporated across the housing system as a whole, the regulatory framework must mandate the incorporation of social and affordable housing (with the same standards) within mainstream planning processes through mixed income development policies, inclusionary zoning ordinances, and guaranteed equitable access to infrastructure and public services.

FUNDING, INSTITUTIONAL CAPACITY AND SOCIAL HOUSING PROVIDERS

Chapter 2 UKL sets out arrangements for dedicated and ring fenced State, territorial and local housing funds, created from state and local budgets, international donors, state owned and municipally owned business entities, funds from banks, state trust funds, credit resources provided under state and local guarantees, voluntary contributions from individuals and legal entities, and other sources not prohibited by law.³⁰ These "revolving housing funds", replenished with rents from social and affordable housing, repayments of loans to home buyers, and income from sales, could ensure long-term sustainability of social and affordable housing provision.³¹

Conclusion: Ukraine currently lacks a well-developed institutional framework for public, cooperative or non-profit rental housing provision. Existing provision is fragmented and largely limited to municipal actors and legacy cooperative structures.³² However, under UKL, State authorities or local self government bodies may establish entities for the purpose of implementing housing programmes, construction and operation of housing, and management of the housing stock.³³ This UKL commitment to establishing social and affordable housing operators will require additional legislation creating accreditation and registration procedures, regulatory supervision mechanisms and governance standards. These could operate at national, regional or local level, and be related to different aspects of regulatory and supervisory functions. Capacity building, professional training and dissemination of good practice models will also be essential to ensure the effective development and management of social housing.

²⁸ Article 8(1).

²⁹ Article 8(2).

³⁰ Article 14(2).

³¹ Article 1(15).

³² Housing Europe, The State of Housing in Europe 2025 – Ukraine.

https://www.housingeurope.eu/wp-content/uploads/2025/10/ukraine_the_state_of_housing_in_the_eu_2025_digital.pdf

³³ Article 9(8).

Social housing operators may enter contracts with private providers in accordance with the Law of Ukraine on Public-Private Partnerships.³⁴ Articles 1(11) and 25 UKL provide that affordable housing operators (who can be for-profit organisations) can receive preferential long-term loans, international assistance funds, grants and compensations as well as loan guarantees. While such cooperation can mobilise investment and expertise, governance arrangements should ensure that publicly supported housing remains affordable and continues to serve long-term social objectives. Maintaining the long-term availability of social housing will be important to ensure that public investment continues to support households experiencing housing need.

There is a risk that these public subsidies and funds may not be fully protected in the long term. Policy safeguards ensuring that social housing assets remain dedicated to their social purpose may therefore play an important role in the sustainability of the system. While social housing is "mission protected" in UKL³⁵, the effectiveness of this framework will depend on clear governance standards, financial sustainability and regulatory oversight to ensure that housing assets remain dedicated to their social purpose over the long term. Any private leasing or public-private partnership arrangements for social housing must result in ultimate ownership of the land and housing by the non-profit provider, to avoid dissipation of public funds and resources.

The provisions of the framework UKL broadly address the obligations under Article 30, but will require significant institutional development as well as ongoing monitoring to ensure that strategies, policies and procedures are in line with a coordinated approach to combatting poverty and social exclusion. International experience demonstrates that physically separating social and affordable housing from mainstream "private" or "market" housing development can result in the residualisation and ghettoisation of social housing. Such patterns have been observed in many jurisdictions, and have produced long-term social and economic disadvantages, including the creation of a housing and social underclass. Transitional arrangements for addressing service housing will also require careful policy design.

Recommendations:

- To ensure that sufficient funds are made available annually to address housing needs.
- To facilitate access to land for non-profit social housing developers through strategic land policies, including public land banking and inclusionary zoning requirements that capture increased land value for community benefit.³⁶
- To legislate for the accreditation, registration, regulation and supervision of social and affordable housing operators, establishing effective supervisory institutions and arrangements in line with European best practice.
- To provide funding, support and technical assistance to agencies/organisations offering training, support, capacity building and other resources to social and affordable housing operators.
- To legislate for the protection of public funds and subsidies in housing, protecting social assets and long-term affordability, and prohibiting discounted sales which diminish the scale and viability of social housing.
- To legislate that any public-private partnerships or leasing schemes for social housing will result in the ultimate ownership and control of the housing and land by the social housing operator, the State, or the local authority, thus creating a public investment rather than a dissipation of funds or subsidies.
- To legislate for security of tenure, protection from arbitrary eviction, clarity on maintenance and repairs obligations, and tenant participation within standardised and fair tenancy agreements.

³⁴ Article 9(3).

³⁵ Article 29(15) states: It is not allowed to change the purpose of social housing of state and communal ownership, as well as social housing owned by the social housing operator. In the event of alienation of social housing, the designated purpose of such housing is preserved. It is prohibited to alienate social housing of state and communal ownership, as well as social housing owned by the social housing operator, in favour of entities other than the state, territorial community or social housing operator.

³⁶ UNECE (2021) UNECE Report Housing2030: Effective policies for affordable housing in the UNECE region. p. 42.

https://unece.org/sites/default/files/2021-10/Housing2030%20study_E_web.pdf

TENANT PARTICIPATION

Modern social housing systems increasingly incorporate tenant participation as a key component of sustainable housing management and social inclusion. International standards recognise that tenant involvement can improve housing governance, strengthen accountability and contribute to better housing outcomes. The Tenants' Charter of the International Union of Tenants emphasises the importance of incorporating tenants' perspectives into housing management and decision-making processes, as well as policy-making.³⁷ Similarly, the UNECE Housing2030 report highlights both the benefits and the practical challenges associated with tenant participation.³⁸

Recommendation:

- To develop, support and fund mechanisms that allow meaningful tenant engagement and participation in the management, maintenance and policy making on issues which affect tenants.

7. HOMELESSNESS – ARTICLE 31.2

Article 31.2 ESC requires States to take measures designed to prevent and reduce homelessness with a view to its gradual elimination. Reducing homelessness implies the provision of immediate shelter and care for homeless people, and measures to help such people overcome their difficulties and prevent a return to homelessness.³⁹ There is an obligation on States Parties to take action to prevent categories of vulnerable people from becoming homeless.⁴⁰ The ESC also obliges States Parties to set up procedural safeguards to limit the risk of evictions – even in cases of illegal occupancy.⁴¹ When evictions do take place, they must respect the dignity of the persons concerned, not be carried out at night or during the winter period, and when justified by the public interest, authorities must adopt measures to re-house or financially assist the persons concerned.⁴²

Conclusion: A key commitment is set out in Article 4(2)(1) UKL, which states that one of the main priorities of housing policy is preventing and overcoming homelessness, but does not specify the models, funding arrangements or data systems required to achieve this. Article 33(2) UKL provides that no one may be evicted from occupied housing except by a court decision, and on grounds and manner prescribed by law –in line with ESC obligations⁴³ – although this also requires authorities to provide alternative accommodation to avoid homelessness.

Eviction, relocation and resettlement of persons who are parties to a dispute over the grounds for their eviction and/or their residence in housing is prohibited until such dispute is resolved in a pre-trial or court procedure in accordance with the law, except in emergencies. Evictions from State housing can only take place for reconstruction, restoration or overhaul of housing if the work cannot be carried out without eviction of the tenant. However, evictions in practice can involve a multi-stage process, and the obligation to prevent evictions into homelessness will require agencies and support systems for vulnerable tenants and others.⁴⁴ This will require the creation of agencies to act pre-emptively by intervening in eviction processes, providing support and resources, as well as ensuring that the standard of homeless accommodation is high and households do not remain in homeless institutions and shelters, to ensure that obligations are met in every case of potential eviction.

³⁷ International Union of Tenants, The Tenants Charter (IUT, 2003) Part VI, available at <https://www.iut.nu/about-iut/the-tenants-charter/>

³⁸ UNECE (2021) UNECE Report Housing2030: Effective policies for affordable housing in the UNECE region. p. 42.
https://unece.org/sites/default/files/2021-10/Housing2030%20study_E_web.pdf

³⁹ Conclusions 2003, Sweden.

⁴⁰ Conclusions 2003, Sweden; Conclusions 2005, Lithuania; Conference of European Churches (CEC) v. the Netherlands, Complaint No. 90/2013, decision on the merits of 1 July 2014, §136

⁴¹ Ibid.

⁴² Ibid.

⁴³ European Roma Rights Centre (ERRC) v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §24.

⁴⁴ The ECSR has requested information on the measures taken to prevent categories of vulnerable people from becoming homeless and to reduce the number of persons in a situation of homelessness, and on the number of homeless persons; the availability and adequacy of shelters/emergency accommodation; whether the law prohibits eviction from shelters/emergency accommodation without the provision of alternative accommodation. <https://rm.coe.int/european-committee-of-social-rights-conclusions-2023-ukraine/1680b11a8c>

In relation to eviction and homelessness, reliance solely on lengthy court procedures may not provide effective protection for vulnerable households. Many countries have introduced specialised tenancy dispute resolution bodies that allow early intervention and rapid resolution of landlord-tenant disputes, including support and mediation agencies. Such institutions can help prevent unnecessary evictions and ensure that alternative accommodation is available when eviction cannot be avoided. Local and national authorities should support the "Housing First" approach to addressing homelessness.⁴⁵

Recommendations:

- To integrate homelessness into both social and housing department agendas with Inter Departmental Working Groups between Housing and other Ministries, developing specific Strategies on homelessness.
- To establish a specialised tenancy dispute resolution body which will act to prevent homelessness arising from evictions, with statutory decision-making powers, setting out obligations for notifications and ensuring intervention by social services in all cases before any court decision to evict is taken. This agency would also provide early intervention, mediation and expeditious decision-making in tenancy disputes, to ensure that evictions, when unavoidable, are conducted in a manner respecting human dignity, prohibiting evictions during night time or winter months and ensuring adequate notice periods.
- To provide training for court staff and others involved in the eviction process on the State's human rights obligations, including requirements for proportionality assessments and the provision of alternative accommodation.
- To adopt the Housing First model in relation to homelessness in Housing Strategies and provide sufficient stock and funding for its success.
- To establish a national homelessness data and monitoring system, disaggregated by region, demographics, and pathways into homelessness (including displacement, institutional discharge, eviction, and domestic violence).
- To require local authorities to develop homelessness prevention and reduction strategies, with specific targets and annual reporting to Parliament.

8. AFFORDABILITY OF HOUSING – ARTICLE 31.3

While Ukraine has not adopted Article 31.3 ESC on guaranteeing an adequate supply of affordable housing for persons with limited resources, nevertheless, the ECSR in its 3rd Report on Non-Accepted Provisions of the Charter set out some valuable standards.⁴⁶ According to Ukrainian law at the time, the social housing payment must not exceed 20% of the total income of the tenant and his/her family members living with him/her. The ECSR stated that in order to establish that measures are taken to make the price of housing accessible to those without adequate resources, States Parties must demonstrate not the average affordability ratio required of all housing applicants, but rather that the affordability ratio of the poorest housing applicants is consistent with their level of income.

Conclusion: The UKL states that an "affordable rent" covering rent and communal services will be based on a household means test, taking into account the benefits, guarantees and subsidies to which they are entitled.⁴⁷ This cost-rental approach is an accepted European good practice, with rents and other supports at a level to ensure sustainable long-term management, maintenance and repair. The UKL provides the means to operate such a cost-rental model in Ukraine.

Recommendations:

- To legislate for means-tested long-term affordable rents in social housing, while enabling the sustainable management and maintenance of the housing stock, reflecting principles similar to cost-rental systems used in several European housing models. This cost based model should be complemented by adjustable forms of rent assistance payable to the tenant.

⁴⁵ Recommendation 534 (2025) of the Congress of Local and Regional Authorities of the Council of Europe on Addressing the housing crisis in European cities through social housing innovations.

[https://search.coe.int/cm/#\[%22CoEIdentifier%22:\[%220912594880291e2e%22\],%22sort%22:\[%22CoEValidationDate%20Descending%22\]}](https://search.coe.int/cm/#[%22CoEIdentifier%22:[%220912594880291e2e%22],%22sort%22:[%22CoEValidationDate%20Descending%22]})

⁴⁶ <https://rm.coe.int/3rd-report-non-accepted-provisions-ukraine-2021-en/1680a67c05>

⁴⁷ Articles 1(17) and 29(4) UKL. Income from rents is ring fenced for acquisition, disposal and management of social housing. Article 29(7) provides that social housing may also be provided through a lease from private housing stock, with an equivalent affordable rent for tenants, although this will not facilitate the cost-rental model.

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