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**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**

8 April 2021

Case Document No. 4

**European Federation of National Organisations Working with the Homeless
(FEANTSA) v. the Czech Republic**
Complaint No. 191/2020

SUBMISSIONS OF THE GOVERNMENT ON THE MERITS

Registered at the Secretariat on 29 March 2021



THE CZECH REPUBLIC

OBSERVATIONS OF THE GOVERNMENT ON THE MERITS
OF THE COLLECTIVE COMPLAINT

FEANTSA v. the CZECH REPUBLIC
(No. 191/2020)

PRAGUE

28 MARCH 2021

1. In its letter of 18 December 2020, the European Committee of Social Rights (“the Committee”) notified the Government of the Czech Republic (“the Government”) that on 9 December 2020, the above collective complaint lodged by the European Federation of National Organisations Working with the Homeless (FEANTSA) non-governmental organisation (“the complainant organisation”) against the Czech Republic, registered under number 91/2000, had been declared admissible. Concurrently, the Committee invited the Government to provide their observations on the merits of this collective complaint.

THE LAW

I. SUMMARY OF THE COMPLAINANT ORGANISATION’S CLAIMS

2. Before the Committee, the complainant organisation claims a violation of Article 16 of the European Social Charter (“the Charter”), read alone or in conjunction with the Preamble of the Charter, caused by the allegedly unsatisfactory housing and social policies and also the Czech legislation and practice concerning the affordability of housing.

3. The complainant organisation claims, in particular, that:

- housing is not affordable and sustainable because of the absence of a social housing law guaranteeing the right of access to adequate housing for poor households and because of the restrictions on the payment of welfare benefits in the area of housing;
- domestic legislation on short-term lettings of properties does not provide safeguards for the sustainability of housing and sufficient protection against the forced eviction of people living in hostels;
- the introduction of the possibility to designate an area as an area with increased occurrence of socially undesirable phenomena, referred to as housing benefit ineligible zones, or non-benefit areas, has a negative impact on housing availability;
- the situation of the social and racial segregation of Roma people is intensifying and the number of socially excluded localities is rising; and
- social control measures, such as the legislation on registered permanent residence, have a negative impact on the effective exercise of certain people’s rights in the area of housing.

4. In the following, the Government comment on each of these claims in detail, summarising the State’s obligations under Article 16 of the Charter in this context before that.

II. DOMESTIC LAW

(i) Act No. 117/1995 on State Welfare Support, as amended ("the Welfare Benefits Act")

5. Section 24(1) lays down that a housing allowance (*příspěvek na bydlení*) is due to the owner or tenant of a flat if *a*) the housing costs exceed the product of the applicable income of the owner/the tenant and the persons assessed together with them and a coefficient of 0.30; in Prague, the coefficient is 0.35; and at the same time *b*) the product of the applicable income and the coefficient 0.30, in Prague 0.35, is not higher than the amount of the normative housing costs.

6. Housing costs include the rent and the costs of utilities and services.

7. In their regulations, the Government set out every year the amount of the 'normative costs' that make up the maximum justified costs for calculating the amount of the welfare benefit and that include the various housing cost items. Normative costs are determined as the average total costs of housing depending on the size of the municipality and the number of the household's members. They are calculated based on the average consumption of services and utilities and the reasonable size of the flats for the particular number of persons residing in them permanently. Normative costs evolve with the development of consumer price indexes.

(ii) Act No. 111/2006 on Assistance for those in Material Need, as amended ("the Assistance for those in Material Need Act")

8. Under section 33(1), a housing benefit (*doplatek na bydlení*) is due to the flat owner who uses the flat or to another individual who uses the flat under a contract, decision or other legal grounds, if, net of the justified housing costs reduced by the housing allowance under a different law, *a*) the income of the owner of the flat or another individual who uses the flat plus the paid allowance for living (*příspěvek na živobytí*) is lower than the subsistence amount of an individual, which is determined in section 24, or *b*) the income of the collectively assessed individuals plus the paid allowance for living is lower than the subsistence amount of the collectively assessed individuals within the meaning of section 24; at the same time, the use title to the flat must be proved by a written document, while a solemn declaration does not suffice for this purpose.

9. A precondition for becoming entitled to a housing benefit is concurrently becoming entitled to an allowance for living. The entitlement to a housing benefit can also be granted despite failure to meet this condition, specifically in view of the overall social and financial situation of the individual who has not been granted an allowance for living on the grounds that the income of the individual and the individuals assessed therewith has exceeded the subsistence amount of the individual and the individuals assessed therewith, but has not exceeded 1.3 times the subsistence amount of the individual and the individuals assessed therewith.

10. Under section 33(9), no entitlement to a housing benefit arises if the flat or the lodging facility is located in an area with an increased occurrence of socially undesirable phenomena declared in a 'measure of a general nature' under sec-

tion 33d. The provision in the first sentence shall not be applied to the cases where the ownership right or the use title to the flat, to the ‘space other than dwelling space’ under the first sentence of subsection (6) or to the lodging facility came into existence before the issuance of the measure of a general nature under section 33d.

11. Under section 33d, the municipality within the limits of which areas with an increased occurrence of socially undesirable phenomena are located can request the authorised municipal district office within the district of which these areas are located to issue a measure of a general nature promulgating areas with an increased occurrence of socially undesirable phenomena. The request must contain: *a)* the identification of the areas with an increased occurrence of socially undesirable phenomena, and *b)* reasoning clarifying what it regards as an increased occurrence of socially undesirable phenomena; an increased occurrence of socially undesirable phenomena is understood to be, in particular, but without limitation, the disturbance of public order, negative impacts on children, the presence of substance users, etc.

III. OBLIGATIONS ARISING FROM ARTICLE 16 OF THE CHARTER

12. Article 16 of the Charter reads as follows:

“With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.”

13. As the Committee has explicated in its previous case law, Article 16 of the Charter guarantees the right to decent housing to families. In order satisfy Article 16 states must promote the provision of an adequate supply of housing for families, take the needs of families into account in housing policies and ensure that existing housing be of an adequate standard and include essential services (such as heating and electricity). Dwellings must also be of suitable size considering the composition of the family in residence [*European Roma Rights Centre (ERRC) v. Greece*, Complaint No. 15/2003, Decision on the Merits of 8 December 2004, § 24].

14. Similarly as Article 31 of the Revised Charter, the right to housing within the meaning of Article 16 of the Charter imposes positive obligations on the Parties. Articles 16 and 31, though different in personal and material scope, partly overlap in several areas relating to the right of families to housing. In this respect, the provisions for adequate housing and forced eviction are identical under Articles 16 and 31 [*Centre on Housing Rights and Evictions (COHRE) v. Italy*, Collective complaint No. 58/2009, Decision on the Merits of 25 June 2010, § 115].

15. However, in the light of the Committee’s case law Article 16 of the Charter does not impose on states an obligation of “results”, but only an obligation of means for the gradual fulfilment of that right using the means earmarked for that by and available to the State [*European Federation of National Organisations*

Working with the Homeless (FEANTSA) v. France, Complaint No. 39/2006, decision on the merits of 5 December 2007, §§ 52–53].

16. However, the rights recognised in the Social Charter must take a practical and effective, rather than purely theoretical, form (*International Commission of Jurists v. Portugal*, Complaint No. 1/1998, decision on the merits of 9 September 1999, § 32). This means that, for the situation to be compatible with the treaty, states party must (i) adopt the necessary legal, financial and operational means of ensuring steady progress towards achieving the goals laid down by the Charter; (ii) maintain meaningful statistics on needs, resources and results; (iii) undertake regular reviews of the impact of the strategies adopted; (iv) establish a timetable and not defer indefinitely the deadline for achieving the objectives of each stage; and (v) pay close attention to the impact of the policies adopted on each of the categories of persons concerned, particularly the most vulnerable, including families at risk of eviction and poverty [*European Federation of National Organisations Working with the Homeless (FEANTSA) v. France*, Complaint No. 39/2006, decision on the merits of 5 December 2007, § 54].

IV. AFFORDABILITY AND SUSTAINABILITY OF HOUSING

A) THE COMPLAINANT ORGANISATION'S CLAIM

17. The complainant organisation points out, first of all, the insufficient affordability and sustainability of housing. It claims that the absence of a social housing law that would safeguard poor households' right and hence also access to adequate housing amounts to a violation of Article 16 of the Charter. It does not regard the Government's subsidy and lending schemes in support of the procurement, construction, and refurbishment of the social housing stock as an adequate substitute for such law, because they fail to ensure the required number of social and affordable flats. It notes that some municipalities have adopted measures to provide social housing on their own, but are doing so without any help from the Government and lacking the required knowledge of the number of people in housing need, where only a negligible portion of the social flats available to them has been provided to people in need.

18. It also points to the State's current approach to social housing, which is based on financial contributions in the form of housing-related welfare benefits intended to cover the housing costs. It claims that between 2015 and 2018, the number of the paid housing-related welfare benefits decreased dramatically, which has resulted in some families having fallen even further into poverty.

B) THE GOVERNMENT'S COMMENTS ON THE MERITS OF THIS CLAIM

19. The Government would note up front that Article 16 of the Charter does not commit a Party to any specific results, such as ensuring a flat for everyone, but obliges it to adopt means of ensuring steady progress towards achieving the goals laid down by the Charter, in this case, specifically, affordable housing for families.

20. In the light of the above obligations stemming from Article 16 of the Charter, in the following the Government shall clarify that the Czech Republic *(i)* knows its population's housing needs, *(ii)* has specific plans and strategies for gradually satisfying these needs with a view to ensuring affordable housing, *(iii)* that these plans are actually being carried out, i.e. progress is not being deferred indefinitely, while *(iv)* regular reviews of the pursuance of the plans or strategies in social housing are undertaken together with reviews of the impact of the policies adopted in order to identify potential problems, and steps are taken to remedy them with a view to ensuring steady progress towards ensuring affordable housing for all people, including families with children.

21. The Government remark by way of introduction that the development of the affordability of housing, the tackling of housing shortage, and preventing loss of housing constitute an extensive and comprehensive issue that cannot be addressed by a single instrument but only a suite of interconnected elements and well-working cooperation between the players at all levels. To address the housing situation, the Government are already using a broad array of tools, ranging from legislative and financial to social and guidance tools. These housing-related tools of the State include, for example, legislation on rental tenancies, tools of financial support in the form of welfare benefits for households to retain their housing, investment instruments of the State's housing policy geared towards social housing, provision of social work and services by municipalities and Regions, and the State's financial and guidance support for municipalities provided with a view to ensuring affordable housing.

22. In this respect the Government emphasise that the selection of the ways and means through which the right to the housing of families within the meaning of Article 16 of the Charter is being progressively pursued falls within the Parties' margin of appreciation. They therefore dismiss the suggestion that the very fact of failure to adopt the originally intended social housing law amounts to a breach of Article 16 of the Charter. The Government note that the State is taking a number of steps to ensure access to housing, taking into account its population's needs. As shown below, the fact that no social housing law has been adopted is, moreover, reflected in the new *Affordable Housing Concept 2020–2025*, which is being developed now and which responds to the latest developments in housing in the Czech Republic.

(i) Housing-related needs of the Czech Republic's population

23. Through the Ministry of Labour and Social Affairs ("MoLSA") and the Regional Development Ministry ("RDM"), the Government have long been surveying the situation in and the availability of housing. More detailed mapping took place during the drafting of *The Czech Republic Social Housing Concept 2015–2025* and the social housing bill in 2016–2017, which were both premised on that data. On the basis of the problems identified during the analytical phase of the preparations, the objectives of the Concept were determined (see § 36 below).

24. The main housing-related problems that were identified during the development of the Concept and to which it responds include primarily the heavy burden on some households caused by housing costs; shortage of affordable housing for certain groups of people; insufficient evaluation of the effectiveness of the housing policy's instruments; ineffectiveness and hence fragmentation of the various public transfers; insufficient allocation of responsibilities to the various players in the social housing area; the rising prices of electricity, heating and water and hence pressure to reduce their consumption; demographic changes consisting in the declining number of young families and, on the contrary, the rising number of older generation households; insufficient performance of the State's redistribution role in respect of housing needs; insufficient emphasis on the growing danger of social and spatial segregation; absence of preventive measures to avoid the emergence of social and spatial segregation; and limited public funds.

25. *The Czech Republic Social Housing Concept 2015–2025* is premised on, inter alia, the data of the MoLSA's survey in 2015. It showed that in the Czech Republic, municipalities with extended competences estimated almost 119,000 people who were facing loss of housing, i.e. living in unfit and insecure housing.¹ The total number of homeless people within the meaning of ETHOS (European Typology of Homelessness and Housing Exclusion) was estimated at almost 68,500. This definition includes both people living rough (roofless), and houseless people who are unable to find other housing and therefore live in hostels or in some other accommodation provided by social services (homeless hostels or halfway homes), and also people living in insecure accommodation, including victims of domestic violence, and also people living in unfit housing.

26. This survey was conducted in 2015 as online questionnaire polling of municipalities with extended competences and administrative municipal districts of Prague. Its primary purpose was to map the then current situation in municipalities with extended competences from the perspective of the prevention, occurrence, and addressing of homelessness. The survey approached 227 municipalities. The questionnaire was to be completed by municipalities' social workers, including social custodians, or other employees tasked also with the homelessness issue. The general objective of the survey was to collect data illustrating municipal employees' current attitudes to the tackling of the homelessness issue and also the extent of municipalities' involvement in the addressing and prevention of loss of housing in local conditions. The MoLSA also uses the results of the survey to formulate the subsequent steps as part of implementing the measures in the *Strategy for Preventing and Tackling Homelessness Issues in the Czech Republic until 2020*, in particular in social work, social services, and social housing.

27. The survey shows that up to 23.6% of homeless people were women, 11.9% were people under 18, and 10.3% were people over 65. The highest estimates of the number of people without housing were in the Moravian Silesian Region with

¹ The evaluation of the survey of tackling homelessness in municipalities with extended competences is available [here](#).

its purportedly almost 14,000 people, then in Prague with approximately 9,500 people. Most of the people without housing are citizens who have permanent residence in the place in which they actually live. However, according to available data it is just the opposite in Prague and the Plzeň Region. Municipal authorities' social workers consider that the most frequent reasons for and causes of homelessness are indebtedness, alcoholism, unemployment, and the lack of low-cost housing. At the same time, 90% of the municipalities cited social work as the tool to tackle the homelessness issue. But it should not be the only tool; from the information provided by the respondents the Government can deduce a need of cooperation between municipal authorities with devolved authority acting on behalf of central government and municipal self-governments and the need to boost the housing policy's instruments, i.e. the required housing capacities.

28. On the basis of the data provided by the RDM it is estimated that the situation of approximately 62,000 to 65,000 households requires the provision of social flats. This estimate was made using the methodology of market failure in the area of housing, based on the available data and authored by Sociologický ústav Akademie věd České republiky (Institute of Sociology of the Czech Academy of Sciences)² and estimates received from the Office of the Government and the Agency for Social Inclusion.

29. The housing situation continues to be surveyed. In 2018, the MoLSA and Výzkumný ústav práce a sociálních věcí (Research Institute for Labour and Social Affairs) designed a survey called *Census of Homeless People in the Czech Republic 2019*, which was carried out in 403 municipalities in April 2019.³ The purpose of the survey was to present the results of the so far most comprehensive general census of homeless people in the Czech Republic. This data source contains information about the numbers of people in housing need, categorised under the ETHOS as roofless people and houseless people (without a home). One of the key findings was the estimate of the total number of roofless persons and selected categories of houseless persons under ETHOS, specifically a total of 23,830 persons in the Czech Republic. Of those, 2,600 persons were under 18. The largest number of people without a home included in the categories being counted lived in the Moravian-Silesian Region (approximately 3,540), in Prague (approximately 3,250), and the South Moravian Region (2,450). The whole roofless category was counted, i.e. people living rough and people in night shelters. In the houseless category, only people accommodated in homeless hostels (including women's shelter accommodation), halfway houses and municipal hostels, as well as those in penal and medical institutions who had no other accommodation to which they might return following their release were counted. The researchers did not count persons staying in private temporary accommodation, minors who were due to leave institutional or foster care

² Methodology of market failure in the area of housing. Sociologický ústav Akademie věd České republiky, 2017. Available [here](#).

³ Summary of key findings available [here](#). The whole publication *Census of Homeless People in the Czech Republic* is available [here](#). Some other surveys on the issue of social housing are posted on the website of the MoLSA project [here](#).

with nowhere to go, or persons in refugee facilities. These remaining categories of people in inadequate housing are to be counted in 2021. The COVID-19 pandemic may cause a slight delay. In some parts of the country, the 2019 census will be replicated to identify changes over time.

30. The results of all the surveys provide important information for implementing the State's social and housing policies, and they are also made available to both experts and the general public.

(ii) The Czech Republic's strategies for ensuring affordable and sustainable housing and their implementation

31. The Czech Republic's housing-related plans and strategies geared towards ensuring affordable and sustainable housing for its citizens, including families with children, are contained primarily in the following strategic papers: *The Czech Republic Social Housing Concept 2015–2025*; *The Czech Republic Affordable Housing Concept 2020–2025*, which is currently being discussed and which is to replace the *Social Housing Concept*; *The Social Inclusion Strategy 2014–2020* and the follow-up *Social Inclusion Strategy 2021–2030*, *The Strategy for Preventing and Tackling Homelessness Issues in the Czech Republic until 2020*, *The Czech Republic Housing Strategy until 2020* and *The Family Policy Strategy from 2017*. It is as part of implementing these strategies, which are mutually complementary, that measures are being adopted with a view to ensuring affordable and sustainable housing.

32. In the following, the Government shall describe in detail *The Czech Republic Social Housing Concept 2015–2025* as the key strategic paper on housing affordability, and outline the success achieved in pursuing its objectives. They shall also inform the Committee about additional strategic papers in this area.

a) Social Housing Concept 2015–2025

33. In 2015, the Government approved *The Czech Republic Social Housing Concept 2015–2025*, which contains the guiding and strategic assumptions for tackling the issue of a rising number of people who directly face or are in housing need.

34. The Concept's pivotal vision is creating a social housing system that will follow up on the already applied system of interventions by the State, Regions, and municipalities in housing, social services and welfare benefits, and responding to the problems identified in housing (see § 24 above) by putting forward a comprehensive design for social housing using the notion of 'housing need'. For the purposes of the Concept, not only people under the ETHOS definition (defined as the absence of housing, insecure housing, or inadequate housing), but also groups of people or households that spend a disproportionate part, more than 40% of their disposable income on housing are regarded as persons in housing need. The Concept is intended to help to increase the affordability of housing for all people who are homeless or live in insecure or inadequate conditions and to enhance the housing retention ability of the people who do have housing, but at risk of loss thereof.

35. The objective is that proper housing is available for all on equal terms, and not only through owner occupied housing but concurrently with the conditions that the individuals or households will have to comply with (for example, in relation to social work, fulfilling an individual plan, etc.). It is ruled out that families with children should live in inadequate housing conditions. The number of people without shelter, or in hostels, institutions and socially excluded areas should decline significantly. The number of people who spend a disproportionately large part of their income (such as a large proportion of senior citizens) should also be reduced significantly. At the same time, individuals and families should also be guaranteed an opportunity to use the social policy's support instruments. These include, in particular, the provision of accessible and professional social work through social services and through municipalities' social workers.

36. To meet its vision, the Concept sets out seven main objectives, each of them composed of additional specific objectives that include proposals for the required measures and costs or the potential financial demands on public budgets. The main objectives are: (i) development of legislation enshrining the right to social housing; (ii) support for municipalities' social work related to the social housing system; (iii) linkage between social work and other instruments of social and housing policies, which will provide effective assistance to the social housing target group; (iv) adjustment of housing allowances and benefits to comply with the social housing law; (v) codification of social housing standards; (vi) increasing and broadening investment and non-investment grants for social housing; and (vii) evaluation and updating of the social housing concept.

37. Under the Government's resolution, once per year the MoLSA together with other Ministries draws up a *Concept Implementation Report*, which is submitted to the Government. The purpose of the Report is to monitor the progressive meeting of each of the objectives and to evaluate their impacts. Indeed, the social housing concept is not a static document: one of the specific objectives is ensuring the meeting of the evaluation plan and regular updates of the concept.

38. According to the latest available *Concept Implementation Report* for 2019, in that year the meeting of a total of 22 specific objectives falling under each of the main objectives was monitored. Eight objectives were met in line with the *Social Housing Concept* and seven of them were met partly or the deadlines for meeting them were moved. Seven objectives were not met. In particular the persisting absence of the social housing law negatively impacted the meeting of the Concept's objectives because a large number of the specific objectives set out in the Concept are tied to the adoption of the law. However, the political decision to discontinue the drafting of the social housing bill was taken as early as 2018. At present, the absence of the social housing law is substituted for by the *Construction* subsidy and lending scheme for expanding the social housing stock. At the same time, the *Social Housing Concept 2015–2025* is being restated, focusing more broadly on ensuring affordable housing. The forthcoming *Affordable Housing Concept 2020–2025* takes into account the absence of the social housing law and newly envisages the adoption of an affordable housing law (for details see § 77 below).

39. In the following, the Government set out a brief description of the main objectives and an evaluation of the progress achieved in meeting them.

1. Legislative preparations to safeguard the right to social housing

40. The first major objective is to legally enshrine social housing in one or more laws. This was the premise for the adoption of the social housing law. In 2018, a Government resolution tasked the RDM, as the main sponsor, and the MoLSA with drafting a social housing law.

41. This law was meant to pave the way for municipalities to be able to draw on social housing stock intended exclusively for households that were faced with a housing emergency because they defaulted in the housing market. The law was intended to lay down minimum social housing standards, establish conditions for municipalities to develop and operate such housing, and cover its financing. According to the intended substance of the social housing law it would be linked to related legislation encompassing, in particular, social work and benefit systems. It was to target disadvantaged or excluded persons who were critically at risk of homelessness and whose poor housing situation could not be resolved by the market or, without significant methodological and financial support from the Government, by municipalities themselves.

Retreat from plans for a social housing law

42. The Government note that preparations for the social housing law were abandoned because several alternative options emerged while the substance of the law was being drawn up. The baseline option was predicated on a definition of the group of households that had defaulted in the housing market and whose housing needs were to be met by municipalities (as entities obliged to find a solution, “obliged entities”) through the procurement of social rental housing. However, the RDM reported that, following an assessment of the various options, there had been a shift of opinion away from the recommended solution because the bill was unable to take sufficient account of the different conditions prevailing in and the factors specific to each municipality and the individual approaches taken by municipalities to social housing. Another determining factor was that in the case of a solution in the form of a law, the Government would be obliged to subsidise the construction of municipal social housing from as late as 2022.

43. The preparation of a Government regulation that would enable municipalities to build social rental housing according to their needs, while ensuring that there was greater leeway for their social housing plans and approaches to be respected, proved to be the most suitable way forward. Under this regulation, the construction of social rental housing for socially disadvantaged households could be combined with municipal rental housing for middle-income households. To this end, the Government adopted Regulation No. 112/2019 on conditions for the use of funds from the State Housing Development Fund (*Státní fond rozvoje bydlení*) (now the State Investment Support Fund (*Státní fond podpory investic*), hereinafter also referred to as the “Fund”) for the procurement of social and affordable flats and social, mixed and affordable blocks of flats, which took effect in April 2019.

“Construction for Municipalities” subsidy and loan scheme

44. The regulation heralded the establishment of the *Construction for Municipalities* subsidy and loan scheme, under which two calls for social housing subsidy and affordable housing loan applications were announced in May 2019. Social housing is intended for households that are unable to secure adequate standard housing in the open market. The aim of affordable housing is to expand the ordinary rental housing that a municipality is able to offer to individuals whose presence in the municipality is desirable, especially because of the basic public services they can provide (e.g. people who are in professions that benefit the community but who are deterred from living in a municipality lacking affordable rental housing). Subsidies may be granted up to the amount of eligible costs, which are capped at the current year’s average construction price published by the Czech Statistical Office. Loans may be granted up to the amount of eligible costs without restriction. Loans are charged interest at the European Union’s base rate for the Czech Republic minus 0.5%, but at least at 1% per annum. They mature in 20 to 30 years. To ensure that supported housing is used properly, the subsidy or loan recipient commits to using the flat in accordance with the conditions of the Government regulation for a minimum 20-year period. The scheme was operated with funding from the RDM’s budget heading of CZK 380 million in 2019 and CZK 340 million in 2020, plus a further CZK 1 billion from the Fund’s available resources.

45. For the purposes of assessing the success of the subsidy and loan scheme, the Government note that 21 applications seeking support of CZK 173.76 million in aggregate had been received by the end of 2019. Specifically, there were 18 applications for subsidies totalling CZK 127.55 million and three applications for loans amounting to CZK 46.21 million. They resulted in seven subsidy commitments for CZK 38.49 million and one loan commitment of CZK 8.2 million. Three applications for CZK 15.41 million were withdrawn further to requests from applicants. Nine applications for subsidies totalling CZK 76.99 million and two applications for loans amounting to CZK 37.99 million were carried forward to 2020.

46. According to municipalities, the meagre interest in support under the scheme can mainly be ascribed to the fact that capital projects in the building permit stage were ill-prepared, projects did not meet the scheme’s requirements, the maximum permissible income of eligible households had been set too strict (1.6 times the subsistence level), and it was impossible to acquire social and affordable flats simply by their purchase, which does not require long preparations. The suggestions raised by representatives of municipalities prompted the RDM to review the conditions of the Government regulation and work with the Fund to prepare an amendment thereto.⁴

47. Parallel to this, the 2020 plan of legislative work, approved by the Government under Government Resolution No. 870 of 9 December 2019, required the RDM to prepare an affordable housing bill (for more on the affordable housing law and the updated *Affordable Housing Concept 2020–2025*, see §§ 74–78 below).

⁴ Government Regulation No. 55/2020 amending Government Regulation No. 112/2019.

48. The Government also note that other schemes exist in support of social housing for disadvantaged population groups, including, in particular, the RDM's incentive subsidy schemes and a State Housing Development Fund loan scheme. The Government present an overview of these schemes, with a brief description, the objectives of the support, and eligible beneficiaries, in the attached table (Enclosure 1). The Ministry's schemes draw on both national and EU resources. Support for the construction and renovation of social housing is intended primarily for municipalities, non-profit companies, and now also Regions. The target group of tenants depends on the various conditions under which the specific support is granted. The tables forming Enclosure 2 show the total number of flats in receipt of some form of support and the amount of funding granted by the State Housing Development Fund and by the Ministry's schemes in 2015–2018. Further investment support for the creation of social flats, which draws on EU schemes, is described below (see §§ 66–66 hereof).

49. To summarise, the Government note that, while the objective of legislating the right to social housing by adopting a social housing law was not met, there is a replacement solution in the form of the *Construction* subsidy and loan scheme and other social housing support schemes aimed at expanding municipalities' social housing stock. Parallel to this, a new *Affordable Housing Concept* is being prepared, envisaging the adoption of an affordable housing law (for more details, see § 77 below). Many other tools – benefits, social work, and housing-related social services – remain in place to ensure access to housing.

2. Support for social work in municipalities that is related to the social housing system

50. The second major objective of the Concept is linked to the role played by municipalities. Under the social policy, they coordinate the provision of social services and carry out social work to address adverse social situations, such as housing need, and to integrate their citizens.⁵ Social work in municipalities is currently provided at authorised authorities and municipal authorities with extended competences as part of devolved competences from the central government, across the Czech Republic by social workers in accordance with sections 92, 93a and 109 of Act No. 108/2006 on Social Services.⁶

51. The lack of staff and facilities to provide social work has been pinpointed as a problem. In this respect, the financing of social work within the scope of competences devolved to municipalities has been branded non-transparent. In response, and in keeping with the Concept's specific objective to "*allocate sufficient funding for the subsidisation of social work in municipalities and at regional authorities*", since 2015 the MoLSA has made contributions to social work in order to support

⁵ *The Czech Republic Social Housing Concept 2015–2025*, p. 68.

⁶ Under Act No. 314/2002 laying down Municipalities with an Authorised Municipal Authority and Municipalities with Extended Competences. The Social Services Act is a further piece of legislation that requires municipalities to provide assistance, through social services, not only to their own citizens but to all individuals or groups of persons present in their territory.

this activity with funds allocated beyond the allowance for state administration devolved to municipalities. The contribution to social work is ring-fenced to ensure that it is actually used to support and develop social work in the municipality. Use of the contribution over the years has had a demonstrably positive effect on stabilising the staffing situation at individual authorities. The MoLSA is working with representatives of local governments to lobby unremittingly and systematically for the appropriation intended for social work subsidies to be stabilised and adequately increased. In 2019, these funds amounted to CZK 400 million, enough to satisfy 58% of municipalities' and Regions' requirements.

The Social Housing Support project

52. A central plank of the Government's social housing support for municipalities is the MoLSA project *Social Housing – Methodological and Information Support for Social Agendas*, which was launched in 2016 to introduce and develop the social housing system in the Czech Republic, and provide methodological support for that objective (*Social Housing Support*). This project directly involved 16 municipalities from all over the Czech Republic (Brno, Chomutov, Jindřichův Hradec, Kadaň, Křižánky, Most, Ostrava, Otrokovice, Pardubice, Plzeň, Praha 7, Praha 14, Štětí, Velké Hamry, Veselíčko, and Vír), which piloted local social housing systems in keeping with *The Czech Republic Social Housing Concept 2015–2025*. Direct methodological and information support to municipalities was based, among other things, on international cooperation and the transfer of good practice, educational events and workshops, project research activities, the publication of technical documents and methodologies, and, naturally, consultations with the key players.

53. The total amount of eligible expenditure on the *Social Housing Support* project is CZK 104,251,724. The use of these funds and the MoLSA's cooperation enabled municipalities implementing these projects to expand the capacity and content of the array of the means that they deploy to provide social work, thus ensuring that intensive support is available for people in social flats and other people in housing need, who turn to municipalities in large numbers. Municipalities have successfully set up local social housing systems and, with a few exceptions, have drawn up local social housing concepts and social work methodologies. They have also established a system for local social housing players to work together, which is essential for its successful implementation. Alongside this, they have produced numerous methodological and analytical documents that will serve as a basis for evaluations of the on-the-ground approaches to social housing under *The Czech Republic Social Housing Concept*, the principles of which municipalities have undertaken to respect.

54. The support provided to municipalities under the *Social Housing Support* project includes the production of methodological documents that draw on suggestions and information gained in practice and focus on the provision of social work and other related activities. Key documents include the *Methodology of Social Work*

in Social Housing, which was distributed to all Regions and municipalities in 2019.⁷ The first such comprehensive document in the Czech Republic, it contains a comprehensive description of tools used for social work with people in housing need. This includes identifying people who are homeless or at risk of losing their homes, providing support so that individuals can retain their housing, and bringing cooperation to end. Over six theme-based sections, the methodology also covers, for example, assessments of the intensity of housing need, the set-up of cooperation with other entities to address clients' individual needs, and specific work with selected target groups. Other relevant methodologies developed under the project that focus on the provision of social work in relation to housing and housing need are presented in the next section (see §§ 60 and 63 below).

55. On the basis of Call 03_19_108 *Support for the Housing First Scheme*, since 2019 project staff have also provided methodological and information support to 13 municipalities and non-profit organisations that are gradually implementing *Housing First* projects in a total of 17 municipalities. The call will also enable these municipalities to draw on funds for social work carried out in connection with the operation of local social housing systems based on the *Housing First* approach (see also §§ 215 and 216 below).

56. The University of Ostrava, as an external supplier, is currently running a broad and comprehensive evaluation of the project's impacts, focusing both on activities under the MoLSA's project and on those carried out by participating municipalities. The results of the evaluation are not yet available. They are expected to be endorsed in 2021. However, the data that has been processed so far indicates that the project has helped to improve social housing in the Czech Republic significantly compared to the situation before 2016. The project results released as at 30 June 2020 are as follows:

- a total of 534 households were placed in 463 social flats in 16 cooperating municipalities and more than 1,489 persons received support in the form of social work carried out by 37 project social workers;
- under 13 cooperating projects implemented by municipalities and non-profit organisations that participated in Operational Programme Employment Call 108, *Housing First*, approximately 100 adults were given housing support, which resulted in 83 children receiving standard housing; under these projects, 213 flats will be made available to target groups facing a housing need;
- the activities of the MoLSA Social Housing Contact Centre involved more than 550 telephone calls, 320 email answers, and 57 face-to-face consultations;
- public awareness of social housing increased, thanks in part to the project's information campaign, which included the distribution of thousands of posters and leaflets to the public, municipalities and non-

⁷ The *Methodology of Social Work in Social Housing* from 2019 is available [here](#).

profit organisations, contributions in the form of radio spots on Czech Radio, television reports, and promotional articles in the printed media and specialised periodicals for the most important social housing stakeholders, such as *Moderní obec*, *Veřejná správa* and *Sociální práce*; in mid-2020, the project's website had more than 40,000 unique visitors, and more than 1,000 users actively followed the project on its Facebook page;

- technical documents and methodologies necessary for social housing were produced and distributed among all municipalities with extended competences, Regions, labour offices, relevant public administration bodies, non-profit organisations and other players in the field of housing; this documentation including the above-mentioned *Methodology of Social Work in Social Housing*, as well as the methodology *Inadequate Housing and Possible Solutions – Answers to Municipalities' Frequently Asked Questions*, and the *Social Housing System Methodology for Employees of the Labour Office of the Czech Republic*;
- more than 30 seminars and two international conferences on social housing and related topics were organised; they were attended by over 2,000 people from all over the Czech Republic; 14 Regional workshops aimed at forging links between local players were held; because of COVID-19, other seminars were held online on the project's dedicated *YouTube* channel; so far, more than 4,700 people have watched these webinars; on 9 September 2020, a final conference on the experience of pilot municipalities was held; it was attended by over 100 representatives of municipalities, non-profit organisations and other social housing stakeholders, and was watched by 500 people during the live broadcast itself.

57. The final part of the comprehensive evaluation of the project, carried out in accordance with the objective of *The Czech Republic Social Housing Concept 2015–2025* to create and ensure the fulfilment of an evaluation plan, will also include recommendations for the further implementation of the Government's social housing support and development policy. In addition, the evaluation focuses on the impacts that social housing and social work have on the situation of their users, the assessment of support under the MoLSA's systemic project, and the formulation of recommendations for the MoLSA and possibly other State bodies regarding the further provision of support via systemic projects. It is already evident that the project has made a significant contribution to the introduction of a sustainable system of social housing – which remains in operation following the end of the project – in all 16 of the pilot municipalities (including the largest cities, such as Prague, Brno, Ostrava, Plzeň, Pardubice, and Most). These municipalities have also become social housing “ambassadors” spreading good practice, presenting their results, providing consultations, and receiving delegations from other municipalities that want to be inspired by them. Existing knowledge and experience is also regularly used, for

example, in the creation and modification of and commenting on fundamental documents of both a legislative and non-legislative nature, such as bills, including the forthcoming affordable housing law, and the Government's strategies and concepts (e.g. the *Affordable Housing Concept 2020–2025*, the *Social Integration Strategy 2021–2030*, and programming documents, such as the *Construction* scheme).

3. Links between social work and other social and housing policy instruments that will ensure effective assistance to the social housing target group

58. The Government are compelled to start by underlining how important social work (work with people in housing need, prevention of the loss of housing, etc.), social services (night shelters, homeless hostels, halfway houses, etc.), and housing-related welfare benefits (i.e. housing allowance, housing benefit and emergency relief allowance) are for the functioning of the social housing system. Social work and social services are both areas integral to social housing, especially for people in a deep housing need who are addressing multiple social and economic problems.

59. Housing-related needs are dealt with by municipalities working in conjunction with other entities involved in addressing such needs, especially the labour office, social service providers, landlords, and other accommodation providers. However, for a solution to be effective, the various entities' activities need to be competently coordinated. In particular, this requires the clear allocation of responsibilities and the interlinking of social and housing policy instruments.

Methodological support

60. For this purpose, methodologies for social work in municipalities and for social workers at labour offices are being developed under the MoLSA's above-mentioned *Social Housing Support* project (see §§ 52–52 above). These methodologies are based on the pilot testing of different approaches to social housing in cooperating municipalities under the *Social Housing Concept*. In 2019, numerous methodologies were completed under the project, including the above-mentioned *Methodology of Social Work in Social Housing* (see § 54 above). The *Inadequate Housing and Possible Solutions* methodology, subtitled *Linking Social Work and Housing Policy with Other Social Policy Instruments*, was also published. This will ensure that effective assistance is provided to the social housing target group. As the name suggests, this methodology focuses on the topic from the perspective of cooperation, especially in the context of municipalities' local housing policies. It covers the need for cooperation within and between municipalities. Another key document that has been published is the *Methodology for the Cooperation of Public Administration Bodies in the Provision of Social Housing*. It encompasses all public administration bodies and other players involved in housing policy and social housing provision, with an emphasis on the benefits and importance of effective cooperation between these players, resulting in efficient solutions to housing issues faced by citizens, including examples, suggestions and instructions on how effective cooperation can be implemented in practice.

Crisis housing service

61. Under the *Social Housing Concept 2015–2025*, a crisis housing service was to be created in connection with the social housing law. In this respect, the Government note that, under the current legislation, the system of social services already includes services that help to address the provision of crisis housing. This housing mainly comprises homeless hostels, halfway houses and crisis assistance provided in the form of shelter. According to the social service providers register, as at 20 February 2020 there were 2,016 homeless hostels, 28 halfway houses, and 16 shelters providing crisis assistance in the Czech Republic. The implementation of this measure is also closely linked to a forthcoming amendment to the Social Services Act, which aims, among other things, to add to the target group for the homeless hostel service. Being one of the instruments of comprehensive support provided in local social housing systems, crisis housing is also being pilot-tested in municipalities cooperating under the *Social Housing Support* project. In these municipalities, the possibilities of providing crisis housing in the current legislative situation are being tested in practice. Different approaches to crisis housing are being trialled here. Some of the municipalities are drawing on the accommodation capacities of selected social service facilities (homeless hostels, halfway houses, sheltered housing) to provide crisis housing. Others, especially larger municipalities and cities (e.g. Ostrava, Pardubice, and Plzeň), have allocated ‘crisis flats’ from their housing stock. In every city, dozens of people and households have already been placed in this housing, which is made available to them for a short period of time (a year at most) in an accelerated approval procedure. Experience of the various forms of crisis housing, and of the efficiency and opportunity of providing it in municipalities, can be used to draft a crisis housing model. This may then be included in the amendment to the Social Services Act and the proposed substance of the affordable housing law.

4. Adjustment to housing supplements under the social housing law

62. As income stabilisation is essential to obtain and retain housing, benefits play a crucial role in relation to social housing. This is support provided as regular or one-off benefits to help individuals or families with insufficient incomes to cover their housing-related costs. Housing-related benefits, which are granted by the Labour Office of the Czech Republic, comprise the housing allowance provided under the State’s welfare system, the housing benefit, and emergency relief allowance provided under the system of assistance for those in material need, and the system of benefits for the disabled – this is a special-aid allowance used, for example, to make adjustments to housing. The Government provide a detailed description of them below (see §§ 94–107 below).

63. Under the *Social Housing Concept 2015–2025*, methodologies for the granting of housing-related benefits have been developed. The MoLSA provides guidance under the *Social Housing Support* project. Besides the relevant methodologies mentioned above, it has also issued a *Methodology for Employees of the Labour Office of the Czech Republic*. In addition, it has issued an instruction on the

unification of procedure for the application of the Assistance for those in Material Need Act.

64. In 2019, several legislative changes were made that affected housing-related benefits in connection with reckonable incomes, specifically the annual setting of the 'normative housing costs' used to determine eligibility for housing allowance, the inclusion of wage compensation when determining eligibility for the increased rate of child allowance, and an increase in the total amount of the parental allowance from the current CZK 220,000 to CZK 300,000 for the care of one child up to 4 years of age in a family and, if multiple children are born at the same time, an increase to CZK 450,000. At the same time, the requirement that beneficiaries need to have their permanent residence registered in the flat for which the housing allowance is sought was revoked.

5. Codification of social housing standards

65. As the social housing law was not adopted, no qualitative requirements have been set for flats that can be used as social housing. However, within the Working Group on 15 Measures to Combat Poverty, minimum housing hygiene standards have been set for benefits to be granted from the system of the State's assistance for those in material need, i.e., housing benefits.

6. Increase in and broadening of the effectiveness of investment and non-investment grants for social housing

66. Investment grants for social housing means the State's assistance for the creation of social flats and buildings for social housing out of the public purse. In keeping with the Concept, this objective is being pursued through the provision of investment grants for social housing, both via earmarked funds from the RDM and the State Housing Development Fund and via European Union funds intended to support the construction of social housing. In addition, interconnections are formed between investment and non-investment schemes in the award of investment grants for social housing. In particular, links are forged with social services and social work, and community services are developed in municipalities.

67. Under the Integrated Regional Operating System drawing on resources from EU funds for the 2014–2020 programming period (IROP 2014–2020), approximately CZK 4 billion was allocated for the procurement of flats, blocks of flats, and non-residential premises and their adaptation for social housing needs. In respect of social housing, only municipalities and non-profit organisations can be applicants, and they must meet a number of conditions over the sustainability period. For example, social housing may only be provided to precisely defined target groups with a clearly set maximum income. At the end of 2019, 123 social housing projects comprising 691 flats had been completed. By the end of 2023, 500 social flats should have been created under the IROP 2014–2020.

68. Other social housing support schemes comprise the incentive subsidy schemes of the RDM and the loan schemes of the State Housing Development Fund, i.e. now the State Investment Development Fund, which support the creation

of rented flats as social housing through the construction or acquisition of flats, as discussed above (see §§ 44–48).

69. In 2015, the European Social Fund announced calls for the support of selected social services. As part of those calls, services such as homeless hostels and halfway houses were supported with over CZK 1 billion in 2016–2018.

70. Here, again, the MoLSA's systemic *Social Housing Support* project should be mentioned (see §§ 52–52 above). It has supported 16 projects in 16 municipalities that focused on pilot-testing a social housing system and concept in their territory and supported the interlinking of social housing with the development of community services.

71. Further calls were announced under the Coordinated Approach to Socially Excluded Communities. These centred on support for activities that address housing issues by supporting and developing social work as a means of mediating access to and retaining adequate housing, coordinating these activities at local level, and creating social inclusion instruments to prevent the emergence of socially excluded localities. In all, 38 projects were supported with approximately CZK 270 million.

7. Evaluation and updating of the social housing concept

72. The implementation of the *Social Housing Concept 2015–2025* is evaluated annually in Concept Implementation Reports that are submitted to the Government. On the basis of Concept evaluations performed so far and modifications in 2014 to 2019, it was decided that its overall revision was needed. One of the reasons for the revision is the trend in the housing market, where in consequence of steep annual price hikes the expected social housing target group extended to include a larger portion of the population. There were also major changes in the responsibility for social housing, which no longer falls within the remit of the MoLSA but newly the remit of the RDM. It was also decided to discontinue the drafting of the social housing law to which a large number of the Concept's specific objectives was tied. Therefore the Social Housing Concept has been revised as *Affordable Housing Concept 2020–2025* that will, in the coming years, constitute the main course the Czech Republic will follow in the area of securing access to social and affordable housing. The Government provide details of the new concept below (see §§ 74 to 78).

73. Also the outcomes of the MoLSA's Social Housing Support project, mentioned above, are being evaluated, including the achievements of the municipalities involved (see § 52 above). The results of the evaluations will be used in the evaluation of the Concept and its revision.

8. Affordable Housing Concept 2020–2025

74. As the Government mention in the paragraphs above, the MoLSA has updated *The Czech Republic Social Housing Concept 2015–2025* under a new title *The Czech Republic Affordable Housing Concept 2020–2025*, which reflects the spreading housing crisis already affecting also the middle class.

75. The Concept's main vision is to secure affordable housing to everyone under equal conditions, and not only through owner occupied housing. This system should build on the existing interventions by the State, Regions and municipalities in the area of housing, social services, welfare benefits and other relevant tools. Those tools aim at achieving the Concept's global objective, which is defined as reducing the number of people for whom housing is not affordable and who are in housing need, including those who face the risk of housing need directly.

76. The objectives of the Affordable Housing Concept are divided into three categories. General objective A includes objectives that should contribute to the creation of functioning affordable housing for lower and middle classes, including the missing regulation of cooperative housing, non-profit social housing agencies, codified housing standards and the provision of sufficient funding. General objective B includes specific objectives that should operate against loss of housing using two main sets of tools – welfare benefits provided to people in housing need and local systems for preventing loss of housing in the form of sets of tools at the level of municipalities, which work with the people before they lose their housing. General objective C includes professional assistance tools for tackling the problems of people in housing need. This domain involves mainly social housing as a specific subset of affordable housing.

77. One of the specific objectives of the Affordable Housing Concept is the presentation of an affordable housing bill, which will also include regulation of social housing and support of cooperative housing. The basic propositions regarding the drafting of the affordable housing bill are set out in the Concept as follows:

- affordable housing will target middle and lower middle classes, i.e. families with children, low-income persons, and elderly and disabled persons for whom housing is not affordable due to lower income or discrimination in the housing market;
- the affordable housing concept will be based on affordable housing models in Austria and Germany, where rental housing with controlled rents is offered. Limited rent is one of the options to help citizens in their adverse situation related to the gradually increasing prices of real properties and rents in the housing market. The goal is to create a system that will increase the share of rental and cooperative housing for the group of citizens for whom housing is not affordable due to insufficient income or discrimination. It will also focus on providing assistance to people in unfavourable social situations, on preventing the poverty business, and on improving community coexistence. The Concept aims at resolving those issues so that the State's welfare system is not overwhelmed;
- affordable housing will also include an offer of housing to disabled persons and housing for the elderly, for example, in assisted living facilities or construction of homes for the elderly, as an alternative to housing within social services when the senior can no longer live at home;

- affordable housing, i.e. housing with limited rent, will be offered for an unlimited period of time; the limited rent can be increased only when the person “gets rich”. The entitlement to the supported form of housing (household income) will be tested on a regular basis;
- affordable housing will be provided by municipalities, non-profit housing companies or social housing cooperatives, such as in the case of Germany. The creation of social real estate companies will be supported and they will offer freely available flats;
- the creation of social housing cooperatives, including overall legislation on cooperatives, is a crucial issue when addressing affordable housing. A social housing cooperative is an entity that can help to tackle pressing housing problems. It is a historically well-tried model not only abroad (Germany, France, the United Kingdom, Italy, etc.), but also in the period between World War I and World War II in the then Czechoslovakia;
- the affordable housing law will contain the use of regularly updated rent maps. The MoLSA can also use them for housing welfare benefits in order to prevent the State from paying excessive rents;
- the re-codification of the building law, under way now, aims at accelerating and simplifying the preparation and realisation of construction plans so that construction and investing is faster;
- the affordable housing law lays down standards for flats, and hygienic standards, including the required facilities in flats;
- the affordable housing law will also include rules on social housing for the most vulnerable persons and will support social work in municipalities so that their situation can be handled;
- the affordable housing law will also include rules on *Airbnb* and will focus on transparency of business in the provision of housing. For that purpose, in a situation of letting several flats (setting the minimum number at three) it is necessary to have a trade licence. This law should also limit the number of short-term tenancies of less than 15 days to a maximum of five per year.

78. The Affordable Housing Concept 2020–2025 is currently going through the approval process and the inter-ministerial commenting procedure.

b) Social inclusion strategies

79. Social inclusion strategies describe the Czech Republic’s priority topics in social inclusion for the set period, which will help to meet the national objective to reduce poverty and social exclusion. One of the priority topics is also securing access to housing.

1. Social Inclusion Strategy 2014–2020

80. *Social Inclusion Strategy 2014–2020* is based on the presumption that access to housing is a fundamental precondition for individuals' and families' social inclusion. Homelessness is viewed as extreme social exclusion impeding to preventing people's access to other resources. The strategy is based on the ETHOS functional definition of homelessness, which was adopted in the *Strategy for Preventing and Tackling Homelessness Issues in the Czech Republic until 2020* (see § 87 of the Observations).

81. The Strategy contains a summary of activities by which the State is currently helping those persons through various regulatory and non-regulatory measures, ranging from social work and social services (in particular, homeless hostels, halfway houses, sheltered housing, social counselling, street programmes, and social activation services for families with children) to welfare benefits (persons in material need are provided with benefits for those in material need, including the housing benefit) and social support allowances in the form of the housing allowance.

82. The Strategy's main objective in access to housing was to increase the affordability of housing for persons at risk of housing exclusion or after losing it. This measure was aimed at providing local availability of standard non-segregated housing for persons at risk of housing exclusion or after losing it. In 2019, this objective was being met primarily through subsidy and lending schemes under the IROP [Integrated Regional Operational Programme], *Construction* and other programmes supporting construction of rental flats in the area of social and affordable housing by the RDM and the State Housing Development Fund [*Státní fond rozvoje bydlení*] (details are described above in §§ 44 to 48 and 66 to 66).

83. Other objectives of the Strategy in housing included the development and support of social work as a tool facilitating access to and retaining of adequate housing, creation of motivational tools to promote private flat owners' engagement in social housing, as well as support of coordinated activities at the local level for the purpose of retaining or facilitating adequate forms of social housing for people at risk of housing exclusion or after losing it. Those objectives are being achieved primarily through the MoLSA's Social Housing Support project, which provides guidance and information support to entities developing local social housing systems (a comprehensive description of the project is above in §§ 52 to 52).

84. The Strategy also supports programmes aimed at preventing loss of housing, such as debt advice (see §§ 126 to 132 below) or the *Housing First* social housing models. Last but not least, in the implementation of the measures the Strategy seeks to take into account the principle of rejecting spatial segregation of disadvantaged citizens.

2. Social Inclusion Strategy 2021–2030

85. At present, a new strategy for the upcoming period is being prepared, *Social Inclusion Strategy 2021–2030*, its proposed text being a combination of *Social Inclusion Strategy 2014–2020* and *Strategy of Combating Social Exclusion*

2016–2020 drawn up by the Agency for Social Inclusion. Its main objective is to continue increasing the availability of housing for persons at risk of housing exclusion or after losing it. The new Strategy sets various objectives, such as the adoption of regulation supporting affordability and sustainability of rental housing, in the form of a law on social or affordable housing, strengthening legal certainty in all housing laws and regulations by reducing unrelated systemic changes, and the creation and development of appropriate financial tools to implement the idea of social or affordable housing.

c) Preventing and tackling homelessness

86. The first concept dealing comprehensively with homelessness was the *Strategy for Preventing and Tackling Homelessness Issues in the Czech Republic until 2020* adopted by the Government in August 2013. Its objective was to contribute to the meeting of the main objective in respect of poverty, which the Czech Republic undertook in National Reform Programmes and which is to maintain the number of persons at risk of poverty, material deprivation or living in households without any employed person at the 2008 level until 2020.

87. In this concept the ETHOS functional definition was adopted as a fundamental premise for tackling issues of homelessness and persons at risk of loss of housing. According to this definition it is a general description of a heterogeneous group of the population, which includes visible homelessness, i.e. people living rough (roofless), as well as persons who are not able to secure other housing and therefore live (mainly) in commercial lodging facilities and some residential facilities of social services (homeless hostels or halfway homes). It also includes persons whose housing is insecure and persons living in conditions short of the minimum standards of housing in the particular cultural and social environment. Homelessness is no longer viewed as “sleeping in the street” but as a comprehensive, dynamic and differentiated process ranging from risk of losing housing to return to standard, permanent and non-segregated housing. This definition also forms an input into the *Social Housing Concept 2015–2025* and *Social Inclusion Strategy 2014–2020*, which stipulate that when developing any policies related to the social inclusion of the homeless and people facing the risk of homelessness, the homelessness issue must be taken into consideration to the full extent of the definition.

88. The key objectives of the Concept include: standardisation of governmental support for social housing; a functioning system of homelessness prevention, including support for sustainable housing for people who were roofless and have obtained housing; introduction of tools facilitating the transfer of persons from homelessness (including substandard housing) to housing; more effective use of the existing tools of systems of welfare benefits; and boosting the coordinating and planning role of municipalities with extended competences in relation to persons in housing-related unfavourable social situations.

89. Since some of the objectives as well as specific adopted measures overlap with the measures under the *Social Housing Concept 2015–2025* or *Social Inclusion*

Strategy 2014–2020, the Government now mention only examples of meeting some specific objectives.

90. On the basis of *Strategy for Preventing and Tackling Homelessness Issues in the Czech Republic until 2020* subsidy and lending schemes are operated to support the acquisition, refurbishment or construction of social housing (see §§ 44 to 48 and 66 to 66).

91. Furthermore, in relation to the objective of identifying the real needs of persons at risk of loss of housing or the homeless, in the case of municipalities and Regions applying for project funding under the Operational Programme Employment 2014–2020 or IROP it is assessed whether those municipalities' and Regions' social inclusion strategies include the identification of the real needs of persons at risk of loss of housing or the homeless. Within this objective, in 2019 a census of homeless people was carried out in 403 municipalities (see § 29 above).

92. In accordance with the Concept, also the MoLSA's *Social Housing Support* project continues to be implemented (see §§ 52 to 52 above). To make the social work in municipalities, Regions and labour offices more effective, in accordance with this Concept the MoLSA supports social workers' activities in municipalities, providing methodological support and also through contributions in the form of a special-purpose subsidy for municipalities and Regions. The purpose of this subsidy is to guarantee the accessibility and quality of social work.

93. As regards measures adopted under the *Strategy for Preventing and Tackling Homelessness Issues* see also below in §§ 123 to 125.

(iii) Changes in the payment of the housing allowance and housing benefit and their impacts on access to housing

a) Introductory remarks

94. One of the State's existing tools aimed at retaining housing and preventing loss thereof is support provided by welfare benefits. This support is provided through recurring or non-recurring benefits and brings security to citizens or families with insufficient income when paying housing costs. The regulation of welfare benefits in the area of housing is monitored also in the supervision over the implementation of the *Social Housing Concept* (see §§ 62–63 above).

95. In response to the complainant organisation's claim that from 2015 to 2018, the level of housing benefit decreased dramatically in consequence of legislative changes, which has led to increased poverty, the Government first inform the Committee about the general settings of housing supplements and then respond to the complainant organisation's assertions.

b) Settings of housing supplements

96. Welfare benefits in the area of housing include the housing allowance, the housing benefit, and emergency relief allowance, and also a contribution to a special aid item, for example, to adapt a flat for disabled people. In general, as

regards the regulation of conditions for receiving housing allowances and benefits the Government would note that they are set so that the persons most in need are supported and also, wherever possible, people are motivated to improve their situation on their own. It is not support for all, and it must be emphasised that from the perspective of access to housing, the allowances and benefits are only one of the pillars of support and are not a primary approach to ensuring such access.

97. Housing allowance, as a welfare benefit, contributes to the payment of housing costs for low-income families or individuals (see § 5 above). The owner or the tenant of the flat is entitled to the allowance if one-third of his income and income of persons assessed together with him is not sufficient to cover housing costs, i.e. if 30 per cent (in Prague 35 per cent) of the income is not sufficient to pay the rent and the costs related to housing.

98. As of 1 July 2020, in order to become eligible to receive housing allowance it is no longer necessary for the applicant to have permanent residence in the flat in respect of which the housing allowance was applied for. Therefore, the allowance can now be used also by persons living as subtenants. However, the allowance cannot be granted to other types of housing than flats. This means that it would not apply in the case of persons living in hostels or in other forms of short-term accommodation.

99. Housing benefit is a benefit to people in material need (see § 8 above) which, together with the person's own income and housing allowance and other benefits from the welfare system (for example, parental allowance), helps to pay justified housing costs. The amount of housing benefit is set so that after the payment of justified housing costs (i.e., rent, services related to housing and utilities) the person or family is left with a subsistence amount. The flat owner or another individual who uses the flat under a contract, decision or other legal grounds is entitled to the benefit. Also, the owner of a building used for individual or family recreation or the person using space other than dwelling space or lodging facility is entitled to the benefit subject to meeting the technical construction standards of housing quality. There is a condition that the income of all collectively assessed individuals is, after the payment of justified housing costs, lower than the subsistence amount. A precondition for becoming entitled to a housing benefit is previously becoming entitled to an allowance for living. There can be exceptions, where although the Labour Office did not grant the allowance because the income of collectively assessed individuals exceeded the statutory limit, it is at the same time lower than 1.3 times the subsistence amount.

100. Housing benefits can also be paid to persons living in hostels because in the case of benefits to persons in material need, i.e. the housing benefit, it is also possible to grant it to other forms of accommodation than a flat, on the condition that those forms of housing satisfy at least a basic standard of housing quality. In the case of space other than dwelling space or buildings used for individual or family recreation, those standards are inspected by the local planning authority. In the case of a lodging facility, such as hostels, operating rules must be approved by the competent Regional Public Health Officer.

101. Having permanent residence in the flat in question is not a precondition for an entitlement to the housing benefit.

102. The Government would inform that from 2015 to August 2020, the Labour Office of the Czech Republic paid, on average, 9,100 housing benefits per month in an average monthly amount of CZK 40.47 million to lodging facilities. More details of housing benefits paid to hostels are shown in the table attached (Enclosure 3).

103. For completeness, the Government would note that assistance in the form of emergency relief allowance can be provided in adverse and extraordinary situations when assistance must be provided immediately and without any entitlement to it, for example, when paying a flat tenancy deposit, purchasing durable goods (such as basic furnishings of households) or paying lodging in the case of a natural disaster.

104. As to the setting of support through welfare benefits at an appropriate level in order to secure housing, the Government note that the amount of potential support depends on the parameters laid down in the regulatory frameworks for welfare support and assistance to persons in material need. Housing allowance in the welfare support system is a benefit whose purpose is to ensure that families with middle or lower income stay put in adequate housing in flats. If this support is not sufficient it is possible, where the preconditions are satisfied, to cover the remaining housing costs by housing benefit. The reason is that in the case of housing benefit, the eligible costs for flats are not limited by the law, but are limited by the amount that is customary in the place. In the case of housing benefit the amount depends on justified housing costs, which are the eligible costs for determining the right to and the amount of the benefit. Eligible housing costs include housing cost items such as rent, regular utilities and services, the upper limit being the amounts that are customary in the place. Therefore, this benefit helps in the cases where the individual's or family's income, including the housing allowance, is not sufficient to cover the housing costs. This benefit therefore constitutes support in the payment of housing-related costs, which flexibly responds to the beneficiaries' specific situations.

c) On the alleged disproportionate reduction in housing supplements provided

105. As to the complainant organisation's assertion that there was a disproportionate reduction in the payment of housing benefits the Government note that welfare benefits are reduced primarily thanks to the low unemployment rate and the related economic growth in the Czech Republic in the past years. Another reason for the reduction is the fact that since 2012, the amounts of the living and subsistence minimums have not been indexed. Those amounts were indexed by approximately 13 per cent only as of 1 April 2020. It is true that the reduction in the volume of paid welfare benefits may also be caused by changes in the preconditions for the right to and the amount of assistance to persons in material need, carried out since 2015. Those are, for example, the reintroduction of the impact of the individual's activity, including public service, on the subsistence amount or the possible issue

of a measure of a general nature declaring an area of the municipality, in which newcomers are not entitled to housing benefits (more details in §§ 159 to 171 below). However, according to information from the MoLSA, those changes were insignificant from the perspective of the total volume of the reduction in the housing benefits paid.

106. To illustrate the situation completely, the Government enclose a table that shows the development of households' current income and wages from 2008 to 2019, with a clear growth of year-on-year indexes in the period coincidentally starting in 2015 mentioned above (see Enclosure 4). The Government also enclose a summary of paid assistance to persons in material need until 2019 (see Enclosure 5).

d) Summary on the issue of welfare benefits in housing

107. In the light of the above the Government note that the settings of the welfare support follow the purpose of providing the necessary assistance to the neediest people in order for them to retain their housing, including persons living in hostels. The Government do not agree with the complainant organisation's assertion that the legislative changes have had a significant negative impact on people's access to the relevant welfare benefits. The total volume of paid welfare benefits is declining mainly due to the country's good economic situation.

(iv) Conclusion

108. At this point the Government summarise that as part of their policies they examine the population's housing needs. These needs are also known to municipalities.

109. In relation to the performed surveys and analyses the Government set the relevant strategies to satisfy the needs identified. The mainstay strategic document in the area of housing is the *Social Housing Concept 2015–2025*. The efficiency of the measures adopted as part of the strategies is being regularly assessed and the findings are used when updating strategies for the future.

110. As shown above, the State takes a number of steps to ensure access to housing, taking into account its citizens' needs. The mainstay instruments in this area include capital investment programmes supporting the development of the housing stock, both standard rented flats and social and affordable ones. Another key factor is the welfare support system in housing and the provision of social work and social services.

111. The State does not leave the responsibility for securing social housing to municipalities but provides them with financial support and methodological guidance for this.

112. Although at present, the housing situation in the Czech Republic cannot be regarded as fully resolved, the Government believe that given the Czech

Republic's available resources,⁸ the adopted and planned measures described above fulfil adequately and sufficiently the right to housing embodied in Article 16 of the Charter.

V. INSECURE HOUSING

A) *COMPLAINANT ORGANISATION'S COMPLAINT*

113. The complainant organisation claims that although the scrapping of the landlord's obligation to provide substitute housing to tenants in the case of contract termination was counterbalanced by social inclusion measures, those have proven insufficient to prevent homelessness. The complainant organisation further refers to the issue of living in hostels, in particular their inadequacy for long-term housing and lower legal protection for their residents. Finally, the complainant organisation refers to alleged cases of eviction or threat of eviction, which have allegedly happened in Ústí nad Labem, Brno, and Ostrava.

B) *THE GOVERNMENT'S COMMENTS ON THE MERITS OF THE CLAIM*

114. In the following, the Government shall express their opinion on the complainant organisation's three claims summarised above.

(i) **Repeal of the obligation to provide substitute housing in cases of tenancy**

a) *Regulations governing the termination of flat tenancy*

115. The complainant organisation has summarised, in its collective complaint, the substance and basic contours of the regulations governing termination of tenancy and further steps if the flat is not voluntarily vacated by the tenant. The Government would add that the Civil Code lays down a general three months' notice period and lists the grounds on which the landlord can terminate flat tenancy. The tenant has always a right to file a motion with a court to review the notice's justifiability. If the tenant does not vacate the flat the landlord must bring an action for eviction. This should be preceded by a letter before action (*předžalobní výzva*). If the court grants the action for the vacation of the premises and the tenant does not voluntarily comply with it, the landlord must bring a motion for the enforcement of the decision. Only after the finality of the court's decision ordering the enforcement of the decision is it possible to carry out the eviction and the court must inform the obligated person about the eviction at least 15 days in advance. The court also informs the landlord and the municipality's competent authority.

116. It is true that for the purpose of striking a balance between the rights of landlords and tenants the landlord's obligation to provide substitute housing to the tenant has been omitted from the law. As the complainant organisation correctly

⁸ Per capita GDP in the Czech Republic in 2019 amounted to only 65.5 percent of the EU Member States' average (see Eurostat data available [here](#)).

notes, this obligation has been counterbalanced by a number of measures, such as safeguards against eviction, prevention of loss of housing, and provision of affordable housing.

b) Safeguards against eviction

117. The Government note that the domestic legislation in force specifies permissible grounds for termination, sets an adequate notice period, allows defence against eviction in court, provides the right to legal aid, and allows financial compensation in case of illegal evictions (*Médecins du Monde-International v. France*, no. 67/2011, decision on the merits of 11 September 2012, § 75). The complainant organisation does not claim otherwise.

118. The Government hereby inform the Committee that in connection with the decision in the case of *ERTF v. the Czech Republic* (no. 104/2014, decision on the merits of 17 May 2016), the Expert Panel on the Enforcement of the Judgments of the European Court of Human Rights and the Implementation of the European Convention on Human Rights (*Kolegium expertů k výkonu rozsudků Evropského soudu pro lidská práva a provádění Evropské úmluvy o lidských právech*)⁹ started to address the strengthening of the safeguards against eviction. At present, three types of measures are being analysed and considered.

119. *In the first place*, it discusses whether it is appropriate to extend the court's information obligation vis-à-vis the competent municipality over and above the existing section 340 of the Code of Civil Procedure, which obliges the court to inform the municipality when it is ordering the enforcement of the decision on flat vacation. The purpose of the discussed measure is to provide for earlier information to municipalities, i.e. not as late as the moment when the enforcement has been ordered, but already during the flat vacation proceedings. The municipality could then contact the person at risk of loss of housing more easily and offer its social services that could facilitate his/her retaining the housing. If such retention is no longer possible, the municipality could tackle the person's subsequent housing situation well in advance. Another measure being considered is the court's obligation to provide advice to parties to proceedings on the existing housing-related social services and the options of using them. At present, talks are under way between the Ministry of Justice ("MJ") and the MoLSA on the exact parameters of this new mechanism.

⁹ The Expert Panel is an advisory body of the Agent of the Government. Its function is to analyse and propose general measures to remedy violations of international treaties on human rights found by competent international bodies in proceedings against the Czech Republic. It discusses not only judgments of the European Court of Human Rights, but also decisions of UN treaty bodies and the European Committee of Social Rights. The Expert Panel formulates recommendations to adopt measures to competent public bodies and then monitors their fulfilment. The Expert Panel consists of representatives of all Ministries, both Chambers of Parliament, the Constitutional Court, the Supreme Court, the Supreme Administrative Court, the Supreme Public Prosecutor's Office, the Ombudsman's Office, the Czech Bar Association, faculties of law, and non-governmental organisations active in the field of protection of fundamental rights and freedoms. For more on the activities of the Expert Panel see [here](#).

120. *In the second place*, discussions are held on a more precise specification of the municipality's obligation to cooperate with the local planning authority in securing substitute housing. Those are situations where the vacation of premises is ordered by the local planning authority under section 140 of the Building Act on the ground of defects that pose direct threat to people's life or health, or if an immediate dismantling of the building or necessary securing work are to be ordered. Currently, the law obliges the municipality to cooperate but does not provide details. Therefore, for the sake of legal certainty and effective practical functioning of this obligation, talks are under way between the Ministry of the Interior and the RDM on the appropriate form and shape of details on how municipalities should proceed.

121. *Finally*, within the Expert Panel the option to limit the chaining of short-term tenancies is being discussed. The Government shall provide more details on this aspect below, in the section on the protection of persons living in hostels.

122. Next meeting of the Expert Panel is planned for the second quarter of 2021.

c) Prevention of loss of housing

1. Housing allowance and housing benefit

123. Various welfare benefits that are available to persons in need contribute to retaining housing and preventing loss thereof. For details on this issue the Government refer to §§ 94 to 107 *et seq.* of these Observations.

2. Strategy for Preventing and Tackling Homelessness Issues in the Czech Republic until 2020

124. The Government hereby inform the Committee that on the basis of the *Strategy for Preventing and Tackling Homelessness Issues in the Czech Republic until 2020* the MoLSA and the MS are analysing the option of introducing a court eviction tool inspired by Vienna-based FAWOS (*Fachstelle für Wohnungssicherung*). Experts on social housing consider this system to be one of the appropriate ways to address the issue of housing need in today's European metropolises. The analysis drawn up by the MoLSA in 2018 presents the impacts of the system, identifies the differences between housing policies in Austria and the Czech Republic and their nature, and offers recommendations to be implemented.¹⁰ The analysis is also used in the update of the above *Social Housing Concept* or in the MoLSA's *Social Housing Support* project.

125. Under the *Strategy for Preventing and Tackling Homelessness Issues in the Czech Republic until 2020* other measures aimed at strengthening and improving social work with persons at risk of loss of housing are also being carried out. For example, since March 2018 Výzkumný ústav práce a sociálních věcí (Research Institute for Labour and Social Affairs) has been implementing a project entitled

¹⁰ The analysis is available [here](#).

Screening and Subsequent Setting of Targets of Assistance by Municipalities' Social Workers. One of the outcomes is the methodology for municipalities' social workers on screening for the purpose of searching for people at risk.

3. Social Inclusion Strategy until 2020

126. Under the *Social Inclusion Strategy 2014–2020* the MoLSA and the MJ are also implementing the measure *Support for Programmes Preventing Loss of Housing (Prevention of Housing Exclusion)*, such as debt advice or programmes supporting the coordination of various interventions.

127. Under this measure the MoLSA has, *inter alia*, drawn up the *Methodology of Loss of Housing Prevention*.¹¹ The purpose of the methodology is to propose a comprehensive system for specific target-related measures aimed at preventing loss of housing in the case of households that currently live in standard housing. The methodology's objective is to reduce the risk of loss of housing and achieve a situation where households do not leave standard housing due to situations whose impacts can be mitigated using the existing tools, if they are identified and addressed in time. The methodology is primarily intended and created for municipalities' social workers. Nevertheless, the majority of the procedures can be easily used by others, especially those who have contact with persons and households at risk of loss of housing, for example, social workers providing social services, social custodians, social workers of healthcare providers, social workers in prisons, and workers at contact centres of the Labour Office or Regional Authorities. The mainstay procedures in the methodology are based on wide cooperation of social workers inside institutions and also with other stakeholders (such as lessors of housing stock). The methodology also contains a description of specific procedures when addressing housing-related indebtedness.

128. A chapter specifically dealing with indebtedness is also part of the *Methodology of Social Work in Social Housing* published in 2019. The MoLSA has distributed the methodology to municipalities across the Czech Republic and it is also available in electronic form.¹² The methodology is the first comprehensive document covering the whole process of social work in social housing, i.e. starting from search for persons at risk of loss of housing, providing support before and upon entry into social housing, to the termination of cooperation with the client. The methodology was developed in cooperation with approximately 25 experts in order to provide social workers at municipal authorities, in social services, at Labour Offices, and at other institutions, who are or will be working with clients in social housing, with a comprehensive summary of the key issues they will face and address. The methodology's objective is to be useful in practice for workers who have direct contact with the social housing target group. At the same time, its purpose is to contribute to a gradual unification of the social work practice at municipal authorities and to provide a guide on its practical implementation in places where

¹¹ The methodology is available [here](#).

¹² The methodology is available [here](#).

municipalities have started to follow a more systematic approach to social housing (on the methodology see also § 54 above).

129. The prevention of loss of housing should be also supported by an *amendment to the Insolvency Act* (Act No. 31/2019), the purpose of which is to address excessive debt of some persons who are unable to tackle it on their own. The amendment newly introduces the primary method of discharge from debt – a combination of a payment schedule and realisation of assets. In that respect it must be emphasised that in the case of this combination, special protection is granted to debtors' dwellings up to an amount specified by Government Regulation No. 189/2019 – the debtor is not obliged to surrender a dwelling of up to this amount for realisation. The value is set taking into account regional differences down to the level of municipalities according to the Czech Statistical Office's data. The higher the number of considered persons, the higher the value of protected dwelling so that more valuable dwellings providing home to more people are protected.

130. The amendment also provides support to debtors' housing by raising the limit of debtors' net monthly income, in excess of which the withholdings are unlimited, from approximately CZK 16,000 to CZK 26,400. The consequence is that a debtor with income exceeding CZK 16,000 is left with a larger sum from his/her monthly income, which he/she can use, for example, to cover housing-related costs.

131. Finally, if discharge from debt is based on a combination of a payment schedule and realisation of assets, the insolvency court has a new option to order the debtor, upon a motion of the insolvency administrator, to undergo a maximum of 100 hours of social counselling provided by a registered provider of social services in order to prevent future bankruptcy. This service should be provided to the debtor free of charge.

132. Under the *Social Housing Support* project the MoLSA has also created a *Contact Centre*, where it provides, *inter alia*, consultations to entities that are active at the local level and engage in the coordination of activities aimed at housing retention, such as private landlords, non-profit organisations, and associations of local self-governments. A *series of Regional workshops*, organised by the MoLSA's project, is directly focused on initiating cooperation in the provision of support to people at risk of loss of housing. One of the key objectives of those meetings is to network the individual players that are active in the region and make it possible for the participants to try in practice the formulation of a strategy for introducing social housing and the related cooperation at the local level, as a group activity during the meetings. In 2019, a total of six workshops were held in Plzeň, Liberec, Most, Ostrava, Zlín, and Jihlava (for details on the activities of the Contact Centre and the *Social Housing Support* project see § 56 above).

d) Securing affordable housing

133. As regards the measures that the State has adopted for the purpose of securing sufficient affordable housing, the Government refer to the details in §§ 31 to 108 above.

(ii) Claimed inadequate protection of persons in hostels

134. The Government hereby inform the Committee that since 2015, the MoLSA's data indicates a continuous decline in the number of households receiving housing benefits for living in hostels. In 2015, there were 14,000 households per month on average; in 2016, the figure was 13,000; in 2017, it was 8,900; in 2018, it was 7,500; in 2019, it was 5,900; and in the first half of 2020, it was 5,600 households. The last five years therefore saw a decline of 60%. These figures do not include all households in hostels but only those that receive a housing benefit. Nevertheless, they are an important piece of information showing the decline in the total number of people living in hostels.

135. The Government are aware that a number of people in hostels have in place only a temporary accommodation agreement or a rental contract for a fixed short term, which is then repeatedly extended with them.

136. As regards the *accommodation agreement*, this is a type of contract that is needed in the legal order for regulating the legal relationships concerning accommodation unintended for permanent residence. Where some landlords also use this agreement for contractual relationships the purpose of which is permanent housing, then under section 555 of the Civil Code a legal act is judged by its content and if a certain legal act is intended to disguise a different legal act, it shall be judged by its true nature. Thus, the courts should grant an individual whose housing of a permanent nature is based on an accommodation agreement the same protection as in the case of a rental contract. These situations are also subject to section 1813 of the Civil Code, under which contractual provisions establishing a significant imbalance between the rights of the accommodated person and those of the accommodating person are null. The Civil Code, then, contains safeguards denying legal protection for the acting of a landlord who circumvents the law with a view to providing lower protection to the accommodated person.

137. As regards *short-term rental contracts*, the Government note again that their existence in the legal order is necessary. First of all, in practice there are a number of people who really need to rent a flat for a fixed term, e.g. for reasons of employment. Secondly, this type of contract makes it possible for landlords to check new tenants as to their reliability. Without this opportunity to have a transitional period for developing trust between the contracting parties flat owners' willingness to let their properties for permanent housing purposes would be impaired and the offering of available rental housing would be reduced.

138. Nevertheless, as part of the implementation of the above-cited Committee decision in the case of *ERTF v. the Czech Republic* the Expert Panel is also considering – with a view to reinforcing the protection of people in hostels – the question of whether and, if so, how the possibility to chain short-term rental contracts should be restricted. It is considering the stipulation of a maximum number of repeated conclusions of short-term rental contracts or the maximum timeframe following the overstepping of which the same parties would have the option to only conclude a rental contract for an indefinite period. The talks are under way; the next meeting of the Expert Panel is planned for the second quarter of 2021.

139. Finally, in respect of the *housing benefit* the Government note that this assistance in material need can also be paid to individuals who do not have permanent residence in hostels. Only the actual residence address is relevant. The accommodated person can receive this assistance also in the case that a rental contract or an accommodation agreement concluded with them is being extended and also in the case that the hostel is located in an area designated as a *housing benefit ineligible zone* by the municipality. These persons are not viewed as newcomers. (See Part V hereof for more details on the issue of *housing benefit ineligible zones*.)

(iii) Claimed evictions in Brno, Ústí nad Labem, and Ostrava

140. The Government requested the Mayors of Brno, Ústí nad Labem, and Ostrava to provide their opinions and information on the alleged eviction cases that the complainant organisation refers to in the collective complaint. In the following, the Government summarise the information received from the Mayors of these cities.

a) Brno

141. The Mayor of Brno notes that the complainant organisation's claims are vague and unspecific, and that it was therefore not possible to identify the events that it meant and whether they had actually taken place.

142. But the Mayor notes that before the eviction of every ex-tenant, the city takes a number of steps, all of them in compliance with the legislation. Eviction always takes place only after a written request, in which the tenant is notified of the end of the period of notice or that the rental contract was not extended. The tenant is granted at least 30 days to vacate the flat to have enough time to find new housing. Tenants can also apply for a new rental contract and in the process of concluding such contracts account is taken of the vulnerable groups of population.

143. In practice, the most frequent grounds for eviction include unpaid rent or gross breaches of the rental contract. Before contract termination, the tenants are always sent a written request drawing their attention to the specific problem and offering them various solutions (such as arranging for a payment schedule). If the situation does not improve, the tenant is sent a notice of termination of the flat tenancy and a request to return the flat. Failing this, the city brings an action for vacation before a court. The tenant receives information on this in writing.

144. Before eviction, the city contacts the ex-tenants in writing several times and recommends that they approach social workers to help them tackle their situation. Where the evicted persons show interest, social workers in the Social Care Department of the Municipality of Brno are available to them; within the department's various units, these workers specialise in different target groups (senior people, families with children, disabled people, etc.). They can also use the services of the city's semi-autonomous organisations, such as DROM, a Roma centre whose social workers focus primarily on working with Roma and are able to provide assistance to substance users as well, or the Social Services Centre. The city also

cooperates with a number of NGOs (The Brno Diocesan Charity, the Salvation Army, Romodrom, IQ Roma servis, and others) and with other social service providers.

145. The Chartered City of Brno has launched a project called *Housing Loss Prevention*, the purpose of which, as the name indicates, is intended to ward off loss of housing. The project staff include debt officers, who keep records of unpaid rents, and social workers who help the tenants to tackle their debts and to improve their situation. Several municipal boroughs and the Municipality of Brno are using this project. The Social Care Department of the Municipality of Brno is operating a number of schemes directly geared towards support for retaining housing. Housing departments' workers inform the tenants at risk of housing loss about social workers' services and recommend that they use these services.

146. In June 2020, the Chartered City of Brno approved its *Social Housing Policy 2020–2030*. Housing loss prevention is one of the priorities in this policy. The policy seeks to prevent situations where the rent amount is not sustainable for the tenants and they are unable to pay it as due, which jeopardises the stability of their housing. The Chartered City of Brno also employs social workers specialising directly in support for housing retention, i.e. precisely the prevention of evictions.

147. Social housing provision in Brno in the coming years relies on *The Thematic Action Plan for Social Housing in Brno 2019–2022*,¹³ which was drafted in cooperation with the Agency for Social Inclusion. The plan contains a summary of the city residents' current housing situation, i.e. the number of persons in various stages of housing need, the number and amount of welfare benefits paid to persons in material need, the numbers of people in enforcement proceedings (= execution) or the affordability of housing in the city. The plan aims at providing, by 2022, the needy city residents with greater opportunities to obtain standard non-segregated housing in Brno, helped by individualised social work in this respect. Under this plan, the city and the municipal boroughs are already allocating rented social housing.

148. The City of Brno has also set up a *Contact Point for Housing*, which has become the central point where Brno residents can receive the basic information about rented council flats, including social flats (the criteria for allocation or how to apply), but also actually apply for a social flat. Social workers able to provide social advice or arrange for social enquiry where an application for a social flat was lodged are also available to them there. An integral part of the Contact Point for Housing is also gratuitous legal services in the area of housing, and not only in connection with rented council housing but also in the case of housing rented in the commercial market. The Contact Point for Housing enjoys a great interest, in particular on the part of the target group of persons in or at risk of housing need, which is borne out by the average footfall of some 80 to 100 clients per week.

¹³ For more see [here](#).

149. In 2021, the City of Brno will, in cooperation with the Agency for Social Inclusion, draft a *Strategic Plan for Social Inclusion* that will primarily focus on housing (thus continuing in the above Thematic Action Plan and elaborating on it in more detail) and employment. Its purpose will be to set up for the coming years a policy ensuring that in the future people in Brno land in a situation of housing need only exceptionally and, should it actually happen, that it not be repeatedly or for long.

150. Over and above what was described before, housing loss prevention tools have been available to people in dire straits in Brno for several years at the municipal and the non-profit levels. These primarily include *debt advice*.

151. Furthermore, for several years the city has been operating a *waiting list of social housing applicants*, in which the applicants are ranked against objective criteria approved by the Brno Council and on the basis of which social flats associated with the need of comprehensive social support are allocated. The municipal boroughs of the Chartered City of Brno allocate social flats not associated with the need of comprehensive social support (i.e. flats for residents who do not have cumulated difficulties and tackle 'only' an income too low to achieve standard rented commercial or council housing). The municipal boroughs and the Chartered City of Brno allocate approximately 100 social flats per year in this manner.

152. The above clearly shows that the Chartered City of Brno is taking a number of proactive steps as regards affordable and social housing, ranging from preparing various analyses and strategies to implementing them in practice. The city currently lets 26,500 standard flats, 120 starting flats (for young families that can be expected to be able to find different housing in the future), 218 social flats for low-income applicants, and approximately 1,000 special-purpose flats (e.g. barrier-free flats).

b) Ústí nad Labem

153. The two hostels mentioned by the complainant organisation, at Klišská 53 and at Purkyňova 14, were really closed down as of 30 June 2018; the reason is that their private owner was no longer interested in operating them. But there was no forced eviction of people. At the beginning of 2018, the operator advised all residents in the hostels that the hostels would stop operating at the end of June 2018. The accommodation agreements were effective only until that date.

154. Once the City of Ústí nad Labem heard of the situation in May 2018, it conducted a social enquiry in the hostels to identify the situation of their residents and their housing needs. On the occasion of repeated regular visits, the city's social workers subsequently offered assistance to the accommodated persons in their search for some other suitable housing. Some of the residents did not avail themselves of the proffered assistance and found housing on their own; others used it. The social workers of the municipal boroughs concerned and the Ústecký Region, as well as some NGOs (such as People in Need, the Ústí nad Labem Local Charity, the Counselling Centre for Citizenship and Civil and Human Rights) were also involved in the drive to tackle the situation in addition to the city's social workers.

155. The accommodated persons who wanted the assistance offered by the social workers received contact details for owners of flats or hostels in the city. They also received aid in making arrangements for the ‘emergency relief allowance’ to be able to provide a deposit upon entering into the rental contract. Most of the hostel residents found new lodging in standard flats while a smaller number of them moved to other hostels. The social workers then offered the clients assistance aimed at retaining their new housing with the help of housing benefits.

156. By the end of June 2018, a total of 25 persons had not found suitable housing. The city therefore provided them with temporary accommodation in the Předlice Primary School’s gymnasium. The city continued to conduct intensive social work with them with a view to finding suitable housing for them. They also received material and food relief.

c) Ostrava

157. Since the claimed evictions or threats thereof in Ostrava concerned Roma, the Government provide information on these cases in §§ 178–187 below.

(iv) Conclusion

158. The Government summarise that they are aware of the challenges posed by insecure housing in hostels and the eviction process. On the other hand, the Government believe that they are *not* passive in this area; on the contrary, they are adopting a number of specific measures at both the national and the municipal levels. The Government therefore believe that in this respect, they comply with Article 16 of the Charter in a reasonable and sufficient manner.

VI. INTRODUCTION OF THE OPTION TO DECLARE HOUSING BENEFIT INELIGIBLE ZONES

A) THE COMPLAINANT ORGANISATION’S CLAIM

159. Furthermore, the complainant organisation claims that the introduction of the option for municipalities to declare ‘housing benefit ineligible zones’, i.e. areas with increased incidence of socially undesirable phenomena, where the local residents are not entitled to receive housing supplements, is contrary to Article 16 of the Charter. It notes that the option to declare housing benefit ineligible zones has been introduced with a view to providing municipalities with a legal instrument that would help them fight against hostel and public lodging owners abusing housing supplements and providing unfit lodging for above-average fees. It claims that although the measure was not intended to apply to current residents living in the area, in fact these persons live in their accommodation under short-term accommodation agreements, while if a housing benefit ineligible zone is newly declared in the area of their accommodation, upon the repeated conclusion of an accommodation agreement they are deprived of the opportunity to receive housing supplements, which results in their moving away.

B) THE GOVERNMENT'S COMMENTS ON THE MERITS OF THIS CLAIM

160. The Government confirm that, as of 1 June 2017, the Assistance for those in Material Need Act (see §§ 10–11 above) contains provisions under which a municipality can request the authorised municipal authority to issue a measure of a general nature whereby an area with increased occurrence of socially undesirable phenomena is declared.

(i) Persons who cannot claim housing benefits

161. As the result of the declaration of a measure of a general nature for the area in question, the entitlement to housing benefits will not arise for persons whose ownership right or use title to the flat, to the 'space other than dwelling space', or to the lodging facility came into existence after the date on which this measure was issued.

162. Nevertheless, the consequences of the issuance of a measure of a general nature do not affect clients of residential social services or housing benefit beneficiaries for whom the rental contract or another legal right to use the flat is being extended. For the purposes of the Assistance for those in Material Need Act, in the cases where for a housing benefit beneficiary the rental contract or some other legal right to use the flat, or the space other than dwelling space, or the lodging facility, which had been signed for a fixed term, the assumption is that the legal relationship governing the use of such properties had come into existence already upon the signing of the first rental contract or another legal right. Thus, reliance is had on the assumption that the housing benefit beneficiary continues to have a valid legal entitlement to the use of the flat, or the space other than dwelling space, or the lodging facility because the beneficiary already became entitled to the use of those properties upon signing the very first contract.

163. Hence, the declaration of a housing benefit ineligible zone is solely forward looking towards newcomers and does not have any impact on the people already living in the area, including in the case of their living in hostels where they enter into short-term accommodation agreements.

(ii) Aim pursued

164. The purpose of the amendment to the law is to prevent business in poverty. It responds to criticism, primarily from municipalities, that housing benefits are largely being channelled into the pockets of hostels and non-residential premises owners, thereby constantly generating supply and demand for this type of lodging. The consequence is that in some cases, housing benefit beneficiaries live in conditions that are not completely satisfactory and for relatively large amounts of money. Since these are usually persons disadvantaged in the free housing market, this indirectly underpins the poverty business entailing the abuse of these disadvantaged people, who then have no choice other than accept the payment of rents and other charges in amounts for which the quality and form of lodging fall short of what they should be.

(iii) Potential impact on access to housing

165. The Government note that the complainant organisation's claim is misleading because in its complaints it inaccurately says that through the declaration of a housing benefit ineligible zone, the "old residents" might lose their right to claim welfare benefits for housing. To clarify, the Government hereby inform the Committee that the declaration of a measure of a general nature for a certain area influences only the potential acquisition of the entitlement to assistance in material need in the form of housing benefit, and only for the newcomers. The potential acquisition of the entitlement to the State's social assistance in the form of housing allowance is not affected at all.

166. The Government note on the current number of housing benefit ineligible zones that, in August 2020, the Czech Republic had a total of 92 effective measure of a general nature within the meaning of section 33d of the Assistance for those in Material Need Act, declaring areas of increased occurrence of socially undesirable phenomena. In practice, the measures of a general nature are issued in varying extents. They are either directed at a particular hostel, or one house, or at a street or neighbourhood, possibly even the whole town. However, only the measure of a general nature declared in Ústí nad Labem covers the entire city.

167. Further to the claimed breach of Article 16 of the Charter, the Government note that this legislation on housing benefit ineligible zones should not encourage the 'old residents' to move away because also in the case where short-term contracts are being extended, the persons in hostels have the right to continue to receive assistance in material need in the form of housing benefit. The adopted new provisions only restrict potential newcomers in claiming this welfare benefit. However, the impacts of this measure are only being analysed at present. The Agency for Social Inclusion is currently preparing a survey of the declaration of housing benefit ineligible zones, which will reflect the impacts of this measure to the full extent.

168. In respect of this issue, no legislative changes are being planned now because in December 2017 a group of Senators moved for the Constitutional Court to repeal the statutory provisions in question. The Senators point out, *inter alia*, a conflict with the freedom of movement and a breach of the principle of equality in exercising the right to the fundamental vital needs. The Constitutional Court has not yet decided on this matter.

169. Without prejudging the outcome of the proceedings before the Constitutional Court, the Government draw attention to the fact that in relation to the freedom of movement, similar legislation has also been examined by the European Court of Human Rights. In the case of *Garib v. the Netherlands* (no. 43494/09, judgement [GC] of 6 November 2017), the Court examined, from the perspective of the freedom to choose residence under Article 2 of Protocol No. 4 to the European Convention on Human Rights, the impact of an Act permitting local councils to determine, within their municipalities, areas in which the housing permit was subject either to the condition of previous continuous residence in that area for at least six years or the non-existence of dependence on welfare benefits. In that case,

the applicant satisfied neither of the conditions because she had been living in that area for only two years and was dependent on welfare benefits. The measure therefore resulted directly in her eviction. But the Court found that the applicant's interest in relation to the freedom to choose one's residence did not outweigh the general interest pursued by that measure, which was to reverse the decline of impoverished inner-city areas and to improve quality of life generally.

170. In this context, the Government note that the legislation on the declaration of areas with increased occurrence of socially undesirable phenomena also pursues the legitimate aim of fighting against poverty. In addition, the declaration of housing benefit ineligible zones does not cause the departure of the old residents. *Firstly*, the law does not prevent anyone from moving into the area in question and only impacts on the possibility to receive housing benefits. *Secondly*, persons who already live in the area can continue to receive housing benefits. *Thirdly*, all persons, including newcomers, can receive housing allowance. The impact of the provisions on housing benefit ineligible zones on the free choice of the place of residence and access to housing is therefore much softer than in the above-cited case examined by the Court.

(iv) Conclusion

171. The Government summarise that the introduction of the option to declare housing benefit ineligible zones within municipalities pursues the legitimate aim of fighting against poverty. The amendment in question applies only to newcomers and therefore should not contribute to the departure of the persons already living there. Furthermore, the impacts of the amendment on access to housing are currently being evaluated. The Government therefore consider that the amendment and its operation in practice do not breach Article 16 of the Charter.

VII. SOCIAL AND RACIAL SEGREGATION OF ROMA IN RESPECT OF HOUSING

A) THE COMPLAINANT ORGANISATION'S CLAIM

172. The complainant organisation also claims that in the Czech Republic social and racial discrimination, including also racial segregation, is on the rise. It claims that Roma are denied access to adequate housing, particularly social housing. It highlights an alleged case of mass-scale evictions in Ostrava-Poruba in the Skautská and Dělnická Streets, purportedly happening in October 2018 and concerning predominantly Roma. It also points to the rising number of socially excluded localities and of residents living there between 2006 and 2015. It claims that most of these localities are "urban ghettos" with Roma being the majority of persons living there. In this context, it refers to an enormous increase in the number of people living in hostels.

173. In the above, the complainant organisation sees a breach of Article 16 of the Charter read in conjunction with the provision of the Preamble on the prohibition of discrimination.

B) THE GOVERNMENT'S COMMENTS ON THE MERITS OF THE CLAIM

174. In the following paragraphs, the Government describe the measures that have been adopted in the past with a view to ensuring affordable housing without discrimination, the evaluation of these measures, and the steps being planned going forward.

175. However, before doing so, the Government consider it to be necessary to comment on two specific points of the arguments contained in the collective complaint – the complainant organisation's reference to the Committee's decision in the case of *COHRE v. Italy* (No. 58/2009, decision on the merits of 25 June 2010, §§ 76–77) and its reference to the alleged eviction of a large number of Roma from the Skautská and Dělnická Streets in Ostrava-Poruba.

(i) Relevance of the decision on *COHRE v. Italy*

176. In the first place, the Government have to protest against the comparison of the instant case with the case of *COHRE v. Italy*, which the complainant organisation sets out on page 13 of its complaint. The Government note that the parts of the decision cited by the complainant organisation concern a number of eviction cases where private individuals and even public authorities used physical violence against Roma. The competent authorities subsequently ignored and did not investigate at all this physical violence where the public authorities did not directly participate in it or did not passively watch it.

177. The Government note that such cases of physical violence during eviction did not and do not occur in the Czech Republic. After all, the complainant organisation does not refer to any such cases, let alone document them. Nevertheless, it premises its legal arguments on the cited part of the *COHRE v. Italy* decision, which the Government do not regard as fitting.

(ii) Claimed threats to evict and eviction of Roma living in Ostrava-Poruba

178. The Government also believe it to be necessary to express their opinion on the claimed threats of and actual eviction of Roma, purportedly happening in October 2018 in Ostrava-Poruba in the Dělnická and Skautská Streets.

179. The Government note first of all that the sources cited by the complainant organisation to support its claims are either broken links to articles posted on the internet, the content of which therefore cannot be found, or alleged testimonies of private individuals, the content of which is not, however, captured in the collective complaint in any manner. It is therefore not possible to reliably determine the event that the complainant organisation points out and what allegedly was its substance.

180. Nevertheless, the Government have enquired with the City of Ostrava, which has said that the complainant organisation probably means an event where a private owner of about 480 flats in those streets, a company named H.C., s.r.o., notified the tenants that it would systematically monitor compliance with the obligations under rental contracts, including the dates for payments related to the use of the flats and the keeping of good morals (in particular the resolution of complaints between neighbours). This notification caused strong trepidation amongst the tenants, which was subsequently addressed by the owner of the flats, the Ostrava-Poruba municipal district, and the Municipality of Ostrava. Multidisciplinary teams (see § 185 below), NGOs and a number of active residents in the area were involved in the drive to tackle the situation. Various meetings and talks resulted in the termination of several contracts (around 20) within six months. The owner of the flats notified the tenants thereof.

181. There is no question that the above situation was challenging for the tenants. However, it was addressed vigorously, also involving the city's bodies, and did not result in mass-scale evictions. In addition, that area offers a dense network of social services and these are also provided in the field right in the above-named streets. And indeed, many residents in those streets used the advisory services of the city's social worker.

182. As regards other claimed incidents, the City of Ostrava was not able to provide any specific information because of the vagueness of the complainant organisation's allegations. Nevertheless, the City of Ostrava did not have available any findings, whether from its own activities or from the organisations with which it cooperates, on the existence of the major events that the complainant organisation is indicating, without, however, proving them in any manner.

183. In this context, the Government believe it to be important to inform the Committee that the City of Ostrava is paying utmost attention to the issue of housing affordability and social housing.

184. Among other things, 'housing with an accompanying social programme' is available in the city. Under this programme, the City of Ostrava and NGOs sign rental contracts with owners of flats, which they in turn rent out to people in housing need. Together with flat tenancy, they provide an accompanying social programme. As at 30 June 2020, this was the case of 465 rented flats housing 1,311 persons, of whom 473 were under 18. These flats are located throughout the city, including in the Dělnická and Skautská Streets mentioned by the complainant organisation.

185. Furthermore, the City of Ostrava has built a dense network of social services in areas with an increased concentration of social exclusion. Also Roma assistants and, equally importantly, a platform of multidisciplinary teams operate in three municipal districts. One of the platform's objectives is effective networking of the local players. Thus, representatives of NGOs, the Municipality of Ostrava, the respective municipal district, OSPOD (authorities for the social and legal protection of children), the Police of the Czech Republic, the Ostrava Metropolitan Police, and of schools, and crime prevention assistants and active residents of the city meet on a monthly basis. These stakeholders discuss the latest developments in

the locality and look for a shared solution, which they subsequently carry out, co-operating with each other.

186. The city also seeks to develop and stabilise a sufficient housing stock for the purposes of social housing. It currently has a total (i.e. not only social) of 12,674 rented flats. Since 2016, the Municipality of Ostrava has carried out several projects co-financed from the European Social Fund in order to develop a social housing concept and validate it in practice. As part of these projects, it also developed a methodology of social work in social housing.¹⁴ The city was also appreciated at the international level for its systematic solution to the housing crisis, when in 2018 it won the international competition of projects called *RegioStars Awards* in the category *Better Access to Public Services*.¹⁵ The European Commission elected Ostrava as good practice in delivering on the *European Pillar of Social Rights*, and for the principle of *Housing and Assistance for the Homeless*.¹⁶ The City of Ostrava is therefore regarded as an example of good practice on the European scale in respect of social housing. In 2017, it approved its *Social Housing Concept*,¹⁷ which was then recast into the *Action Plan for Implementing the Social Housing Concept*.¹⁸

187. The Government therefore conclude that the complainant organisation's claims of the alleged eviction of Roma in Ostrava are not specific and not substantiated. Quite the opposite, the City of Ostrava is very active in social housing and cited as an example on the European scale.

(iii) Affordable and social housing for Roma

a) Socially excluded localities

188. The Government note that the complainant organisation's data on the numbers of socially excluded localities in the Czech Republic is basically correct.

189. Over and above this data, the Government would add that although excluded localities in which Roma make up the majority of the population continue to predominate, there are more and more of those where this is not the case. While in 2006 Roma were not the majority population in only 18% of socially excluded localities, in 2014 the figure already was 25%.

190. On the basis of qualified estimates presented in reports on the situation of the Roma minority in the Regions, in 2019 almost 262,000 Roma lived in the Czech Republic. Of this number of Roma more than one half are the 'integrated Roma'. However, the other portion (approximately 110,000 persons) includes Roma who can be regarded as socially excluded or at risk of social exclusion. These,

¹⁴ See [here](#).

¹⁵ See [here](#).

¹⁶ See [here](#).

¹⁷ See [here](#).

¹⁸ See [here](#).

unfortunately, still account for almost 80% of the populations living in socially excluded localities.

191. For the sake of better understanding, the Government remark on the socially excluded localities as such that most of them are not spatially excluded, but features of social, economic or symbolic exclusion dominate there. Over time, there are more and more areas where the borders delineating socially excluded localities are blurring and fading into the surrounding society. On the one hand, socially excluded localities are blending with their surroundings while, on the other hand, the people living around such localities possess some features of a socially excluded ambience. Special areas in this respect are such as the Šluknov area, the Jesenice area, and the Osoblažsko area, which are affected by structural problems in general. Because of their parameters such as unemployment or the percentage of people on welfare, as a whole they would meet some characteristics of a socially excluded locality in structurally better faring regions. Social exclusion is therefore always relative to its surroundings: what in some regions may be regarded as a socially excluded locality can be viewed as a normal settlement in others.

192. To conclude, the Government add that the instrument for supporting the municipalities that have a socially excluded locality within their limits is the Agency for Social Inclusion (*Agentura pro sociální začleňování*),¹⁹ which is one of the RDM's departments. The Agency has been working since 2008 and is the Government's expert tool for providing support to local governments in the social inclusion process. It helps local governments to tackle the problems inherent in social exclusion by using its expertise with a view to improving the effectiveness of social inclusion in municipalities and regions. It supports municipalities and Regions so that they are able to play their role – provide, or help to provide, all citizens with equal access to education, housing, healthcare, employment, social services and security. It also networks local entities so that they join forces in social inclusion. In 2020, the Agency operated in 169 Czech municipalities. It helps them to identify the problems in socially excluded localities, to design and calibrate the processes for addressing these problems, and to raise funds for implementing all of this.

b) Social inclusion and social housing

193. Roma's access to social housing and their social inclusion is primarily addressed through the measures adopted under the *Social Housing Concept, Affordable Housing Concept, and Social Inclusion Strategy*. The Government set out the relevant information in §§ 31–89 above and at this point fully refer thereto. As also noted in the *Roma Integration Strategy until 2020* (see §§ 200 *et seq.* below), in respect of housing it is turning out very clearly that Roma's housing cannot be addressed separately because that would have segregating impacts. The only approach is therefore taking the specific situation of Roma and other groups having similar characteristics (such as larger families) into account when developing the tools for support of housing in general, i.e. primarily an adequate system of social housing.

¹⁹ On the Agency see more [here](#) .

194. At this point the Government therefore only recall that the above Concepts and Strategies and the measures adopted thereunder rest on, *inter alia*, the principles of equality and desegregation. Thus, the measures being adopted must not support or result in social exclusion. The social housing system must support housing in proper conditions rather than creating or regrouping socially excluded localities.

195. In this context, the Government note that with a view to addressing segregation, in April 2018 the MoLSA issued a *Methodology of Rating the Localities for Social Housing in Terms of Preventing Residential Segregation*.²⁰ The Methodology was drawn up in cooperation with Charles University's Faculty of Sciences and its Centre for Research of Municipalities (*Centrum pro výzkum měst a obcí*). It was developed on the basis of the pilot verification of the utilisation of the previous *Methodology of Identifying Residential Segregation Localities* from 2015 for the purpose of developing social housing. The verification was conducted in ten Czech towns and cities in 2017 and 2018. The Methodology serves municipalities for identifying and rating segregation localities and for delineating areas that are, from the perspective of the segregation risk, suitable or unsuitable for developing social housing so that the development of social housing helps to prevent and eliminate segregation and support social inclusion rather than reinforcing segregation.

196. Preventing spatial social segregation with its negative impacts on social cohesion of the population is also one of the country's priorities in the *Spatial Development Policy of the Czech Republic (Politika územního rozvoje České republiky)* from 2019 and the *Regional Development Strategy of the Czech Republic (Strategie regionálního rozvoje České republiky 2021+)*.

c) *Measures focused specifically on housing availability for Roma*

1. Roma Integration Strategy

197. The measures specifically targeted at the problems faced by Roma are framed by the Roma integration strategies. These strategies are interconnected with the relevant sectoral strategic documents, also including the above analysed *Social Inclusion Strategy*, *Social Housing Concept* or *Affordable Housing Concept*. The purpose of the above measures is to provide guidance related to these strategies and related activities to reflect Roma's situation at the strategic level and when formulating the specific measures. The Roma Integration Strategies do not replace these sectoral strategies in relation to Roma, but supplement them and also direct them in certain aspects.

198. In view of the timeframe considered in the instant collective complaint, the Government describe the *Roma Integration Strategy until 2020* and the planned *Roma Integration Strategy 2021–2030* in the following.

199. The Secretariat of The Government Council for Roma Minority Affairs monitors the implementation of the Roma Integration Strategy every year; it draws

²⁰ The Methodology is available [here](#).

up a Report on the Situation of the Roma Minority in the past year, which is then laid before the Government for approval.

The Roma Integration Strategy until 2020

200. The purpose of this Strategy, adopted in February 2015, was to create a framework for measures that would result, by 2020, in the reversal of the negative trends in the development of the situation for a considerable number of Roma in the Czech Republic in respect of education, employment, housing, and healthcare and their social situation, and start and speed up positive changes that would result in the progressive elimination of unjustifiable and unacceptable differences between the situation of a considerable number of Roma and that of the majority population, ensure effective protection of Roma against discrimination, ensure safe coexistence, and encourage the development of Roma culture, language and participation.

201. The key principles of the Strategy include desegregation. A precondition for genuine equality is the elimination of segregation, namely spatial segregation (the existence of predominantly Roma ghettos) and social segregation (e.g. in the school system). The Strategy emphasises desegregation as a permanent component of all policies influencing Roma integration.

202. The strategic objectives also included achieving Roma's equal access to proper housing. The Strategy's objective was to contribute to achieving a situation where Roma have the same access to the housing available in the market as the majority population; poor and otherwise disadvantaged Roma have access to good and affordable housing; the social housing system effectively responds to Roma's needs; no Roma family with children lives permanently in a hostel or other temporary and sub-standard dwelling; and no Roma child remains placed in institutional care because their parents do not have any housing.

203. The Strategy contained specific objectives *Support for Roma's Non-discriminatory Access to Housing and Systematic Elimination of the Use of Sub-standard Housing, in Particular Hostels, for the Purpose of Sustained Housing*. The latter objective focused primarily on evaluating the housing-related interventions in terms of compliance with basic standards of housing and operability, but also the rights of the persons concerned, in particular with regard to the rights of children; ensuring that crisis relief and homeless hostels for families with children that face the risk of homelessness respect the principle of refraining from dividing families; and ensuring that in the case of all planned interventions in the area of housing, the measure being adopted (a programme, a project, support) is rated in advance from the perspective of its potential segregation and desegregation impacts in relation to Roma and other minorities in the particular area or location.

204. The Strategy also recapitulated the utilisation of the funds from the EU Structural Funds between 2007 and 2013 for addressing Roma's social exclusion and discrimination. The impact on Roma was checked by monitoring indicators, surveys, studies, and external evaluation of projects. These subsidies helped, *inter alia*, to improve the accessibility of preventive social services and other measures intended to support social inclusion for socially excluded people and for Roma, and

to increase the capacity and expertise of the players that provide these services; in the case of municipalities, the opportunity to run individual projects helped to boost their responsibility for addressing social exclusion within their limits; and cooperation between municipalities and the Agency for Social Inclusion developed.

205. On the basis of this experience, in the subsequent programming period of the Structural Funds, from 2014 to 2020, care was taken to follow a coordinated approach to all aspects of social inclusion (education, employment, social services, housing, etc.); to direct interventions towards selected areas with the occurrence of socially excluded localities; and to broaden the range of interventions (such as social housing or community work). The formulation of the investment priorities and measures followed an explicit, but not exclusive, approach whereby Roma would be specified as one of the key target groups, but the calls for proposals and projects would also be open for other target groups. It was also emphasised that the impact on Roma had to be verifiable through monitoring indicators, surveys and studies and that emerging projects were to be more closely interconnected with the already existing networks and their financial mechanisms (e.g. in social services), thereby ensuring sustainability of support.

206. The implementation of *The Roma Integration Strategy until 2020* will be evaluated in 2021.

The Roma Integration Strategy 2021–2030

207. *The Roma Integration Strategy until 2030* is currently being finalised. The Strategy's main objectives dovetail with those of *The Roma Integration Strategy until 2020* and reflect the fact that those objectives were not met to the full extent in many respects. The purpose of the Strategy is to create a framework for measures that will enhance the positive changes achieved in certain areas of Roma integration and for measures that will result in the reversal of the negative trends where they persist or are intensifying. The aim is to eliminate all unjustifiable and unacceptable differences between the situation of a considerable number of Roma and that of the majority population, ensure effective protection of Roma against discrimination and antigypsyism, and encourage the emancipation of Roma and Roma culture and language, and their participation.

208. The following strategic objectives were set on the basis of the problems identified through analysis: lower the level of antigypsyism; raise the level of Roma education; ensure Roma's equal access to good housing; ensure Roma's equal access to employment; and ensure Roma's equal access to good healthcare and social services.

209. The Strategy does not duplicate the measures contained in the Social Inclusion Strategy 2021–2030; its aim is to complement the mainstream measures of that Strategy and put in place the conditions for Roma to have such measures within their reach.

210. In respect of Roma's equal access to good housing, the Strategy's plans include measures in monitoring and data collection (e.g., continued monitoring of Roma's discrimination in access to housing or monitoring of Roma's presence in

socially segregated locations), measures focused on spatial adequacy of housing, primarily of families with multiple members, or on NGOs' and informal civic initiatives' involvement in the tackling of Roma's housing need. Efforts to prevent loss of housing will be undertaken in cooperation with labour offices and will be interconnected with social work.

211. Roma integration measures will continue to be financed from the national budget and from the EU funds, mainly through the ESF Plus, the European Regional Development Fund, and the European Agricultural Fund for Rural Development.

212. As the previous Strategy, the new Strategy will be evaluated every year. The first revision of the Strategy is planned for 2023. For 2024 and 2025, an external evaluation of Strategy implementation is planned. The second revision of the Strategy is planned for 2026. An overall evaluation of Strategy implementation is planned for the end of 2031.

213. The *Roma Integration Strategy Implementation Committee*, the key purpose of which is to monitor and evaluate the delivery of the objectives and measures following from the Strategy that were allocated to the Office of the Government and other owners of measures, has been set up to boost the monitoring and evaluation system. The Committee is composed of representatives of state administration (owners of the various measures), including those of the managing authorities of the relevant operational programmes, and representatives of local self-governments, of The Government Council for Roma Minority Affairs, and, equally importantly, of the professional civil society.

214. The Government is expected to approve the Strategy in the second quarter of 2021.

2. Examples of good practice

215. Despite the persisting problems in Roma's housing in the Czech Republic, there are a number of examples of situations being tackled successfully. In this context, the Government again refer to *Housing First*, a project that has proved its worth in other countries as a successful measure to prevent homelessness (see §§ 55–56 and 84 above). As part of the pilot testing of rapid settlement of families with children, *Rapid Re-housing*, in 2016 the Municipality of Brno and several Brno municipal boroughs provided housing in non-segregated council flats to 50 families in long-term housing need; two thirds of them were Roma families.²¹ The IQ Roma Servis NGO also cooperated on the project. Researchers at the Ostrava University and Masaryk University in Brno continuously evaluated the impact of what had been the largest project focused on addressing families' housing need since 1989, which was financed from the ESF.²² In 2017, Brno's *Rapid Re-housing* programme won the prestigious award for the best European project for ending family

²¹ More on the project see [here](#).

²² The final evaluation report on the project see [here](#).

homelessness, conferred by the European Commission together with the complainant organisation.²³

216. In 2020, more than 20 municipalities across the Czech Republic, such as České Budějovice, Chomutov, Jindřichův Hradec, Most, Ostrava, Pardubice, Plzeň and some of the Prague municipal boroughs, cooperating with MoLSA, conducted a pilot validation of the local social housing systems or introduced the *housing first* approach.²⁴

217. To support the participating municipalities, the MoLSA has set up a Contact Centre and seeks to boost the competences of the key players (ministries, municipalities, social-health and housing departments of municipal authorities, NGOs, labour offices, academia, etc.) in the provision of social housing and accompanying services, primarily in social work. As part of the project, the MoLSA intermediates examples of good practice from other countries, prepares analyses and methodologies for social housing implementation, and arranges for the education of the competent social housing personnel (on the project of Support for Social Housing see more in §§ 52–52 above).²⁵

218. Another example of good practice is the project of assisted acquisition of housing, *Ethnic Friendly Housing*, which is run by an NGO called R-mosty²⁶ with support provided by the Office of the Government. Under the project, the organisation's personnel contact and negotiate with flat owners in order to intermediate rental contracts for Roma candidates. Subsequently, they facilitate the conclusion of the rental contract for the two parties and throughout the tenancy term operate as their liaison and the mediator in their communication with each other. In flat selection, the NGO takes care that the flat is not located in a socially excluded location or an area with the potential to become such a location.²⁷ The project has been operating since 2016 throughout the Czech Republic, most notably in Prague and Mladá Boleslav.

(iv) Conclusion

219. In the light of the above, the Government note that they pay attention to the availability of adequate housing for Roma in its strategic papers focused on housing as such and on Roma integration issues. They subsequently reflect these strategies in the specific measures for their implementation. They monitor the effectiveness of such measures in relation to Roma on a yearly basis. There are a number of examples of good practice across the Czech Republic; most of the Roma population are not affected by social exclusion. There is no question that certain progress in this respect is visible. The Government therefore consider that they

²³ See [here](#), p. 5.

²⁴ For more see [here](#).

²⁵ More on the project see [here](#).

²⁶ More on the organisation see [here](#).

²⁷ More on the project see [here](#).

comply with Article 16 of the Charter read in conjunction with its Preamble to a reasonable extent. Nevertheless, they leave the final assessment to the Committee's discretion.

VIII. LEGISLATION ON THE PERMANENT RESIDENCE ADDRESS AND ITS POTENTIAL IMPACT ON ACCESS TO HOUSING

A) THE COMPLAINANT ORGANISATION'S CLAIM

220. Finally, the complainant organisation claims that the current legislation on the address of registered permanent residence has a negative impact on the effective exercise of certain persons' housing rights.

221. It specifically notes that under the Czech legislation, each citizen of the Czech Republic has only one registered permanent residence, which they usually have in the place where they have their family, parents, flat, or job. For a citizen to be able to register their permanent residence at a certain address, they have to prove to the administrative authority that they own the flat or house or that they are entitled to use it, or present the authorised person's notarised written confirmation of the use title. Where a citizen is unable to document this information, the address of the registration office of the municipal authority, or municipal boroughs or municipal districts should be their registered permanent residence. This fact is indicated in the citizen's identification card.

222. The complainant organisation claims that most of the persons who have the address of their permanent residence registered at an authority are, in addition to homeless persons, persons in hostels because these persons are unable to document the house or flat owner's required agreement. The indication in the identification card is one of the aspects that the complainant organisation describes as problematic practice since this may negatively affect these residents in civil law relationships. As an example it notes that banks may be reluctant to give bank loans to these persons, as these residents appear (in the view of the banks) less trustworthy and/or creditworthy. A person's registered permanent residence is also used as the primary address to which the public authorities send any summons, letters or notices. If the citizen does not receive the above that are delivered to their registered permanent residence, this can have serious consequences for the person. According to the complainant organisation, some other rights and obligations are linked to the registered permanent residence, such as the right to vote in regional elections or the right to park in certain zones of the municipality, the obligation to pay fees for waste collection to the municipality or the selection of schools and pre-schools based on the schools' catchment areas.

B) THE GOVERNMENT'S COMMENTS ON THE MERITS OF THIS CLAIM

223. The Government regard this claim of the complainant organisation as manifestly ill-founded, for they do not see anything through which the legislation on registered permanent residence could have a negative impact on access to

housing within the meaning of Article 16 of the Charter. In the following, the Government describe the key attributes of the legislation on registered permanent residence and then comment on the potential impact of this legislation on people's access to housing and on other aspects of people's lives which the complainant organisation has highlighted.

(i) Key aspects of the legislation on registered permanent residence

224. The details of permanent residence are laid down in the law on population records (*zákon o evidenci obyvatel*). The place of permanent residence means the address of the residence of a citizen (= a national) of the Czech Republic, which the national himself/herself selects. A citizen can have only one registered permanent residence, namely in a property marked, under a different piece of legislation, by an indication number (indicating the number of the property within the whole area) or a registration number, or, possibly, the street number of the property, which is intended for housing, lodging, or individual recreation. In cases listed in the law, a citizen can have permanent residence at the address of an authority as the registration office or at the address of the Special Registry (located in Brno, part of the Brno-Centre registry). The municipal authority is the registration office in general; in Prague and in territorially subdivided chartered towns and cities, the registration offices are the authorities of municipal boroughs or municipal districts.

225. The address of the place of permanent residence is one of the details kept in the information system of population records and indicated in ID cards. Where the citizen's place of permanent residence is a registration office, the address of the place of permanent residence is indicated in the ID card with the note 'office address'. Together with the note 'office address', the relevant address is also recorded in the register of citizens, into which it is transferred from the information system of population records.

226. A number of laws and regulations operate with the legal notion of 'permanent residence' and many rights and obligations are related thereto. Among other things, the local jurisdiction of authorities and courts derives from the place of permanent residence; the right to vote in municipal elections and the exercise of the mandate in municipal assemblies are conditional on permanent residence; and the obligation to pay the charges for waste collection and disposal is tied to permanent residence. In spite of that, it should be emphasised that the identification of the place of permanent residence has a primarily record-keeping nature. This fact is explicitly stated in section 10(2) of the law on population records, under which a citizen's registration for permanent residence does not give rise to any rights to the property where permanent residence is registered or to the owner thereof. At the same time, the law does not oblige citizens to register their permanent residence at the place where they actually reside or to live at the place of their registered permanent residence.

227. The decision to register the place of permanent residence does not establish the right to live at that place. Using the house or flat is conditional on the existence of the right of use, which primarily inures to the benefit of the owner. The

justification of using a house or flat derives from the right of the owner, or of another person to whom the owner has granted the right of use.

228. At the moment of birth or adoption, the place of the citizen's permanent residence is the place of the permanent residence of their mother or adoptive mother. To be able to notify a change of the place of permanent residence the person must document their ownership of the relevant flat or house or present the authorised person's notarised written confirmation of consent to the notification of a change of the place of permanent residence. The person who is entitled to use the property in question or who is the operator of the lodging facility where the citizen is registering for permanent residence are regarded as authorised persons.

(ii) Potential impact on access to housing

a) Nature of permanent residence

229. The Government note first of all that the address of the place of permanent residence has only a record-keeping nature. The actual place of an individual's residence therefore does not have to be the same as their registered place of permanent residence.

b) Categories of individuals who can have their address of permanent residence at a registration office

230. A citizen can have their permanent residence registered at a municipal authority, i.e. the registration office, in several cases specified by the law. It is not true that citizens having their permanent residence at a municipal authority are only homeless people or persons in hostels. Citizens who are registered for permanent residence at the address of an authority also include foundlings, children born in the mode of a secret delivery, or citizens upon acquiring the nationality of the Czech Republic.

231. The single largest group includes the people in whose case the registration office has decided to revoke the information on the place of permanent residence. Under the law on population records, the registration office decides to revoke the information on the place of permanent residence in cases where the permanent residence was registered on the basis of incorrect details, the relevant property does not exist any longer or is no longer fit for use for the purposes of housing, or if the citizen's right to use the property has been extinguished. The registration office also decides to revoke the information on the place of permanent residence upon the motion of the owner of the property or another authorised person. In such a case, the movant shall prove to the registration office the existence of reasons relevant for revoking the information on the place of permanent residence, i.e. that the citizen's right to use the property where the permanent residence is registered has been extinguished and that this citizen is not using the property.

232. On 25 May 2020, the information system of population records contained a total of 382,923 citizens with permanent residence registered at the address of an authority.

c) *The impact of the place of permanent residence on housing-related welfare benefits*

233. The Government do not see any nexus between the reporting of a permanent residence registered at a municipal authority and access to housing. The fact that a person has the place of their permanent residence registered at a municipal authority has no influence at all on the entitlement to receiving housing benefits. In respect of the housing allowance, on 1 July 2020 the condition of having permanent residence in the flat for which this allowance is claimed was revoked. However, as noted in the foregoing, there is not entitlement to this allowance in the case of living in a hostel. Nevertheless, in general in respect of both the benefit and the allowance, only the actual place of residence is the relevant fact for entitlement to receiving them rather than the address of permanent residence.

d) *The impact of the place of permanent residence on the service of documents*

234. The Government do not agree with the complainant organisation's claim that the fact that a person has the address of permanent residence registered at a municipal authority has a negative impact on the effective delivery (= service) of the documents addressed to the person. With effect from 1 July 2009, '*information on the address at which documents under a separate law should be served on the citizen*' can also be kept in the information system of population records at the citizen's request under section 10b of the law on population records. The registration office enters this information in the information system of population records, whence it is automatically sent to the database of the registers of citizens, where it is flagged with the status of reference information. Thus, a person who has permanent residence registered at a municipal authority can set up a different service address of their own will. Any address in the Czech Republic that is kept, under the designation 'address place', in the register of geographical identification, addresses, and real properties can be recorded as a service address. The address of a hostel can also be such an address.

235. But even in the case where a separate address is not set up for document service by a person with permanent residence registered at a municipal authority, it cannot be said that the documents addressed to the person are not served on the person. The law on population records requires registration offices to ensure "*a suitable place where it will be possible to leave a notice of the deposit of a shipment and a request with advice*" addressed to citizens registered for permanent residence at the address of the respective registration office. After ten days from depositing a notice of the depositing of a shipment and a request with advice at a suitable place in the registration office, the conditions of the fiction of service are satisfied, i.e. the document in question is deemed served on the tenth day. However, the fiction of service is one of the existing substituted service methods, which must not be abused.

236. Where the citizen has a data box, all documents of public authorities must be preferentially transmitted to the citizen's data box. However, if the citizen has

requested that an address be recorded for the service of documents, they are served on the citizen at the specified address.

237. Also in the light of the civil procedure principle that proclaims *vigilantibus iura scripta sunt*, the Government consider that there are sufficient provisions for document service on persons with permanent residence registered at a municipal authority because through their own activity the person can set up an alternative address of service as they may wish, including the address of the hostel.

e) Impact of the place of permanent residence on bankability

238. It is true that if a person has the address of permanent residence at a municipal authority, this fact is indicated in the ID card where ‘office address’ is written next to the address of the authority. However, the Government regard the claim that due to this note it is more difficult to receive a bank loan as mere speculation.

239. As noted in the foregoing, the address of permanent residence has the nature of record keeping only and does not have to be the same as the actual residence. At the same time, a wider range of people than only homeless people and persons in hostels have their permanent residence registered at municipal authorities. It can also be expected that a bank, when considering a loan to a person, relies on the person’s overall financial standing rather than the address of their permanent residence. The Government do not see here any nexus between the address of permanent residence and its potential impact on access to housing.

f) Impact of the place of permanent residence on suffrage

240. As regards the complainant organisation’s other claims the Government note that permanent residence registered at a municipal authority does not prevent anyone from exercising suffrage. The address only serves for determining the municipality the local elections in which the person can join, both with a right to vote and a right to be elected.

g) Impact of the place of permanent residence on school attendance

241. Nor is the selection of the school subject to the address of permanent residence. The address of permanent residence predetermines the catchment school in which every child has a guaranteed place, but the parents can register their child in a school outside the catchment area provided that the school has the capacity.

h) Impact of the place of permanent residence on the obligation to pay the fees for municipal waste collection

242. The method of payment and the amount of the charges for municipal waste collection are determined by each individual municipality independently, in relation to all the citizens who have their permanent residence registered within the limits of the municipality. Neither here do the Government see any nexus between the payment of charges for municipal waste collection and the ensuring of access to housing.

(iii) Conclusion

243. The Government conclude that in the light of the above circumstances, the legal notion of the address of permanent residence, the nature of which is only for record keeping, does not have any negative impact on access to housing and therefore do not see any breach of Article 16 of the Charter in this respect.

OVERALL CONCLUSION

244. In the light of the above facts the Government of the Czech Republic, in their observations on the complainant organisation's complaint, propose to the Committee to decide that there has been no breach of Article 16 of the Charter, read alone or in conjunction with the Preamble of the Charter.

Vít
Alexander
Schorm

Datum:
2021.03.28
16:13:45 +02'00'

Vít A. S c h o r m
Agent of the Government
signed electronically

ENCLOSURES

1. List of schemes supporting social housing
2. Number of the supported flats and the amount of funds from the State Housing Development Fund and under the schemes of the Ministry for Regional Development
3. List of the paid-out housing benefits related to hostels between 2015 and 2020
4. List of the welfare benefits in material need paid out until 2019
5. Table showing the development of the current income of households and of wages between 2008 and 2019

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