

**COUNCIL OF EUROPE  
ENHANCING SOCIAL HUMAN  
RIGHTS IN ARMENIA**



**REPORT ON SOCIAL  
HOUSING STRATEGY**



European  
Social  
Charter

Charte  
sociale  
européenne



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HOUSING STRATEGY

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COUNCIL OF EUROPE

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## Introduction

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This Report was commissioned by the Council of Europe in the frames of the Project “Enhancing Social Human Rights in Armenia”, Directorate General of Human Rights and Rule of Law, Directorate General of Social Rights, Health and Environment, Cooperation Unit, Department of Social Rights.

The Report contributes to a Draft Frame Document addressing six areas related to housing rights and housing systems as considered by the ECSR, and other relevant international organisations. The Draft Frame Document is intended to assist those in Armenia who are developing a social housing strategy within an overall housing strategy.

Armenia ratified the revised European Social Charter on 21/01/2004 and has accepted 67 of the 98 paragraphs. There is automatic incorporation into domestic law.<sup>1</sup>

The right to housing is addressed mainly in Articles 16, 19§4, 30 and Article 31 of the European Social Charter and Revised Charter. While Armenia has not accepted Article 16, 30 or 31 of the Charter,<sup>2</sup> this Frame Document anticipates that these Articles may be accepted in the course of the housing strategy, and therefore reference is made to these Articles.

The Council of Europe *Action Plan for Armenia 2023-2026* sets out as one of the expected outcomes – ensuring respect for social rights in Armenia in line with the revised European Social Charter.<sup>3</sup> These expected outcomes include progress towards the acceptance by Armenia of the collective complaints procedure and additional provisions of the European Social Charter. Among the Indicators in the Action Plan are the extent to which relevant legislation is in place in line with European standards on social rights and the quality of data provided within the framework of the European Committee of Social Rights (ECSR) monitoring process.<sup>4</sup>

Armenia has also accepted UN human rights obligations including the Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, International Covenant on Economic, Social and Cultural Rights, Convention and Convention on the Rights of Persons with Disabilities – all of which include relevant aspects of housing rights.<sup>5</sup>

The Report sets out the case law of the ECSR in key areas of the planned social housing strategy. These include the right and accessibility of housing, global and minimum housing standards, identifying/revising mostly used indicators for minimum social housing standards, best practices, including standard service practices and SOPs in sphere of social housing, planning, commissioning, allocation, and social housing management and maintenance, eligibility and affordability and other aspects necessary for having the social housing

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1 <https://rm.coe.int/armenia-september2023-en-2774-7972-2248-1/1680ad3991>

2 <https://rm.coe.int/second-report-on-the-non-accepted-provisions-of-the-european-social-ch/16809661b1>

3 <https://rm.coe.int/ap-armenia-2023-2026/1680a977bf>. P. 24.

4 <https://rm.coe.int/ap-armenia-2023-2026/1680a977bf>. P. 47.

5 “Committee on Economic, Social and Cultural Rights Commends Armenia for Revising Rules on the Right to Strike, Raises Questions on Measures to Combat Poverty and Housing Programmes for Socially Disadvantaged Persons, Refugees”. <https://www.ohchr.org/en/news/2023/10/committee-economic-social-and-cultural-rights-commends-armenia-revising-rules-right>; UN Treaty Body database: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=8&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=8&Lang=EN)

strategy compliant with international requirements in the sphere. The Report also draws on wider contemporary housing research on proposing models of how the social housing strategy may form a part of the housing strategy of the country. It gives consideration to the refugee component in the document and other issues of vulnerable communities, i.e., women, people with disabilities and older persons. The Report also explores the concept and objectives of social non-profit housing, again drawing on wider housing policy research. Best practices on the structures and functions of social housing management organization, governance models and international best practice models are also outlined. The Report also considers employment opportunities, education, health, and social infrastructure in the context of social housing initiatives

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**7 June 2024**

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## 1. Case law of the European Committee of Social Rights (ECSR)

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### *The right and accessibility of housing*

**T**he right to housing is addressed in Articles 16, 19§4, 30 and Article 31 of the European Social Charter and Revised Charter. The case law of the ECSR in relation to each of these Articles is considered in this section.

#### **Article 16 – The family as a fundamental unit of society has the right to appropriate social, legal and economic protection to ensure its full development.**

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.

The scope of Article 16 is not restricted to a family based on marriage. Since “family” can mean different things in different places and at different times, the ECSR refers to the definitions used in domestic law of each State Party.<sup>6</sup> A family means a household of parents with children, including single parents and young couples that will potentially have children.<sup>7</sup> Family members who are in the territory of a State Party in accordance with the right to family reunion guaranteed by Article 19§6 must be afforded equal treatment with nationals in all aspects related to the protection of the family.<sup>8</sup> States Parties can choose the means to effectively ensure the social, legal and economic protection of the various types of families in the population, including single parent families, and vulnerable families, such as Roma ones.<sup>9</sup>

Article 16 guarantees a right to decent housing for families. Indeed, the fact that the right to housing is also stipulated under Article 31 of the Charter does not preclude a consideration of relevant housing issues arising under Article 16, which addresses housing in the context of securing the right of families to social, legal and economic protection.<sup>10</sup> The definitions of “adequate” housing are the same for both Articles. In order to satisfy Article 16, States Parties 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. It must also include essential services (such as heating and electricity).

The right to housing permits the exercise of many other rights – both civil and political as well as economic, social and cultural. It is also of central importance to the family. The Committee recalls its previous case law to the effect that in order to 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). The Committee has stated that adequate housing refers not only to a dwelling which must not be sub-standard

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<sup>6</sup> Conclusions 2011, Azerbaijan. However domestic law must not provide for an unduly restrictive definition.

<sup>7</sup> Conclusions XVII-1 (2005), Turkey.

<sup>8</sup> Conclusions XVI-1 (2002), Statement of Interpretation on Articles 12§4 and 16.

<sup>9</sup> Conclusions 2006, Statement of Interpretation on Article 16.

<sup>10</sup> European Roma Rights Center (ERRC) v. Bulgaria, Complaint No. 31/2005, decision on admissibility of 10 October 2005, §9.

and must have essential amenities, but also to a dwelling of suitable size considering the composition of the family in residence. Furthermore the obligation to promote and provide housing extends to security from unlawful eviction.<sup>11</sup>

States Parties must take the legal and practical measures which are necessary and adequate to the goal of the effective protection of the right to adequate housing in terms of Article 16. This objective must be achieved within a reasonable time, with measurable progress and to an extent consistent with the maximum use of available resources.<sup>12</sup>

Housing benefits specifically targeted at families must also be available (e.g. grants or subsidies for the purchase or construction of family home, tax relief on mortgage repayments, subsidised loans for acquiring the first home, subsidised rent for families, housing allowances, etc.).<sup>13</sup> Equal treatment for nationals of other States Parties and refugee families with regard to the payment of housing subsidies must be ensured.<sup>14</sup> The part of Article 16 relating to the right of families to decent housing and particularly the right not to be deprived of shelter also applies to foreign families unlawfully present in the country.<sup>15</sup>

In order to ensure the satisfactory application of the right to family housing under Article 16 of the Charter, the same requirements as for the right to adequate housing under Article 31 should be met.<sup>16</sup> States Parties should:

- a. adopt the necessary legal, financial, and operational means of ensuring steady progress towards achieving the goals laid down by the Charter;
- b. maintain meaningful statistics on needs, resources, and results;
- c. undertake regular reviews of the impact of the strategies adopted;
- d. establish a timetable and not defer indefinitely the deadline for achieving the objectives of each stage;
- e. pay close attention to the impact of the policies adopted on each category of persons concerned, particularly the most vulnerable.<sup>17</sup>

However, under Article 16 of the Charter, failure to comply with each and all of the above requirements does not per se necessarily amount to a violation of the right to family housing. Nor does the fulfilment of more or all requirement necessarily exclude that in a given situation the State obligation to ensure the right to family housing is not properly satisfied. The ECSR will rather consider each situation on its merits and specificity, on a case by case analysis, taking into account all the factors relevant to the circumstances of the case.<sup>18</sup>

The effectiveness of the right to adequate housing in terms of Article 16 requires legal protection through adequate procedural safeguards against eviction.<sup>19</sup> In such cases occupiers and tenants must have access to affordable and impartial judicial or other

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

12 International Federation of Human Rights (FIDH) v. Belgium, Complaint No. 62/2010, decision of 21 March 2013, §113.

13 Conclusions XVII-1 (2005), Turkey.

14 <http://hudoc.esc.coe.int/eng?i=2019/def/AUT/16/EN>

15 Defence for Children International (DCI) v. Belgium, Complaint No. 69/2011, decision on the merits of 20 October 2012, §136.

16 International Federation for Human Rights (FIDH) v. Ireland, Complaint No. 110/2014, decision on the merits, 12 May 2017 §25-26.

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

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

19 Conclusions 2015, Austria.

remedies, with effective appeals procedure. Legal protection for persons threatened with eviction must be prescribed by law and include: an obligation to consult the affected parties in order to find alternative solutions to eviction;<sup>20</sup> an obligation to fix a reasonable notice period before eviction; prohibition to carry out evictions at night or during winter; access to legal remedies; access to legal aid; compensation in case of illegal evictions. Even when evictions do take place, they must be carried out under conditions respecting the dignity of the persons concerned, governed by rules sufficiently protective of the rights of the persons and accompanied by proposals for alternative accommodation.<sup>21</sup> In cases of illegal occupancy the criteria for eviction used by States Parties must not unduly wide, and any eviction should take place in accordance with the applicable rules of procedure and these should be sufficiently protective of the rights of the persons concerned.<sup>22</sup>

Where families are displaced by a war, States Parties are under a positive obligation by virtue of Article 16 to take appropriate steps to provide housing and security of tenure to displaced families who have lost housing rights, and have expressed a clear desire to return to their country, or who have been discouraged from returning due to a lack of housing and other forms of protection.<sup>23</sup>

In relation to vulnerable groups, a shortage of care solutions and of social services adapted to the needs of persons with severe disabilities which causes many families to live in precarious circumstances, undermining their cohesion, amounts to a lack of protection of the family as a unit of society, in breach of Article 16 of the Charter.<sup>24</sup> This also includes Roma, who as a result of their history have become a specific type of disadvantaged group and vulnerable minority.<sup>25</sup> The rights and obligations arising from the legal recognition of a dwelling must apply to all forms of housing, including alternative forms, such as caravans.<sup>26</sup>

#### **Article 19(4) states:**

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters... (c) accommodation.

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20 Conclusions 2011, Azerbaijan.

21 European Roma Rights Center (ERRC) v. Italy, Complaint No. 27/2004, decision on the merits of 7 December 2005 §41.

22 European Roma Rights Centre (ERRC) v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §51.

23 Centre on Housing Rights and Evictions (COHRE) v. Croatia, Complaint No. 52/2008, decision on the merits of 22 June 2010, §63.

24 International Federation of Human Rights (FIDH) v. Belgium, Complaint No. 75/2011, decision on the merits of 18 March 2013, §187.

25 Centre on Housing Rights and Evictions (COHRE) v. Italy, Complaint No. 58/2009, decision on the merits of 25 June 2010, §§ 39-40.

26 International Federation of Human Rights (FIDH) v. Belgium, Complaint No. 62/2010, decision of 21 March 2013, §74.

The undertaking of States Parties under this sub-heading is to eliminate all legal and de facto discrimination concerning access to public and private housing.<sup>27</sup> Irregularly present immigrants, however, do not fall within the scope of Article 19§4(c).<sup>28</sup> However, where persons fall within the scope of Article 19(4), there must be no legal or de facto restrictions on home-buying,<sup>29</sup> access to subsidised housing or housing aids, such as loans or other allowances.<sup>30</sup> The right to equal treatment provided in Article 19§4(c) can only be effective if there is a right of appeal before an independent body against the relevant administrative decisions.<sup>31</sup>

## **Article 30 – the right to protection against poverty and social exclusion.**

Everyone has the right to protection against poverty and social exclusion

With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

- a. to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;
- b. to review these measures with a view to their adaptation if necessary.

Article 30 requires States Parties to adopt an overall and coordinated approach, which shall consist of an analytical framework, a set of priorities and corresponding measures to prevent and remove obstacles to access to social rights, including housing.<sup>32</sup> Failure to collect reliable data and statistics in respect of groups generally acknowledged to be socially excluded or disadvantaged, including highly dependent adults with disabilities deprived of access to care and accommodation centres, prevents an “overall and co-ordinated approach” to the social protection

of these persons and constitutes an obstacle to the development of targeted policies concerning them.<sup>33</sup> In assessing compliance with Article 30, the ECSR takes into consideration the national measures or practices which fall within the scope of other substantive provisions of the Charter in the framework of both monitoring systems (the reporting procedure and the collective complaint procedure).<sup>34</sup>

## **Article 31 – Everyone has the right to housing.**

This is the most comprehensive Article in the Social Charter on housing rights and comprises three elements – promoting access to housing of an adequate standard, preventing and reducing homelessness with a view to its gradual elimination, and making the price of

27 European Roma Rights Centre (ERRC) v. France, Complaint No. 51/2008, decision on the merits of 19 October 2009, §§ 111-113; Centre on Housing Rights and Evictions (COHRE) v. Italy, Complaint No. 58/2009, decision on the merits of 25 June 2010, §§ 145-147 (finding of violation of Article E taken in conjunction with Article 19§4c).

28 European Roma Rights Centre (ERRC) v. France, Complaint No. 51/2008, decision on the merits of 19 October 2009, §§ 111-113; Centre on Housing Rights and Evictions (COHRE) v. Italy, Complaint No. 58/2009, decision on the merits of 25 June 2010, §§ 145-147.

29 Conclusions IV (1975), Norway; Conclusions 2019, Albania.

30 Conclusions III (1973), Italy; Conclusions 2019, Albania.

31 European Federation of national organisations working with the Homeless (FEANSA) v. the Netherlands, Complaint No. 86/2012, decision on the merits of 2 July 2014, §204, citing Conclusions XV-1 (2000), Finland.

32 Conclusions 2013, Statement of interpretation on Article 30.

33 International Federation of Human Rights (FIDH) v. Belgium, Complaint No. 75/2011, decision of 18 March 2013, §§ 193, 197.

34 Conclusions 2013, Statement of interpretation on Article 30.

housing accessible to those without adequate resources. The personal scope of this Article also includes refugees, who should be treated as favourably as possible.<sup>35</sup> The right to shelter should be guaranteed to persons present in an irregular manner, including children, for as long as they are within the jurisdiction of the State.<sup>36</sup>

### **Access to adequate housing - Article 31§1 states:**

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed to promote access to housing of an adequate standard.

States Parties must guarantee to everyone the right to adequate housing.<sup>37</sup> This includes taking the legal and practical measures which are necessary and adequate for the effective protection of this right.<sup>38</sup> It also requires adequate procedural safeguards and access to affordable and impartial judicial or other remedies and appeals.<sup>39</sup>

States Parties must promote access to housing in particular to different groups of vulnerable persons, such as low-income persons, unemployed persons, single parent households, young persons, persons with disabilities including those with mental health problems.<sup>40</sup>

The ECSR has clarified that “adequate housing” must be defined in law and applies not only to new construction but also gradually to the existing housing stock,<sup>41</sup> and to rented as well as owned housing.<sup>42</sup> “Adequate housing” means:

1. a dwelling which is safe from a sanitary and health point of view, i.e. that possesses all basic amenities, such as water, heating, waste disposal, sanitation facilities, electricity, etc and where specific dangers such as the presence of lead or asbestos are under control;
2. a dwelling which is not over-crowded, that the size of the dwelling must be suitable in light of the number of persons and the composition of the household in residence;
3. a dwelling with secure tenure supported by the law. This issue is covered by Article 31§2.<sup>43</sup>

The ECSR has also stated that forcing some refugee and asylum-seeking unaccompanied children to live for lengthy periods of time in temporary accommodation facilities (emergency hotels and safe zones) does not satisfy the requirements of long-term accommodation suited to their specific circumstances, needs and extreme vulnerability, and violates Article 31§1.<sup>44</sup>

The ECSR has also drawn on the concept of “adequacy” from the jurisprudence of the UN Committee on Economic and Cultural Rights (UNCESCR), which has identified seven criteria to determine the adequacy of housing:<sup>45</sup>

<sup>35</sup> Conclusions 2015, Statement on Interpretation on the Rights of Refugees

<sup>36</sup> FEANTSA v. the Netherlands, Complaint No. 86/2012, decision on the merits of 2 July 2014, §61.

<sup>37</sup> Conclusions 2003, France.

<sup>38</sup> European Roma and Travellers Forum (ERTF) v. France, Complaint No. 64/2011, decision on the merits of 24 January 2012, §95.

<sup>39</sup> Conclusions 2003, France.

<sup>40</sup> Conclusions 2003, Italy.

<sup>41</sup> Conclusions 2003, France.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece, Complaint No. 173/2018, decision on the merits of 26 January 2021, §14.

<sup>45</sup> International Federation for Human Rights (FIDH) v. Ireland, Complaint No. 110/2014, decision on the merits, 12 May 2017 §118.

- a. Legal security of tenure, including protection from forced eviction, regardless of the type of property and tenure (home ownership, rental, informal settlement, etc.);
- b. Availability of services, materials, facilities, and infrastructure, including access to natural and common resources, all of which are essential for health, safety, comfort and nutrition;
- c. Affordability, including protection from unreasonable rent levels and increases, so as not to compromise or threaten the attainment and satisfaction of other essential needs and rights;
- d. Habitability, in terms of protection from cold, damp, heat, rain, wind and other threats to health and safety;
- e. Accessibility, paying particular attention to the needs of groups and individuals at greater risk of harm, disadvantage and discrimination;
- f. Location, providing access to employment, health services, schools, transport and other facilities, taking into account environmental considerations; and
- g. Cultural adequacy, using materials and tools that adequately recognise and express the cultural identity and diversity of the population.

The ECSR has repeatedly held that the right to housing for families encompasses housing of an adequate standard and access to essential services.

In this respect the Committee takes into account General Comment No 4 of the UN Committee of Economic, Social, and Cultural Rights Committee which provides that "Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well" and that "An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services."<sup>46</sup>

The ECSR has clarified that public authorities must ensure that housing is adequate through different measures such as an inventory of the housing stock, injunctions against owners who disregard obligations, urban development rules and maintenance obligations for landlords.<sup>47</sup> States Parties are expected to demonstrate how the adequacy of the existing housing stock (whether rented or not, privately or publicly owned) is checked, whether regular inspections are carried out and what follow-up is given to decisions finding that a dwelling does not comply with the relevant regulation.<sup>48</sup> The State responsibility cannot be avoided. Even if under domestic law, local or regional authorities, trade unions or professional organisations are responsible for exercising a particular function, States Parties to the Charter are responsible, in terms of their international obligations to ensure that such responsibilities are properly exercised.<sup>49</sup>

### **Homelessness - Article 31§2 states:**

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed to prevent and reduce homelessness with a view to its gradual elimination.

<sup>46</sup> International Federation for Human Rights (FIDH) v. Ireland, Complaint No. 110/2014, decision on the merits, 12 May 2017 §118.

<sup>47</sup> Conclusions 2003, France.

<sup>48</sup> Conclusions 2019, Turkey, Ukraine.

<sup>49</sup> European Roma Rights Centre (ERRC) v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §29.

Homeless persons are those persons who legally do not have at their disposal a dwelling or other form of adequate housing.<sup>50</sup> Reducing homelessness implies the introduction of measures such as provision of immediate shelter and care for homeless people, and measures to help such people overcome their difficulties and prevent a return to homelessness.<sup>51</sup>

There is an obligation on States Parties to take action to prevent categories of vulnerable people from becoming homeless. This requires States Parties to introduce a housing policy for all disadvantaged groups of people to ensure access to social housing and housing allowances.<sup>52</sup>

Article 31§1 also obliges States parties to set up procedural safeguards to limit the risk of evictions – even in cases of illegal occupancy.<sup>53</sup> Legal protection for persons threatened by eviction must include, an obligation to consult the parties affected in order to find alternative solutions to eviction and the obligation to fix a reasonable notice period before eviction. A notice period of one month in case of eviction due to insolvency or wrongful occupation is not reasonable.<sup>54</sup> When evictions do take place, they must be carried out under conditions that respect the dignity of the persons concerned, not be carried out at night or during the winter period, and when justified by the public interest, authorities must adopt measures to re-house or financially assist the persons concerned.<sup>55</sup> Compensation for illegal evictions must also be provided.<sup>56</sup>

## **The right to shelter**

According to Article 31§2, homeless persons must be offered shelter as an emergency solution.<sup>57</sup> To ensure that the dignity of the persons sheltered is respected, shelters must meet health, safety and hygiene standards and, in particular, be equipped with basic amenities such as access to clean water and heating and sufficient lighting.<sup>58</sup> However, temporary housing need not be subject to the same requirements of privacy, family life and suitability as are required from more permanent forms of standard housing, once the minimum requirements are met.<sup>59</sup> Conditions in the shelters should be such as to enable living in keeping with human dignity, and people who are homeless should be provided with adequate housing within a reasonable period.<sup>60</sup> The ECSR considers that eviction from shelters without the provision of alternative accommodation must be prohibited.<sup>61</sup>

Measures should be taken to help homeless people overcome their difficulties and to prevent them from returning to a situation of homelessness.

The ECSR has also clarified that the right to shelter should be adequately guaranteed for

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50 Conclusions 2003, Italy.

51 Conclusions 2003, Sweden.

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

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

54 Conclusions 2019, Ukraine.

55 Conclusions 2003, Sweden.

56 Conclusions 2003, Sweden.

57 Defence for Children International (DCI) v. the Netherlands, Complaint No. 47/2008, decision on the merits of 20 October 2009, §46.

58 Ibid., §62.

59 Ibid., §62.

60 FEANTSA v. France, Complaint No 39/2006, decision on the merits of 5 December 2007, §106.

61 Conclusions 2015, Statement of Interpretation on Article 31§2

migrants, including unaccompanied migrant children, and asylum-seekers.<sup>62</sup> The exceptional nature of the situation resulting from an increasing influx of migrants and refugees and the difficulties for a State in managing the situation at its borders cannot absolve that State of its obligations under Article 31§2 of the Charter to provide shelter to migrant and refugee children, in view of their specific needs and extreme vulnerability, or otherwise limit or dilute its responsibility under the Charter.<sup>63</sup> The Preamble to the Council of Europe Recommendation on *Effective guardianship for unaccompanied and separated children in the context of migration* states that it was....<sup>64</sup>

Deeply concerned that unaccompanied and separated children are among the most vulnerable persons in the migration context, and as such are at increased risk of violation of their fundamental rights and freedoms, in particular the right to life, survival and development, the right to non-discrimination, the right to respect for private and family life, the right to acquire a nationality, the right to seek asylum, the right to the highest attainable standards of health and of access to health-care services, the right to education, the right to housing, access to justice, and the right to freedom from all forms of violence.

The Recommendation of the Commissioner for Human Rights of the Council of Europe on the Implementation of the right to housing (30 June 2009) stated:

... The basic requirements of temporary housing include also security of the immediate surroundings. The ECSR [European Committee of Social Rights] has also highlighted the importance of respecting human dignity and “greatest possible degree of independence” in temporary housing.<sup>65</sup> The housing of people in reception camps and temporary shelters which do not satisfy the standards of human dignity is in violation of the aforementioned requirements.<sup>66</sup>

In relation to the obligation of States Parties to provide permanent housing within the meaning of Article 31§1 for migrants in an irregular situation, the ECSR stated in *FEANTSA v the Netherlands*.<sup>67</sup>

58. The Committee recalls, on the one hand, that the restriction of the personal scope of the Charter included in its Appendix should not be read in such a way as to deprive migrants in an irregular situation of the protection of the most basic rights enshrined in the Charter, or to impair their fundamental rights, such as the right to life or to physical integrity or to human dignity. On the other hand, on application to migrants in an irregular situation is justified solely where excluding them from the protection afforded by the Charter would have seriously detrimental consequences for their fundamental rights, and would consequently place the foreigners in question in an unacceptable situation regarding the enjoyment of these rights, as compared with the situation of nationals or foreigners in a regular situation (Defence for Children International (DCI) v. Belgium, Complaint No. 69/2012, decision on the merits of 23 October 2012, §§28, 35).

62 Conclusions 2019, Greece. Articles 31§2 and 17 overlap in the case of right to a shelter of unaccompanied foreign minors.

63 International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece, Complaint No. 173/2018, decision on the merits of 26 January 2021, §133.

64 Council of Europe, Recommendation CM/Rec(2019)11 of the Committee of Ministers and Explanatory Memorandum. <https://rm.coe.int/cm-rec-2019-11-guardianship-en/16809ccfe2>

65 FEANTSA v. France, Complaint No. 39/2006, Decision on the merits of 5 December 2007, §108.

66 Council of Europe (2009) CommDH(2009)5. Available at: <https://rm.coe.int/16806da713>

67 FEANTSA v. the Netherlands, Complaint No. 86/2012, decision on the merits of 2 July 2014.

59. It reiterates that in certain cases and under certain circumstances, the provisions of the Charter may be applied to migrants in an irregular situation (DCI v. Belgium, cited above, §35). In connection with complaints concerning children, the Committee has held that this is the case with regard to health (International Federation of Human Rights Leagues (FIDH) v. France, Complaint No. 14/2003, decision on the merits of 8 September 2004, §32; DCI v. Belgium, cited above, §102), medical assistance (DCI v. Belgium, cited above, §122), social, legal and economic protection (DCI v. Belgium, cited above, §§39, 86) and shelter (DCI v. the Netherlands, cited above, §§47-48, 66; DCI v. Belgium, cited above, §136).

60. It recalls in particular that eviction from shelter of persons present within the territory of a State Party in an irregular manner should be banned as it would place the persons concerned, particularly children, in a situation of extreme helplessness, which is contrary to the respect for their human dignity. States are not obliged to provide alternative accommodation in the form of permanent housing within the meaning of Article 31§1 for migrants in an irregular situation (DCI v. the Netherlands, cited above, §63).

61. The Committee further reiterates that a national situation is not in conformity with Article 31§2 of the Charter, where the right to shelter is not guaranteed to persons present in an irregular manner, including children, for as long as they are within the jurisdiction of the state (Conclusions 2011, Ukraine). Pursuant to the above, Article 31§2 applies to migrants in an irregular situation.

The EU European Union Pillar of Social Rights<sup>68</sup> which although not justiciable, now informs EU policy and governance arrangements. Principle 19 of the EPSR states:

- a. Access to social housing or housing assistance of good quality shall be provided for those in need;
- b. Vulnerable people have the right to appropriate assistance and protection against forced eviction;
- c. Adequate shelter and services shall be provided to the homeless in order to promote their social inclusion.

### **Access to affordable housing for all - Article 31§2. European Social Charter states:**

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed to make the price of housing accessible to those without adequate resources.

The ECSR has clarified that housing is affordable where the household can afford to pay initial costs (deposit, advance rent), current rent and/or other housing-related costs (e.g. utility, maintenance and management charges) on a long-term basis while still being able to maintain a minimum standard of living, according to the standards defined by the society in which the household is located.<sup>69</sup> In order to establish that measures are being taken to make the price of housing accessible to those without adequate resources, States Parties to the Charter must show that the affordability ratio of the poorest applicants for housing is compatible with their level of income.<sup>70</sup> States Parties must adopt appropriate measures for the provision of housing, in particular social housing which should target the most

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<sup>68</sup> SWD(2017) 201 final. See also the Lisbon Declaration on the European Platform on Combatting Homelessness in the U. [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_3044](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3044)

<sup>69</sup> Conclusions 2003, Sweden.

<sup>70</sup> FEANTSA v. Slovenia, Complaint No. 53/2008, decision on the merits of 8 September 2009, §72.

disadvantaged.<sup>71</sup> Waiting periods for the allocation of social housing should not be excessive, and subject to judicial remedies.<sup>72</sup> All the rights thus provided must be guaranteed without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status.<sup>73</sup>

States Parties are required to adopt comprehensive housing benefit systems to protect low-income and disadvantaged sections of the population.<sup>74</sup> Housing benefit is an individual right: all qualifying households must receive it in practice and legal remedies must be available in case of refusal.<sup>75</sup>

### **Implementation and Material Scope of Article 31**

The Contracting States Parties to the Charter “accept as the aim of their policy, to be pursued by all appropriate means, both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realised...”<sup>76</sup>

On ratifying the Charter States Parties undertake to apply the provisions they have accepted to their nationals and “nationals of other Parties lawfully resident or working regularly within the territory of the Party concerned” (Appendix). Foreign nationals must therefore satisfy three conditions for entitlement to the rights in the Charter on the same basis as nationals:

1. be a national of one of the parties to the Charter or the Revised Charter;
2. be lawfully resident, in other words be authorised to enter and reside in the state’s territory;
3. and/or be working regularly, in other words be authorised to enter and work in the state’s territory.<sup>77</sup>

Article I of the European Social Charter states that the means of fulfilling Charter obligations is left to the discretion of the States Parties, who are free to use all the methods of laws or regulations, agreements between employers or employers’ organisations and workers’ organisations, a combination of those two methods, or other appropriate means.

Article G of the Charter states that while in a democratic society, it is in principle for the legislature to legitimize and define the public interest by striking a fair balance between the needs of all members of society, and while, from the point of view of the Charter, it has a margin of appreciation in doing so, this does not imply that the legislature is totally free of any constraints in its decision-making. Obligations undertaken under the Charter cannot be abandoned without appropriate guarantees of a level of protection which is still adequate to meeting basic social needs.<sup>78</sup>

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71 International Movement ATD Fourth World v. France, Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 98-100

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

73 See Article E of the Charter and Conclusions 2019, Turkey.

74 Conclusions 2003, Sweden; Conclusions 2019, Greece.

75 Conclusions 2003, Sweden.

76 European Social Charter, Turin, 18.X.1961. Part 1. <https://rm.coe.int/168006b660>

77 Appendix to the European Social Charter: the personal scope of the Charter. European Social Charter, Turin, 18.X.1961. <https://rm.coe.int/168006b660>

78 Greek General Confederation of Labour (GSEE) v. Greece, Complaint No. 111/2014, decision on the merits of 23 March 2017, §85.

It is for the national legislature to balance the concerns for the public purse with the imperative of adequately protecting social rights.<sup>79</sup> Restrictions on the Charter rights must be adopted only in response to a “pressing social need”.<sup>80</sup> In transposing restrictive measures into national law, legal acts must ensure proportionality between the goals pursued and their negative consequences for the enjoyment of social rights.<sup>81</sup>

The ECSR has clarified that Article 31 of the Charter cannot be interpreted as imposing on States Parties an obligation of “results”, rather it concerns an “obligation of means” (namely, the taking of suitable measures). The rights recognised in the Social Charter must take a practical and effective, rather than purely theoretical, form. This implies that, for the situation to be in conformity with Article 31, States Parties must:

- a. adopt the necessary legal, financial and operational means of ensuring steady progress towards achieving the goals laid down by the Charter;
- b. maintain meaningful statistics on needs, resources and results;
- c. undertake regular reviews of the impact of the strategies adopted;
- d. establish a timetable and not defer indefinitely the deadline for achieving the objectives of each stage;
- e. pay close attention to the impact of the policies adopted on each of the categories of persons concerned, particularly the most vulnerable.<sup>82</sup>

Ensuring steady progress towards achieving the goals laid down by the Charter requires States Parties to take legal action but also to make available the resources and introduce the operational procedures necessary to give full effect to the rights specified therein.<sup>83</sup>

When one of the rights in question is exceptionally complex and particularly expensive to implement, states party must take steps to achieve the objectives of the Charter within a reasonable time, with measurable progress and making maximum use of available resources (*Autisme Europe v. France*, Complaint No. 13/2002, decision on the merits of 4 November 2003, §53.<sup>84</sup>

The ECSR has stated that there must be realistic timetabling:

In connection with timetabling – with which other regulatory bodies of international instruments are also very concerned – it is essential for reasonable deadlines to be set that take account not only of administrative constraints but also of the needs of groups that fall into the urgent category. At all events, achievement of the goals that the authorities have set themselves cannot be deferred indefinitely.<sup>85</sup>

The requirement to maintain statistics is particularly important in the case of the right to housing because of the range of policy responses involved, the interaction between them and the unwanted side-effects that may occur as a result of this complexity. States Parties

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<sup>79</sup> Ibid.

<sup>80</sup> Ibid., §83.

<sup>81</sup> Ibid., §83.

<sup>82</sup> *FEANTSA v. France*, Complaint No 39/2006, decision on the merits of 5 December 2007 §56.

<sup>83</sup> *International Movement ATD Fourth World v. France*, Complaint No. 33/2006, decision on the merits of 5 December 2007 §61.

<sup>84</sup> *FEANTSA v. France*, Complaint No 39/2006, decision on the merits of 5 December 2007 §56.

<sup>85</sup> *ATD Fourth World v. France*, Collective complaint 33/2006, decision 4.2.2006, §66. and Collective complaint 39/2006, *FEANTSA v. France*, decision 4.2.2008, §62.

must be particularly mindful of the impact that their choices will have for groups with heightened vulnerabilities as well as for others persons affected including, especially, their families on whom falls the heaviest burden in the event of institutional shortcomings.<sup>86</sup> Statistics are only useful if resources made available and results achieved or progress made can be compared with identified needs. Authorities must also pay particular attention to the impact of their housing policy choices on the most vulnerable groups, in this case individuals and families suffering exclusion and poverty.<sup>87</sup>

The ECSR has also stated that Article 31 must be considered in the light of relevant international instruments that served as its inspiration or in conjunction with which it needs to be applied: the European Convention on Human Rights and the United Nations Covenant on Economic, Social and Cultural Rights.

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<sup>86</sup> International Association Autism Europe v. France, Complaint No. 13/2002, decision on the merits of 4 November 2003, §53

<sup>87</sup> International Movement ATD Fourth World v. France, Complaint No. 33/2006, decision on the merits of 5 December 2007, §67.

## 2. Global and minimum housing standards

**M**inimum standards for housing are established and enforced at local, regional and national level. These standards are assessed by the ECSR and other monitoring bodies for coherence with the relevant international instruments, jurisprudence and statements of interpretation of the respective monitoring body. Thus, while detailed prescriptive standards are not imposed, nevertheless the standards adopted must be in line with the international housing rights adopted. Aside from the human rights instruments, other reports from international organisations set out best practices which overlap in many ways with adherence to housing rights standards, although not always not explicitly so.

The UNECE Report *Housing2030: Effective policies for affordable housing in the UNECE region* states that setting and monitoring appropriate housing standards to realise the right to housing is a vital tool of housing system governance, which can help shape better housing outcomes.<sup>88</sup> When good standards are adopted and enforced, usually via legislation, they can help to promote more secure, adequate and affordable housing outcomes.

The UNECE Report also points out that while setting standards is important, effective compliance monitoring is equally important. This lets policymakers know the scale and location of non-compliance, as well as the housing segment in which it is located. The UNECE Report highlights the standards linked to housing rights as set out in the UN HCHR International standards on the right to housing,<sup>89</sup> and UN Special Rapporteur on adequate housing Guidelines for the implementation of the right to adequate housing.<sup>90</sup>

Almost all countries of the world have signed up to the Sustainable Development Goals (SDGs) with a number directly related to housing strategies.

SDG 11: Make cities inclusive, safe, resilient and sustainable

SDG 11.1: By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums

SDG 11.3: By 2030, enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries.<sup>91</sup>

The SDGs also include a commitment to “leave no-one behind” as society progresses and recognises that the SDGs are for everyone in society, and everyone can make a contribution to their success.<sup>92</sup>

The UNECE Guidelines on evidence-based policies and decision-making for sustainable housing and urban development (2020) set out a range of indicators for “leave no-one behind” as well as selected housing indicators in global and regional development frameworks.<sup>93</sup>

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88 [https://unece.org/sites/default/files/2021-10/Housing2030%20study\\_E\\_web.pdf](https://unece.org/sites/default/files/2021-10/Housing2030%20study_E_web.pdf)

89 <https://www.ohchr.org/en/special-procedures/sr-housing/international-standards>

90 <https://www.ohchr.org/en/special-procedures/sr-housing/guidelines-implementation-right-adequate-housing>

91 <https://sdgs.un.org/2030agenda>

92 <https://unsdg.un.org/2030-agenda/universal-values/leave-no-one-behind>

93 [https://unece.org/DAM/hlm/documents/Publications/2020\\_Guidelines\\_on\\_evidence-based\\_policies.pdf](https://unece.org/DAM/hlm/documents/Publications/2020_Guidelines_on_evidence-based_policies.pdf)

### 3. Indicators for minimum social housing standards

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**H**ousing standards exist for a reason. They set a benchmark of decency and quality to guard against outcomes that are widely regarded as ‘sub-standard’.<sup>94</sup> Of course, housing standards are set by each country and region in the world, and reflect social, cultural, historical, economic and political developments.

In 2010 the World Health Organization (WHO) commenced a long and thorough process of devising guidelines on housing and health and published the WHO Housing and Health Guidelines in 2018 for governments and relevant organizations.<sup>95</sup> The WHO Guidelines also cover the following areas:

- Inadequate living space
- Low indoor temperatures
- High indoor temperatures
- Accessibility of housing to people with functional impairments
- Proximity of housing to walking and cycling infrastructure.

The ECSR has clarified that “adequate housing” must be defined in law and applies not only to new construction but also gradually to the existing housing stock,<sup>96</sup> and to rented as well as owned housing.<sup>97</sup> “Adequate housing” means:

1. a dwelling which is safe from a sanitary and health point of view, i.e. that possesses all basic amenities, such as water, heating, waste disposal, sanitation facilities, electricity, etc and where specific dangers such as the presence of lead or asbestos are under control;
2. a dwelling which is not over-crowded, that the size of the dwelling must be suitable in light of the number of persons and the composition of the household in residence;
3. a dwelling with secure tenure supported by the law.<sup>98</sup>

This concept of “adequacy” has also been clarified by the UN Committee on Economic and Cultural Rights (UNCESCR) which has identified seven criteria to determine the adequacy of housing:

- a. Legal security of tenure, including protection from forced eviction, regardless of the type of property and tenure (home ownership, rental, informal settlement, etc.);
- b. Availability of services, materials, facilities, and infrastructure, including access to natural and common resources, all of which are essential for health, safety, comfort and nutrition;
- c. Affordability, including protection from unreasonable rent levels and increases, so as not to compromise or threaten the attainment and satisfaction of other essential needs and rights;
- d. Habitability, in terms of protection from cold, damp, heat, rain, wind and other threats to health and safety;
- e. Accessibility, paying particular attention to the needs of groups and individuals at greater risk of harm, disadvantage and discrimination;

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94 Levitt, D. (2010) *The Housing Design Handbook – A Guide to Good Practice*. (London: Routledge). P. 125. See also Parker Morris Committee (1961) *Homes for Today and Tomorrow*. (London: HMSO); Teige, K. (translated by Dluhosch, E.) (2002 edition; original publication 1932) *The Minimal Dwelling*. (Cambridge, MA: MIT Press).

95 World Health Organization, “WHO Housing and Health Guidelines”. Available at <https://www.who.int/publications/i/item/9789241550376>

96 Conclusions 2003, France.

97 Conclusions 2003, France.

98 Conclusions 2003, France.

- f. Location, providing access to employment, health services, schools, transport and other facilities, taking into account environmental considerations; and
- g. Cultural adequacy, using materials and tools that adequately recognise and express the cultural identity and diversity of the population.<sup>99</sup>

The UNECE Report *Housing2030: Effective policies for affordable housing in the UNECE region* points out that differences in housing standards not only vary from country to country but also within different segments of their housing system. But it is important to recognise that housing standards are more than the extremely important technical building or energy efficiency standards but also include the human and housing rights standards which all States have now adopted. These include standards of housing quality, access, overcrowding and affordability. The UNECE Report has tabulated indicators for these more holistic housing standards. Important housing standards relate to quality (including fire safety), space per occupant (relating to overcrowding), security (freedom from no-grounds eviction), affordability to different income and household types, access for different household groups (youth, aged, migrants) and proximity to key resources (employment, education and recreation).<sup>100</sup>

The Office of the United Nations High Commissioner for Human Rights has developed *Guidelines for the Implementation on the Right to Adequate Housing for States.*, which provides detailed guidance on standards.<sup>101</sup> While setting standards is important, effective compliance monitoring is equally important.<sup>102</sup>

The EU Statistics on income and living conditions (EU-SILC) has established a set of housing deprivation indicators, which encompass many housing standards. These indicators are:

- Severe housing deprivation rate
- Share of total population living in a dwelling with a leaking roof, damp walls, floors or foundation, or rot in window frames of floor
- Share of total population having neither a bath, nor a shower in their dwelling
- Share of total population not having indoor flushing toilet for the sole use of their household
- Share of total population considering their dwelling as too dark
- Share of total population having neither a bath, nor a shower, nor indoor flushing toilet in their household
- Share of total population who cannot afford to replace worn-out furniture.<sup>103</sup>

99 UN CESCR, *General Comment No. 4: Right to Adequate Housing*, UN Doc E/1992/23 (1991, para 8.

100 UNECE (2021) #Housing2030: Effective policies for affordable housing in the UNECE region. P. 22/23. Available at: [https://unece.org/sites/default/files/2021-10/Housing2030%20study\\_E\\_web.pdf](https://unece.org/sites/default/files/2021-10/Housing2030%20study_E_web.pdf)

101 Office of the United Nations High Commissioner for Human Rights, "International standards on the right to housing". Available at <https://www.ohchr.org/en/special-procedures/sr-housing/international-standards>

102 Appolloni, L.; D'Alessandro, D. Housing Spaces in Nine European Countries: A Comparison of Dimensional Requirements. *Int. J. Environ. Res. Public Health* 2021, 18, 4278. <https://doi.org/10.3390/ijerph18084278>

103 [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=EU\\_statistics\\_on\\_income\\_and\\_living\\_conditions\\_\(EU-SILC\)\\_methodology](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=EU_statistics_on_income_and_living_conditions_(EU-SILC)_methodology)

Eurostat annual reports on living conditions in Europe – housing show the comparative levels of housing conditions in the EU.<sup>104</sup> For Eurostat a person is considered as living in an overcrowded household if the household does not have at its disposal a minimum number of rooms equal to:

- one room for the household;
- one room per couple in the household;
- one room for each single person aged 18 or more;
- one room per pair of single people of the same gender between 12 and 17 years of age;
- one room for each single person between 12 and 17 years of age and not included in the previous category;
- one room per pair of children under 12 years of age<sup>105</sup>

Therefore, for Eurostat, the main factor affecting overcrowding is the number of rooms.

All buildings in the EU are subject to the Eurocode or European standardisation system developed by the Comité Européen de Normalisation, creating uniform building standards for the structural design and development of buildings.<sup>106</sup>

According to the UNECE (2006) *Guidelines on Social Housing - Principles and Examples*:

Social housing should be used to foster diversity and social cohesion in urban areas by spatial inclusion into larger housing areas. Social housing should therefore be placed among other residential buildings or even integrated into the same buildings.

- The standards of social housing estates should not be lower than the average housing standards in a country, to avoid stigmatization and social segregation.
- User-friendly shared indoor or outdoor spaces should be part of such housing schemes, in order to provide communication areas for residents.<sup>107</sup>

One example of Sustainable Urban Housing: Design Standards for New Apartments (Ireland 2022)<sup>108</sup> addresses the range of issues related to size/space standards for apartments in private and social housing. These include: apartment mix within apartment schemes; internal space standards for different types of apartments; dual aspect ratios; floor to ceiling height; apartments to stair/lift core ratios; storage spaces; amenity spaces including balconies/patios; car parking; and room dimensions for certain rooms (see Appendix 5 below for further details).

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<sup>104</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Living\\_conditions\\_in\\_Europe\\_-\\_housing#Housing\\_conditions](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Living_conditions_in_Europe_-_housing#Housing_conditions)

<sup>105</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Overcrowding\\_rate](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Overcrowding_rate)

<sup>106</sup> <https://eurocodes.jrc.ec.europa.eu/policies-standards/en-eurocodes-and-related-standards>; See also Building Performance Institute Europe (2020) *A Guidebook to European Building Policy – Key Legislation and Initiatives*: [https://www.bpie.eu/wp-content/uploads/2020/08/BPIE\\_Guide-on-Building-Policy\\_Final.pdf](https://www.bpie.eu/wp-content/uploads/2020/08/BPIE_Guide-on-Building-Policy_Final.pdf)

<sup>107</sup> <https://unece.org/fileadmin/DAM/hlm/documents/Publications/guidelines.social.housing.pdf>, p. 92.

<sup>108</sup> Government of Ireland (2022) *Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities Prepared by the Department of Housing, Local Government and Heritage*. Available at <https://www.gov.ie/en/publication/16edd-sustainable-urban-housing-design-standards-for-new-apartments-guidelines-for-planning-authorities-2022>

## **Affordability of housing**

The UNECE Report (2021) points out that there are a number of ways of measuring affordability. The residual income approach considers the adequacy of what is left of the household budget after housing costs are paid for. If this remainder falls below the amount required for a decent standard of living, then housing costs are unaffordable.<sup>109</sup>

The UNECE Report recommends that housing affordability is defined in terms of the housing cost burden. Indicators are:

- Housing cost burden - total housing costs as percentage of disposable income.
- Housing cost overburden rate (HCOR) -- the percentage of the population living in households where the housing cost is over 40 per cent of disposable income
- The “at-risk-of-poverty rate after deducting housing costs” – the percentage of the population living in a household whose equivalized (adjusted for household type) disposable income minus housing costs is below the poverty threshold of 60 per cent of median equivalized household income
- Self-reported heavy burden of total housing cost – the percentage of the population living in a household where the person responsible for affordability considers their total housing costs to be a heavy financial burden

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<sup>109</sup> Geoffrey Meen and Christine Whitehead, (2020) Understanding Affordability – The Economics of Housing Markets (Bristol University Press).

#### **4. Best practices including standard service practices, planning, commissioning allocation, management (social housing management) maintenance, eligibility and affordability other aspects for having strategy compliant to international requirements**

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In addition to the technical issues around the proposed development of social housing in line with best practice models of funding, development, planning, commissioning, allocation, management, maintenance and tenant relations, there are issues around how social housing forms part of a national housing strategy. This arises in areas of eligibility, affordability and interconnectedness with other available housing – especially private rented housing. There is also an issue of sustainable development and long term social cohesion. In this regard, the provision of social housing, in fact, becomes an integral part of the overall housing policy framework, requiring government or donor expenditure, but also with long term issues around the residualisation (concentrations of poor people only live there) and social integration – involving equal access to educational, health care and employment opportunities. Whether social housing will be confined to the most vulnerable in society, but avoiding segregation, or as part of social policy to address the housing needs of those who are unable to access housing to rent or buy in the market, is a significant policy decision to be made.

The UNECE Report (2021) #Housing2030 Effective policies for affordable housing in the UNECE region Report<sup>110</sup> contains a range of best practices in the planning, design, development and management of social housing. #Housing2030 is a product of a year-long research effort involving country and best practice surveys, thematic workshops hosted by different regions across Europe, expert presentations and informative podcast series. Drawing on the experience of over 50 countries, 100 experts and almost 1,000 workshop participants, the Report addressed the key issues of governance, land, finance and climate-neutral housing. Each chapter outlines and illustrates useful tools which can be tailored to improve housing affordability and address climate change across the UNECE region.<sup>111</sup> To replicate such policies elsewhere, public institutions, including universities, must play their role in developing skills and capacity among all relevant stakeholders: policymakers, financiers, builders, providers and residents.<sup>112</sup>

At European level there are networks of social housing providers and homelessness agencies who research and share best practices in key areas of housing management, allocations and relevant areas. Housing Europe (HE) is the European federation of public, cooperative and social housing. Established in 1988, it is a network of 45 national and regional federations which together gather about 43.000 public, social and cooperative housing providers in 25 countries. Altogether HE members manage over 25 million homes, about 11% of existing dwellings in the EU. Social, public and co-operative housing providers have a vision of a Europe which provides access to decent and affordable housing for all in communities which are socially, economically and environmentally sustainable and where everyone is enabled to reach their full potential.<sup>113</sup>

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110 [https://unece.org/sites/default/files/2021-10/Housing2030%20study\\_E\\_web.pdf](https://unece.org/sites/default/files/2021-10/Housing2030%20study_E_web.pdf)

111 UNECE Report (2021) #Housing2030 Effective policies for affordable housing in the UNECE region, p. 2.

112 Ibid., p. 18.

113 <https://www.housingeurope.eu/resource-1808/the-state-of-housing-in-europe-2023>

One example of best practice in the design and planning for sustainable social housing is the *Design Manual for Quality Housing*.<sup>114</sup> This sets out the best practice for social housing site selection, and economic considerations for new developments. It outlines best practice for designing social housing, cost and programme control and public procurement of the buildings. The manual examines best practices in urban design and master planning, including sustainable development and sustainable communities, and public realm quality. The chapter on dwelling design addresses internal layouts, for houses, apartments and duplexes. The Manual also includes a range of scheme and standard internal layouts for different social housing dwelling types and sizes. It addresses privacy and access, block layouts, and apartment building layouts. A Gantt chart for the development programme for a typical social housing scheme is set out in the Design Manual (see Appendix 6 below).

### ***The Vienna Model***

The Vienna Model<sup>115</sup> of social housing originated in the ‘Vienna model’ practised by the social-democratic city administration from 1920 regarded mass housing as a high-quality infrastructure for the many: it was neither charity nor an emergency measure. The idea was to finance the housing structure as such—to make housing affordable for all, instead of financing individuals through subsidies, which would only be redirected to private owners as ever-increasing rents as demand grew.

The Vienna model of housing is internationally regarded for its continued achievement of sustainable, high quality residential development using a cost-rental approach that in effect delivers housing for all. The term ‘cost rental’ is defined by Kemeny as ‘all rental housing, irrespective of ownership, the rents of which cover only actual incurred costs of a stock of dwellings’. This is based on the principle of ‘maturation’ – i.e. the loans on earlier stock will have reduced over time, or have been paid off, and the costs of new developments can be pooled (cross-subsidised) over the total stock (or particular parts of it), resulting in a small increase in rents overall.<sup>116</sup>

The predominant source of finance can be secured through private borrowing, but the equity in, and security of charges on, the overall stock may result in lower borrowing costs. There may also be an element of public subsidy, or State Aid, free or cheap land, public guarantees on borrowing, interest subsidies, and housing benefits for tenants, in order to keep the rent levels at affordable levels. But maturation is the key in facilitating lower pooled rents, which still must cover management and maintenance costs. To make cost rental work and be truly affordable it must be provided on a larger and long term scale. This requires long term planning and investment toward a State/public asset, and precludes sales to tenants, as this would fatally undermine the maturation element of the scheme.

Private developers who collaborate with the city government to build affordable housing must allow the city to rent half of the new apartments to lower-income residents; the developer generally leases the remaining units to moderate-income residents. In some projects, future tenants participate in the planning, design, and construction process and give input on what kind of facilities they would like to have in the building.

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114 Government of Ireland (2022) *Design Manual for Quality Housing*. Available at: <https://www.gov.ie/en/publication/b3e02-design-manual-for-quality-housing/>

115 <https://socialhousing.wien/policy/the-vienna-model>

116 Kemeny, J. (1992), *Housing and Social Theory*, (London: Routledge). p. 34.

## ***Bosnia and Herzegovina social housing policy***

Another model of social housing provision which may be relevant for examination is the Bosnia and Herzegovina social housing policy.<sup>117</sup> The Regional Housing Programme (RHP) was launched by Bosnia and Herzegovina, Croatia, Montenegro and Serbia in 2012 with the objective of providing durable housing solutions to vulnerable refugees, internally displaced persons (IDPs) and returnees, either in their places of origin or of displacement. Overall, 26,500 family applications for RHP housing assistance were received from those wishing to return to their pre-war homes in BiH, in addition to others wishing to integrate within local communities in the country. The RHP came to a successful conclusion in 2023, having provided durable and sustainable housing solutions to 2,778 families (approx. 9,000 persons) in BiH.<sup>118</sup> Some €76m was spent by the RHP Fund in Bosnia and Herzegovina in a range of housing solutions for refugees and internally displaced persons.<sup>119</sup>

The Council of Europe Development Bank Joint Operational Report 2022 identified four factors that were key to the success of the Programme and which could potentially be replicated:

- First, focus on the most vulnerable, and tailor the initiative to their needs in order to maximise the social impact;
- Second, ensure that the beneficiary country spearheads implementation to foster project ownership;
- Third, implement a strong support and control framework to maximise both capacity building and accountability;
- Fourth, ensure that the initiative aligns with the interests of Donors, thanks to good governance and high visibility.<sup>120</sup>

The Annual Report 2023 provided valuable detail on the approach and work carried out by the RHP.<sup>121</sup> The Programme had a very high social impact, thanks to its focus on the needs of the most vulnerable. By adopting a needs-based approach, targeted at most-vulnerable refugees and displaced persons, the Programme brought concrete assistance – in the form of secure homes – to those who needed it most. Scrupulous beneficiary selection processes, often in close co-operation with local authorities, and monitored by UNHCR (the UN Refugee Agency) and the Organization for Security and Cooperation in Europe, ensured that RHP beneficiaries were those categorised as most vulnerable.

The RHP offered tailor-made housing to beneficiaries. Offering a choice to each family empowered beneficiaries after a long period of displacement, and helped their re-/integration prospects. Beneficiaries were not only able to choose whether to remain in their places of displacement, or whether to return to their places of origin – they could also select the type of housing which was best-suited to their needs from the following seven different

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117 Nikolina Obradović and Mirna Jusić, (2019) *Thematic Report on National strategies to fight homelessness and housing Exclusion - Bosnia and Herzegovina*. European Social Policy Network.

Available at: [https://ec.europa.eu/social/main.jsp?pager.offset=0&advSearchKey=ESPN\\_hhe2019&mode=advancedSubmit&catId=22&policyArea=0&policyAreaSub=0&country=0&year=0](https://ec.europa.eu/social/main.jsp?pager.offset=0&advSearchKey=ESPN_hhe2019&mode=advancedSubmit&catId=22&policyArea=0&policyAreaSub=0&country=0&year=0)

118 [https://regionalhousingprogramme.org/wp-content/uploads/publications/RHP\\_FS\\_BiH\\_dec\\_2023\\_en.pdf](https://regionalhousingprogramme.org/wp-content/uploads/publications/RHP_FS_BiH_dec_2023_en.pdf)

119 RHP Financial and Statistical Report 2022.

120 RHP Operational Report 2022, p. 3. <http://regionalhousingprogramme.org/wp-content/uploads/publications/annual-report/2022/index.html>

121 Regional Housing Programme Operational Fund, Annual Report 2023.

<file:///Users/padraickenna/Downloads/RHP-Fund-Annual-Report-2023.pdf>

housing types:

- The construction or purchase of apartments
- The re/construction of individual houses
- The purchase of village houses
- The provision of building material packages
- The construction of pre-fabricated houses
- The provision of places in Homes for the Elderly.<sup>122</sup>

| No.                           | Sub-project No. | Project title                                                                                                                                                                                                                                     | Status  | Total (estimated) cost (in EUR) | Grant amount (in EUR) | National contribution (in EUR) |
|-------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------------------------------|-----------------------|--------------------------------|
| <b>Bosnia and Herzegovina</b> |                 |                                                                                                                                                                                                                                                   | Initial | <b>76 191 528</b>               | <b>64 892 698</b>     | <b>11 298 830</b>              |
|                               |                 |                                                                                                                                                                                                                                                   | Current | <b>76 344 460</b>               | <b>64 892 509</b>     | <b>11 451 951</b>              |
| 1.                            | BiH1            | Provision of building material to 20 families and turnkey reconstruction assistance to 146 families                                                                                                                                               | Initial | 2 668 500                       | 2 387 500             | 281 000                        |
|                               |                 |                                                                                                                                                                                                                                                   | Final   | 2 821 432                       | 2 387 311             | 434 121                        |
| 2.                            | BiH2 amended    | Provision of housing solutions to 825 households for return and reintegration or local integration; design of 198 houses and design/review of 251 apartments (financed under BiH6); and technical sustainability measures for BiH1, BiH2 and BiH4 |         | 15 848 245                      | 13 634 032            | 2 214 213                      |
| 3.                            | BiH3 amended    | Construction of 567 flats in multi-apartment buildings for refugees and IDPs                                                                                                                                                                      |         | 17 397 433                      | 13 843 875            | 3 553 558                      |
| 4.                            | BiH4 amended    | Reconstruction/construction of 481 houses for the return and local integration of refugees and IDPs                                                                                                                                               |         | 9 620 371                       | 8 569 651             | 1 050 720                      |
| 5.                            | BiH5 amended    | Re/construction of 50 family houses for local integration and re/construction of 475 family houses for return of refugees and displaced persons                                                                                                   |         | 10 958 262                      | 10 197 423            | 760 839                        |
| 6.                            | BiH6 amended    | Re/construction of 216 family houses and construction of 353 flats in multi-apartment buildings for displaced persons and returnees                                                                                                               |         | 19 698 717                      | 16 260 217            | 3 438 500                      |

<sup>122</sup> Ibid., p. 13.

## 5. Proposing models of how the social housing strategy may form a part of the housing strategy of the country.

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### Overall Housing Strategy

State regulation of housing markets and targeting interventions to control housing costs and ensure adequate standards and non-discrimination are the norm across Europe – social housing strategies are often part of these approaches. Social housing provision can be part of regeneration or rejuvenation projects where the guaranteed development investment can leverage private investment, although these arrangements need to be carefully planned to avoid social segregation.

Thus, the primary objectives of a Social Housing Strategy will need to be clarified at the outset – whether it is intended to deal with a contemporary problem of resettling refugees, or be part of a more long term national housing policy with a regulatory framework and support for national/local government and civil society specialist providers. The focus of any Social Housing Strategy will be determined by public policy priorities.<sup>123</sup>

The *UNECE Geneva Charter on Sustainable Housing - Ensure access to decent, adequate, affordable and healthy housing for all*<sup>124</sup> published by the UNECE provides guidance for housing policy in a number of areas including social inclusion and participation. Housing policy and debate should be advanced with an enhanced emphasis on engaged and negotiated civic involvement, social inclusiveness, public health, transparency, and a concern for ethical processes. This should be addressed through:

- i. Instruments of state support for adequate, healthy, safe and affordable housing, including access to basic utilities and services, which promote social cohesion and contribute to meeting the housing needs of various social groups, including marginalised and vulnerable groups and people<sup>125</sup>;
- ii. Increased availability of housing options, particularly affordable and social housing, through different instruments, including through promoting tenure neutrality;
- iii. Planning, housing design, maintenance and retrofitting that: promotes healthy living; encourages the implementation of universal design principles in order to increase the usability of homes for all people across generational, gender and disability divides; and encourages socially mixed communities;
- iv. Support for adequate housing solutions for people affected by natural and human-made disasters;
- v. Housing and land tenure policies that support social justice;
- vi. National housing policies developed through deliberative and democratic processes based on expert knowledge, extensive data collection, transparent reporting of statistics, and extensive and inclusive public debate about all aspects of housing development;

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123 See for example Government of Ireland (2014) *Social Housing Strategy - Support, Supply and Reform*: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/118072/424b2b97-52e3-43fa-85f4-d59dc897dc8d.pdf#page=null>; Greater Manchester Housing Strategy – *Doing Housing Differently 2019 – 2024*: [https://www.greatermanchester-ca.gov.uk/media/2165/16a\\_gm\\_housing\\_strategy\\_final.pdf](https://www.greatermanchester-ca.gov.uk/media/2165/16a_gm_housing_strategy_final.pdf)

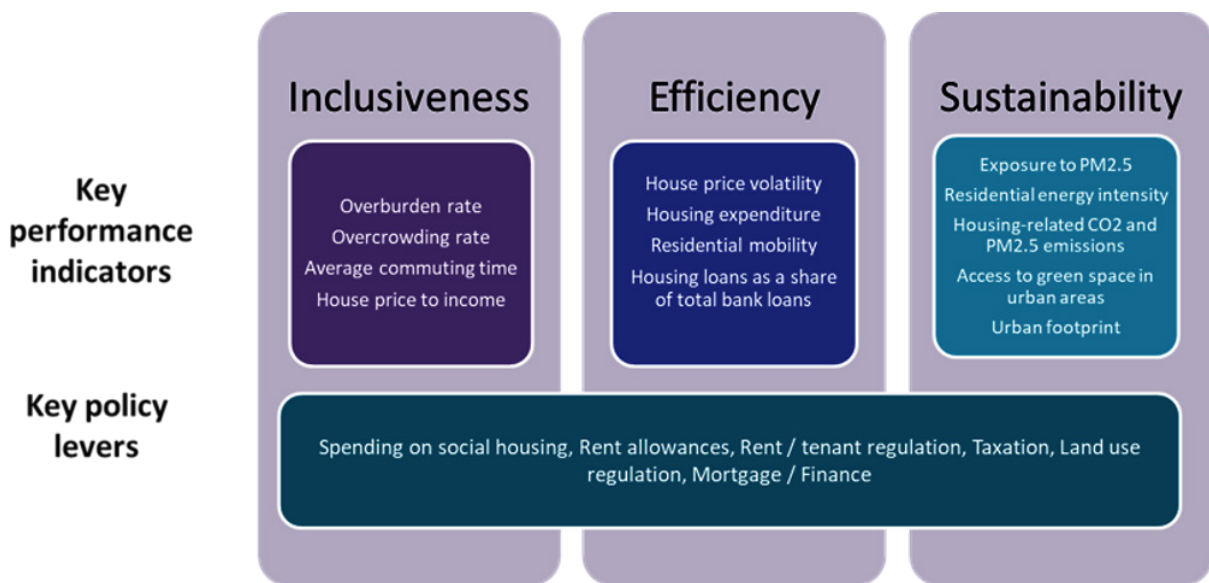
124 UN Doc. (E/ECE/1478/Rev.1). [https://unece.org/fileadmin/DAM/hlm/charter/Language\\_versions/ENG\\_Geneva\\_UN\\_Charter.pdf](https://unece.org/fileadmin/DAM/hlm/charter/Language_versions/ENG_Geneva_UN_Charter.pdf)

125 The definition of vulnerable groups and people varies from country to country and may include: young people; senior citizens; large families with children and single parent families; victims of domestic violence; people with disabilities including mental illness, intellectual and/or physical disabilities; immigrants; refugees; Roma communities; and other minority groups.

- vii. Research and exchange of knowledge on all aspects of sustainable housing;
- viii. Effective, clear, and transparent governance at all levels, including institutionalized procedures for appeals to decisions related to housing. (para 15.)

The OECD Housing Policy Toolkit sets out a range of housing policy indicators on inclusiveness, efficiency and sustainability for housing policy, as well as the range of housing policy levers of spending on social housing, rent allowances, rent regulation, taxation, land use regulation and supply and regulation of mortgage finance.

**Chart 1. OECD Indicators gauging inclusiveness, efficiency and sustainability outcomes and policies**<sup>126</sup>



However, the OECD points out that because housing is a complex policy area, many outcome indicators could point to weaknesses in policy settings associated with one or more policy objectives. For instance, sustained increases in house price-to-income ratios point to deteriorating housing affordability, which poses challenges for inclusiveness and could signal at the same time a lack of efficiency in the way housing markets operate. As a result, in many cases there is no one-to-one correspondence between outcomes and policy objectives, and some judgement is therefore needed to link outcome indicators to policy objectives.

It is important to recognise that housing is a fundamental driver of the accumulation and the distribution of assets, liabilities and wealth over the lifecycle and across generations.<sup>127</sup> The OECD (2021) *Report Brick by Brick – Building Better Housing Policies*<sup>128</sup> points out the contribution of housing to wealth inequality varies significantly across countries, yet the following facts stand out from the data:

<sup>126</sup> <https://www.oecd-ilibrary.org/sites/8ec0f507-en/index.html?itemId=/content/component/8ec0f507-en#figure-d1e1290>. See also OECD (2020), *Social housing: A key part of past and future housing policy*, OECD Publishing, <http://www.oecd.org/social/social-housing-policy-brief-2020.pdf>.

<sup>127</sup> Causa, O., N. Woloszko and D. Leite (2019), "Housing, Wealth Accumulation and Wealth Distribution: Evidence and Stylized Facts", OECD Economics Department Working Papers, No. 1588.

<sup>128</sup> OECD (2021) *Report Brick by Brick – Building Better Housing Policies*: [https://www.oecd-ilibrary.org/economics/brick-by-brick\\_b453b043-en](https://www.oecd-ilibrary.org/economics/brick-by-brick_b453b043-en)

- Wealth inequality is much higher than income inequality, in part reflecting lifecycle effects as wealth accumulates over time.
- There is a strong negative cross-country association between homeownership and wealth inequality. Low homeownership countries exhibit high wealth inequality, even when income inequality is low.
- Housing tends to equalise the distribution of wealth because it is the most important asset in household balance sheets and it is more equally distributed than other assets like financial assets: housing represents in relative terms a much higher source of wealth in the middle than at the top of the distribution.<sup>129</sup>

Access to mortgage markets allows credit-constrained households a better chance of owning their own home, but it entails risks:

- Housing-related debt is the most important liability in households' portfolios, particularly for young homeowners and homeowners at the bottom of the distribution. OECD countries exhibit stark variation in the extent to which households hold mortgage debt, ranging from almost half to less than a tenth.
- Mortgage debt is both an opportunity and a risk. While it allows households, especially those with little initial assets, to accumulate wealth it can expose households, especially those at the bottom of the distribution, to economic and social vulnerabilities.<sup>130</sup>

**Table 1. Housing wealth: Trends, drivers and policies<sup>131</sup>**

| Trends                                                                                                                                                                                                                                                                              | Drivers                                                                                                                                                                                                                                                                                                                         | Policies                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• <b>How important is housing for wealth accumulation and for wealth inequality?</b></li> <li>• <i>Housing is a key driver of wealth, especially for the middle class. Housing is more equally distributed than other assets.</i></li> </ul> | <ul style="list-style-type: none"> <li>• <b>What determines the distribution of housing wealth?</b></li> <li>• <i>Differences in homeownership and housing wealth reflect historical and socio-economic factors such as the structure of households in terms of age and composition as well as that of policies.</i></li> </ul> | <ul style="list-style-type: none"> <li>• <b>How can policies affect housing wealth?</b></li> <li>• <i>Mortgage debt allows liquidity-constrained households to accumulate housing wealth, but it can also expose vulnerable households to financial risks in the event of house price declines or income loss.</i></li> </ul> |

Perhaps the most comprehensive policy development tools available today for developing a social housing strategy (and indeed a housing strategy as whole) is that set out in the UNECE (2021) #Housing2030 Effective policies for affordable housing in the UNECE region Report.<sup>132</sup> This Report set out in the #Housing2030 website<sup>133</sup> detailed policy guidance for effective governance, strategic land policy, housing investment and active promotion of

<sup>129</sup> <https://www.oecd-ilibrary.org/sites/b453b043-en/1/3/5/index.html?itemId=/content/publication/b453b043-en&csp=6c2144a214b333aaac200b082e70ed53&itemIGO=oecd&itemContentType=book>

<sup>130</sup> Ibid.,

<sup>131</sup> Ibid., chapter 5.

<sup>132</sup> [https://unece.org/sites/default/files/2021-10/Housing2030%20study\\_E\\_web.pdf](https://unece.org/sites/default/files/2021-10/Housing2030%20study_E_web.pdf)

<sup>133</sup> <https://www.housing2030.org>

climate neutral and affordable housing and neighbourhoods. The Report outlines the range of policy tools which can be marshalled in a housing strategy.

**Figure 1. Tools which can be used in housing policy.**<sup>134</sup>

| GOVERNANCE TOOLS             | Strategic frameworks                              |                                                       | Institutions and capacity-building                     |  |
|------------------------------|---------------------------------------------------|-------------------------------------------------------|--------------------------------------------------------|--|
|                              | Multi-level governance                            |                                                       | Setting and monitoring housing standards               |  |
|                              | Evidence                                          |                                                       | Supervision                                            |  |
|                              | Dedicated social and affordable housing providers |                                                       | Tenant and owner-occupier involvement frameworks       |  |
| FINANCE AND INVESTMENT TOOLS | Regulating financial institutions                 | Non-profit provision of social and affordable housing | Subsidizing rents                                      |  |
|                              | Rent setting, indexation and regulation           | Microfinancing                                        | Using household savings                                |  |
|                              | Public loan, grants and purposeful investment     | Interest rate subsidies                               | Loan guarantees and insurance                          |  |
|                              | Special-purpose intermediaries                    | Shared equity and costs schemes                       | Revolving funds for investment in affordable housing   |  |
|                              | Taxation to guide investment                      |                                                       |                                                        |  |
| LAND POLICY TOOLS            | Public land banking                               |                                                       | Public land leasing                                    |  |
|                              | Land readjustment                                 |                                                       | Land value capture                                     |  |
|                              | City and neighbourhood planning                   |                                                       |                                                        |  |
|                              | Land-use regulation and inclusionary zoning       |                                                       |                                                        |  |
|                              | Land value taxation                               |                                                       |                                                        |  |
| CLIMATE-NEUTRALITY TOOLS     | Energy performance-related building regulations   |                                                       | Regulating the urban environment for energy efficiency |  |
|                              | Non-regulatory climate policy initiatives         |                                                       | Financial incentives                                   |  |
|                              | Awareness-raising and training                    |                                                       |                                                        |  |

From a housing rights perspective the development of a housing strategy is a key element in the implementation of the right to adequate housing. The Report of the UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context<sup>135</sup> addressed this issue:

6. Generally, a housing policy is composed of a number of programmes that address current housing issues, including homelessness, social housing supply or access to housing in the private market. Housing programmes are often operated by a single authority, a statutory agency or different levels of government.

7. Housing strategies operate at a higher level than housing policy and programmes and are based on a vision of structural change that is required over time. A strategy coordinates a wide range of laws, programmes, policies and decisions to address housing needs that, when taken together, create a housing system. The aim of a housing strategy is not only to

<sup>134</sup> UNECE (2021) *#Housing2030 Effective policies for affordable housing in the UNECE region*. P. xvii. [https://unece.org/sites/default/files/2021-10/Housing2030%20study\\_E\\_web.pdf](https://unece.org/sites/default/files/2021-10/Housing2030%20study_E_web.pdf)

<sup>135</sup> UN Doc. A/HRC/37/53, 15 January 2018.

provide housing, but also to address gaps and inequalities in existing systems. It provides opportunities to review and change policies and programmes to ensure their efficacy and challenges the stigmatization, marginalization and discrimination that lies behind failures of housing systems. A housing strategy must engage a multiplicity of allocated responsibilities and jurisdictions of various levels of government and departments.

8. To meet the commitments of the 2030 Agenda, a housing strategy must ensure that no one is left behind. In other words, it must aim to change societies in which significant numbers of people are deprived of the right to adequate housing, into societies in which everyone has access to adequate housing and in which housing is a means to ensure dignity, security and inclusion in sustainable communities.

Developing social housing strategies and housing strategies can be an effective way to incorporate international housing rights standards into housing systems. The UN Committee on Economic, Social and Cultural Rights has emphasized that the obligation to progressively realize the right to housing will almost invariably require the adoption of a national housing strategy. Strategies should be developed in consultation with affected groups, include clearly defined goals, identify the resources to be allocated and clarify responsibilities and a time frame for implementation. The UN Special Rapporteur on adequate housing *Guidelines for the Implementation of the Right to Adequate Housing* issued Guideline No. 4. on implementing comprehensive strategies for the realization of the right to housing: Guideline No. 4. Implement comprehensive strategies for the realization of the right to housing provides that housing strategies must identify the State's obligations to be realized progressively, based on clear goals and timelines for achieving specific outcomes and the right to adequate housing for all in the shortest possible time. Strategies should provide coherence and coordination in all relevant policy areas, particularly urban planning, land regulation, taxation and finance, social benefits and services.<sup>136</sup>

- (a) Housing strategies must identify the State's obligations to be realized progressively, based on clear goals and timelines for achieving specific outcomes and the right to adequate housing for all in the shortest possible time;
- (b) Strategies should provide coherence and coordination in all relevant policy areas, particularly urban planning, land regulation, taxation and finance, social benefits and services;
- (c) States should establish specific strategies to address obstacles to the right to housing such as discrimination, financialization, speculation, predatory lending, land-grabbing, conflict, forced evictions, environmental degradation and vulnerability to disasters. Strategies adopted should be responsive to persistent and emerging challenges in urban and rural areas, such as spatial injustice and climate change;
- (d) States should provide for independent monitoring of progress in meeting goals and timelines, establish procedures through which affected communities can identify systemic issues affecting the realization of the right to housing and ensure effective responses.<sup>137</sup>

Guideline No. 10 on ensuring the right to adequate housing for migrants<sup>138</sup> and internally displaced persons provides:

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<sup>136</sup> UN Doc. A/HRC/43/43. 26 December 2019. <https://www.ohchr.org/en/special-procedures/sr-housing/guidelines-implementation-right-adequate-housing>

<sup>137</sup> UN Doc. A/HRC/43/43. 26 December 2019, para 28.

<sup>138</sup> The term "migrant" is used here without prejudice to the protection regimes that exist under international law for specific legal categories of non-nationals, including refugees, asylum seekers, stateless persons, trafficked persons and migrant workers.

- a. States must ensure the equal enjoyment of the right to housing without discrimination for all internally displaced persons and all migrants, regardless of documentation, in conformity with international human rights and humanitarian law.<sup>139</sup> States must ensure coordination between migration, internal displacement and housing programmes to ensure the right to adequate housing in all contexts. Reception and other centres for migrants must meet standards of dignity, adequacy and protection of the family and other requirements of international human rights law and international humanitarian law.<sup>140</sup> Migrant children should never be separated from their parents or guardians, and families that have been separated by displacement should be reunited as quickly as possible;<sup>141</sup>
- b. Any differential treatment in qualifying for different types of housing based on immigration status must be reasonable and proportional, and not compromise the protection of the right to housing for all people within the State's territory or jurisdiction.<sup>142</sup> There should be no discrimination on the basis of immigration status in access to emergency shelters and States should ensure that housing providers are neither permitted nor required to convey information to authorities that would discourage undocumented migrants from seeking shelter for themselves and their families. Housing providers, civil society organizations and individuals should not be penalized for assisting migrants to secure shelter or housing.<sup>143</sup> Access to longer-term housing must be provided, where needed, as soon as possible;
- c. Effective protective mechanisms must be in place for migrants to secure effective remedies for violations of the right to housing and non-discrimination. Specific protective measures and remedies are required for migrant workers living in housing provided by employers suffering grossly inadequate conditions or abuse, allowing them to be relocated to adequate accommodation and to re-employment without prejudice;<sup>144</sup>
- d. Refugees and internally displaced persons who have been unlawfully or arbitrarily deprived of their former homes, lands, properties or places of habitual residence must be ensured a right to return consistent with the principles on housing and property restitution for refugees and displaced persons.<sup>145</sup>

Guideline No. 11 on ensuring the capacity and accountability of local and regional governments for the realization of the right to adequate housing provides that local and regional governments have crucial responsibilities related to the right to adequate housing in most States. These may include: producing and managing social housing and infrastructure, land-use planning, upgrading informal settlements and regulating investor-driven markets. Local governments can therefore play an essential role in the realization of the right to housing. They are closest to affected communities and better able to ensure participatory decision-making and to develop innovative solutions adapted to local circumstances.<sup>146</sup>

139 See UN Committee on Economic, Social and Cultural Rights' general comment No. 20, the Committee on the Elimination of Racial Discrimination's general recommendation No. 30 (2004) on discrimination against non-citizens, para. 32, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, art. 43 (1) (d). See also the Global Compact for Safe, Orderly and Regular Migration, objective 15, and the global compact on refugees (A/73/12 (Part II), paras. 78–79).

140 See UN OHCHR and the Global Migration Group, *Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations* (Geneva), principle 11.

141 See the Guiding Principles on Internal Displacement, principle 17 ff.

142 UN Committee on the Elimination of Racial Discrimination, general recommendation No. 30, para. 32.

143 *Principles and Guidelines on the Human Rights Protection of Migrants in Vulnerable Situations*, principle 13, para. 4.

144 See the Domestic Workers Recommendation, 2011 (No. 201), para. 7, of the International Labour Organization.

145 UN Doc. E/CN.4/Sub.2/2005/17, annex. and the global compact on refugees, para. 60.

146 UN Doc. A/HRC/43/43. 26 December 2019, para 59.

Guideline No. 12 on ensuring the regulation of businesses in a manner consistent with State obligations and address the financialization of housing states that:

The private sector plays a significant role in most housing systems and in the realization of the right to housing. Investors, businesses and individuals develop, build, sell and rent housing. Financial institutions provide access to credit. Private households purchase, build or improve their own housing, and may rent it to others. The particular role played by various private actors in housing systems varies, but the State must ensure that all aspects of their involvement are consistent with States' obligations to realize the right to housing for all.<sup>147</sup>

States may need to ensure not only that developers do not displace residents from affordable housing, but also that they produce needed affordable housing, that housing is not left vacant and that some of the profits from housing or other economic activities are redirected to ensure the availability of adequate housing for low-income households.<sup>148</sup>

One report suggest that country needs a basic framework for housing policy at the State level (See Appendix 4) which would include relevant definitions of homelessness aligned with the ETHOS<sup>149</sup> typology and indicators for monitoring.<sup>150</sup> ETHOS categories therefore attempt to cover all living situations which amount to forms of homelessness across Europe:

- rooflessness (without a shelter of any kind, sleeping rough)
- houselessness (with a place to sleep but temporary in institutions or shelter)
- living in insecure housing (threatened with severe exclusion due to insecure tenancies, eviction, domestic violence)
- living in inadequate housing (in caravans on illegal campsites, in unfit housing, in extreme overcrowding).

Indeed, aligning State definitions of homelessness with EU definitions contained in the European Typology of Homelessness and Housing Exclusion (ETHOS) would ensure that homelessness is not defined as vagrancy or idleness, and is not penalised. It would also facilitate evidence-based policy responses in this area. Ongoing resources need to be allocated to systematic data collection and monitoring reports, in order to be able to develop adequate responses to homelessness in the society.

The UNECE Report (2021) #Housing2030 Effective policies for affordable housing in the UNECE region Report<sup>151</sup> suggest that housing strategies “should never lose sight of the overall objective to improve housing outcomes for ordinary people, including the development of an environmentally sustainable housing sector.”<sup>152</sup> A people-focused housing strategy should view households as unique entities, with similar but specific needs.

147 UN Doc. A/HRC/43/43. 26 December 2019, para 64.

148 UNCESCR General comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, para. 18.

149 See Appendix 4.

150 A Harmonised Definition of Homelessness for Statistical Purposes Sometimes referred to as ETHOS 'Light', this is a version of the ETHOS typology developed in the context of a 2007 European Commission study: Measurement of Homelessness at European Union Level. It is a harmonised definition of homelessness for statistical purposes. It is a pragmatic tool for the development of homelessness data collection, rather than a conceptual and operational definition to be used for a range of policy and practice purposes. <https://www.feantsa.org/en/toolkit/2005/04/01/ethos-typology-on-homelessness-and-housing-exclusion>

151 [https://unece.org/sites/default/files/2021-10/Housing2030%20study\\_E\\_web.pdf](https://unece.org/sites/default/files/2021-10/Housing2030%20study_E_web.pdf)

152 Ibid., p. 8.

Policymakers should develop a spectrum of housing needs, from those requiring urgent need of support, such as homeless people, to those not needing public support to meet their housing requirements. The role that different housing sector segments such as homeownership, private rental, social rental or cooperative will play in this spectrum should be well understood. An adequately resourced, capably implemented, long-term national or regional housing strategy supports more affordable and inclusive housing outcomes. Innovative affordable housing strategies and programmes need effective political leadership which engages all government levels and adopts whole-of-housing industry consultation and implementation.<sup>153</sup>

**In terms of the responsibility for the elements of the social housing strategy as part of the overall housing strategy there are many models. These are usually based on the division of legal or governance/administrative competences between local, regional and national government for each aspect of the policy tools. Thus, it is important to clarify which governance, finance and investment, land policy and climate neutrality tools from Figure 2 above are allocated to cities, local regional and national government.**

The OECD has examined the level of governance for various housing policy instruments.<sup>154</sup> Around 20 OECD countries have a dedicated housing ministry for housing matters. In other countries, the lead ministry for housing policy varies widely, falling under the authority of ministries of Economy, Finance, Economic Development, Environment, Regional Development or Social Affairs. In some countries, housing policies are fragmented across multiple ministries, as different aspects of housing policy fall under the authority of different ministries. For instance, housing-related taxation may be handled by the Ministry of Finance; energy efficiency regulations by the Ministry of Environment; and issues relating to housing benefits, homelessness by the Ministry of Social Welfare. In Sweden a handful of ministries have authority for different dimensions of housing policy (Ministry of Finance; Ministry for Gender Equality and Housing, within the Ministry of Employment; Ministry of Justice; Ministry of Health and Social Affairs; Ministry of the Environment; Ministry of Culture; Ministry of Infrastructure; and the Ministry of Enterprise and Environment). Similarly, in the Czech Republic (Ministry of Regional Development; Ministry of Labour and Social Affairs; Ministry of Industry and Trade; Ministry of Finance; Ministry of Environment; Ministry of Agriculture; and Ministry of Interior). This diversity is a reflection of the many implications of housing on both individuals and the economy, but can generate challenges to effective policy coordination.<sup>155</sup>

The level of public administration responsible for the different instruments of housing policy presents a complex picture. Several countries have more centralised housing policy approaches, although usually national programmes are implemented in close cooperation with local authorities. For instance, in Bulgaria, Chile, Colombia, Costa Rica, the Czech Republic, Estonia, Finland, France, Hungary, Iceland, Israel, Italy, Japan, Korea, Latvia, Luxembourg, Malta, Mexico, the Netherlands, Poland and the Russian Federation, the central government plays a significant role in housing policy implementation. In other countries, regional/state governments play a key role. For example, in Austria, Belgium and Germany responsibility for housing policy measures (such as the provision of social housing and financial support to households to purchase a home) is almost entirely devolved to the regions/states, even though in Germany the main housing allowance programme is administered at the federal level. In Australia, Canada and the United States, federal funding to support access to affordable housing is made available to provincial/state governments to help them implement different

<sup>153</sup> Ibid.

<sup>154</sup> OECD Directorate of Employment, Labour and Social Affairs - Social Policy Division PH1.1. POLICY INSTRUMENTS AND LEVEL OF GOVERNANCE. <https://www.oecd.org/els/family/PH1.1.Policy%20instruments%20and%20level%20of%20governance.pdf>

<sup>155</sup> Ibid.

housing programmes (including the development of affordable housing, and direct support to households through grants and housing allowances). In the United Kingdom, housing policy measures are a responsibility of the devolved administrations (e.g. England, Northern Ireland, Scotland and Wales); information for England is reported in this indicator. Housing benefits are an exception, as they are part of social security, which is not a devolved competency (except in Northern Ireland) and are therefore available across the United Kingdom through national funding and administered by the local authorities. In Switzerland, most housing policy measures are organised differently in the different cantons.

A number of countries, such as Canada, Denmark, Estonia, France, Germany, Hungary, Ireland, Japan, Portugal, South Africa and Switzerland report joint responsibility for different housing policies, involving national, regional and/or municipal authorities.

The degree of decentralisation also varies across the different policy measures.

Social housing programmes are primarily a responsibility of regional governments in Australia, Austria, Canada, Germany, Japan, and Spain. In Bulgaria, Denmark, Hungary, Lithuania and Romania social rental is often provided by municipalities. Municipalities also play an important role in supporting the development of new social dwellings by providing land at discounted prices. Social housing is a joint responsibility across national, regional and/or municipal authorities in Estonia, France, Ireland, Korea, Latvia, the Netherlands, Slovenia and the United States. In England (United Kingdom), social housing is the responsibility of the national government, except in London where it is managed by the Greater London Authority.<sup>156</sup>

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<sup>156</sup> Ibid.

More detailed examination of the question on the level of government with responsibility for housing policy as set out in a recent Report from Germany on Social Housing in Europe. This Report, based on a study across the EU addressed the question “Please name the national/regional/local government bodies (eg. ministries/departments/agencies/ other) which are typically in charge of housing policy?”.

**Table Xx. Level of government in charge of housing policy<sup>157</sup>**

| Member State    | Group                  | National | Regional | Local |
|-----------------|------------------------|----------|----------|-------|
| Malta           | Exclusively national   | 4        | 0        | 0     |
| Croatia         | National dominance     | 3        | 2        | 1     |
| Greece          |                        | 5        | 1        | 1     |
| Austria         | National / local       | 4        | 1        | 2     |
| Bulgaria        |                        | 4        | 1        | 3     |
| Denmark         |                        | 8        | 2        | 6     |
| Finland         |                        | 7        | 1        | 4     |
| France          |                        | 6        | 1        | 5     |
| Ireland         |                        | 6        | 1        | 3     |
| Latvia          |                        | 7        | 2        | 6     |
| Netherlands     |                        | 7        | 2        | 6     |
| Poland          |                        | 5        | 1        | 2     |
| Slovakia        |                        | 7        | 1        | 4     |
| Slovenia        |                        | 6        | 1        | 4     |
| Spain           |                        | 5        | 1        | 6     |
| Sweden          |                        | 7        | 0        | 3     |
| Austria         | Balanced               | 4        | 6        | 2     |
| Germany         |                        | 7        | 7        | 3     |
| Italy           |                        | 6        | 3        | 5     |
| Portugal        |                        | 6        | 4        | 4     |
| UK <sup>4</sup> |                        | 6        | 7        | 5     |
| Belgium         | Regionalised           | 3        | 8        | 4     |
| Cyprus          | Without regional level | 4        | 0        | 1     |
| Czech Republic  |                        | 5        | 0        | 2     |
| Estonia         |                        | 5        | 0        | 2     |
| Hungary         |                        | 7        | 0        | 3     |
| Lithuania       |                        | 4        | 0        | 2     |
| Luxembourg      |                        | 6        | 0        | 2     |
| Romania         |                        | 5        | 0        | 4     |

**This shows that some policies are national responsibility while in many countries the majority are undertaken locally.**

<sup>157</sup> Krapp, M-C., Vaché, M., Egner, B., Schulze, K. & Thomas, S. (2022) *Housing policies in the EU*, (Bonn, Federal Institute for Research on Building, Urban Affairs and Spatial Development within the Federal Office for Building and Regional Planning). p. 34.

## 6. Consideration to the refugee component in the document, also targeting other representatives of vulnerable communities, i.e., women, PWD, older persons.

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The *UNECE Geneva Charter on Sustainable Housing - Ensure access to decent, adequate, affordable and healthy housing for all*<sup>158</sup> highlights the need for instruments of state support for adequate, healthy, safe and affordable housing, including access to basic utilities and services, which promote social cohesion and contribute to meeting the housing needs of various social groups, including marginalised and vulnerable groups and people. The definition of vulnerable groups and people varies from country to country and may include: young people; senior citizens; large families with children and single parent families; victims of domestic violence; people with disabilities including mental illness, intellectual and/or physical disabilities; immigrants; refugees; Roma communities; and other minority groups.

Many of these are protected by specific housing rights instruments adopted by Armenia, and are covered in the European Social Charter and through non-discrimination measures. The ECSR has identified the following groups as particularly likely to need social services: children, the elderly, people with disabilities, young people in difficulty and young offenders, minorities (migrants, Roma, refugees, etc.), the homeless, alcoholics and drug addicts, female victims of violence and former detainees.<sup>159</sup> The list is not exhaustive as the right to social welfare services must be available to all individuals and groups in the community.<sup>160</sup>

The Council of Europe Commissioner for Human Rights "Observations on the Human Rights Situation of People affected by the Conflict between Armenia and Azerbaijan over the Karabakh region"<sup>161</sup> in January 2024 stated:

Another key issue discussed during the Commissioner's visit was the situation of particularly vulnerable groups, including persons with disabilities, older persons, children (especially unaccompanied or separated ones), victims of torture, victims of trafficking in human beings or those at risk of trafficking, single women and LGBTI persons. According to a rapid needs assessment conducted by the United Nations Inter-Sector Coordination Group Armenia and the Armenian Ministry of Labour and Social Affairs, there were around 9,000 persons with disabilities among those displaced from the Karabakh region as well as 12,000 persons aged 65 or older and 30,00 children (including small groups of unaccompanied or separated children). In this respect, the Commissioner raised her concern that vulnerable refugees appeared at heightened risk of ending up in institutionalised settings (para 26.)

### Persons with Disabilities

*Article 15 of the European Social Charter states:*

With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:...

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158 UN Doc. E/ECE/1478/Rev.1. [https://unece.org/fileadmin/DAM/hlm/charter/Language\\_versions/ENG\\_Geneva\\_UN\\_Charter.pdf](https://unece.org/fileadmin/DAM/hlm/charter/Language_versions/ENG_Geneva_UN_Charter.pdf)

159 Conclusions 2009, Statement of Interpretation on Article 14§1.

160 Conclusions 2009, Statement of Interpretation on Article 14§1.

161 <https://rm.coe.int/observations-on-the-human-rights-situation-of-people-affected-by-the-c/1680ae228c>

...3. to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.

The ECSR has stated that the needs of persons with disabilities must be taken into account in housing policies, including the construction of an adequate supply of suitable, public, social or private, housing.<sup>162</sup> Financial assistance should also be provided for the adaptation of existing housing.<sup>163</sup>

### *UN Convention on the Rights of Persons with Disabilities*

All 27 EU Member States who have ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD)<sup>164</sup> report to the Committee on the Rights of Persons with Disabilities on a 4-year cyclical basis. This Committee determines compliance with the UNCRPD and hears individual complaints arising within states who have ratified the Optional Protocol (2006). The Committee has stated that there is a responsibility on States that:

Accessible housing providing accommodation to persons with disabilities, whether they live alone or as a part of a family, must be available in sufficient number, within all areas of the community, to provide the right of persons with disabilities to choose and the possibility to do so. To this end, barrier-free new residential construction and the barrier-free retrofitting of existing residential structures are required. In addition, housing must be affordable to persons with disabilities.<sup>165</sup>

Article 19 UNCRPD has been applied to the EU Structural Investment Funding arrangements ensuring that no such funding is applied to the maintenance or extension of residential institutional services for disabled people, children and older people. The EU *Strategy on the Rights of Persons with Disabilities 2021-2030* recognises ongoing de-institutionalisation and encourages Member States to ensure their housing policies are inclusive of the access needs of disabled people by planning for accessible and affordable housing supply.<sup>166</sup> The onus then is on the Member States to identify and meet the needs of the disabled population and the housing provision systems within their country.

### *Universal design*

Another aspect of housing rights for persons with disabilities and older people relates to the principles of Universal Design in housing strategies.<sup>167</sup> “Universal design” is a strategy, which aims to make the design and composition of different environments and products accessible and understandable to, as well as usable by, everyone, to the greatest extent in the most independent and natural manner possible, without the need for adaptation or specialised design solutions. The intent of the universal design concept is to simplify life for everyone by making the built environment, products, and communications equally

<sup>162</sup> Conclusions 2003, Italy.

<sup>163</sup> Conclusions 2003, Italy.

<sup>164</sup> UN Convention on the Rights of Persons with Disabilities, 2006. N<https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>

<sup>165</sup> Un Committee on Rights of Persons with Disabilities, General Comment No. 5, Paragraph 34, 2017.).

<sup>166</sup> European Commission, *Strategy for the Rights of Persons with Disabilities 2021-2030*, Section 4, <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8376&furtherPubs=yes>

<sup>167</sup> [https://universaldesign.ie/uploads/publications/Introduction\\_2023-08-25-112718\\_bgwf.pdf](https://universaldesign.ie/uploads/publications/Introduction_2023-08-25-112718_bgwf.pdf)

accessible, usable and understandable at little or no extra cost. The universal design concept promotes a shift to more emphasis on user-centred design by following a holistic approach and aiming to accommodate the needs of people of all ages, sizes and abilities, including the changes that people experience over their lifespan. Consequently, universal design is a concept that extends beyond the issues of mere accessibility of buildings for people with disabilities and should become an integrated part of architecture, design and planning of the environment.<sup>168</sup>

Affordable and accessible housing for disabled people is an important element of the UNCRPD, where Article 9 which promotes accessibility for disabled people, and Article 19 which promotes living independently and being included in the community with choices equal to others. According to the UNCRPD, 'Universal Design' means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible.<sup>169</sup>

Recommendation CM/Rec(2009)8 of the Committee of Ministers of the Council of Europe to member states on achieving full participation through Universal Design stated that the aim of the Council of Europe is to achieve greater unity between its members and that this aim may be pursued, *inter alia*, by the adoption of common rules in the disability policy field for the purpose of promoting the protection of political, civil, social, cultural and educational rights.

Universal Design also supports the ageing-in-place policy. The availability of housing options that are safe and appropriate for older people avoids the need to rely on forms of care that are less preferable and more costly. This transition must be public policy-led, and the adoption of Universal Design should be adequately funded and supported. Age friendly housing for older people is also part of best practice in housing plans.<sup>170</sup>

## **Women**

The UN Special rapporteur on adequate has stated that the right to adequate housing is a central component of women's right to equality under international human rights law.<sup>171</sup>

Although international and national laws increasingly recognize women's right to adequate housing, considerable gaps still exist between such recognition and the reality of large-scale denial of this right. As a result of discrimination and inequality in housing, many women and girls live in insecure, undignified and unsafe conditions, at increased risk of homelessness and violence. Forced evictions and other violations of the right to housing, disproportionately impact women and reinforce existing inequalities, representing a significant barrier to gender equality. Examples of gender-based inequality and discrimination include:

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<sup>168</sup> Council of Europe, Committee of Ministers Resolution ResAP(2001)1 on the introduction of the principles of universal design into the curricula of all occupations working on the built environment. para 2.

<sup>169</sup> UN Doc. A/HRC/28/37 Thematic study on the right of persons with disabilities to live independently and be included in the community.

<sup>170</sup> <https://agefriendlyireland.ie/healthy-age-friendly-homes-programme/>

<sup>171</sup> Women and the right to adequate housing, Special Rapporteur on the right to adequate housing. <https://www.ohchr.org/en/special-procedures/sr-housing/women-and-right-adequate-housing#introduction>.

- Unequal property rights and security of tenure, often linking tenure to relationship or familial status, in particular in the event of dissolution of marriage, death of a spouse and during inheritance
- Discriminatory and unequal access to economic opportunity and financing for home ownership or rental
- Exclusion from participatory and decision-making processes in relation to housing and urban planning, contributing to housing conditions inadequately addressing the needs of women and girls
- Increased vulnerability of women and girls to acts of domestic violence and sexual abuse in particular when alternative safe housing is not available or when living in homelessness
- Lack of access to safe water, sanitary or other facilities providing privacy, including for menstrual health and hygiene
- Lack of monitoring of more 'hidden' forms of female homelessness<sup>172</sup>

Gender discrimination is compounded by other forms of discrimination. For example, women with disabilities are more susceptible to violence in the home and less likely to have access to shelters or alternative accommodation. Realizing the right to adequate housing for all women requires taking into account all layers of discrimination, and taking concrete steps to address them.

The UN Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979<sup>173</sup> ratified by Armenia states that: "States Parties shall undertake all appropriate measures to eliminate discrimination against women in rural areas [...] and, in particular, shall ensure to such women the right [...] (h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications"(art. 14.2). States have the obligation to ensure "the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration"(art. 16.1).

Housing must as well be safe, which includes protection of women and girls against domestic violence in accordance with the UN Declaration on the Elimination of Violence against Women.<sup>174</sup> The UN Committee on the Elimination of All Forms of Discrimination against Women has recommended that States should in situation of violence against women "ensure access to financial aid, crisis centers, shelters, hotlines and medical, psychological and counselling services"

The Guidelines for the Implementation of the Right to Adequate Housing by the UN Special Rapporteur<sup>175</sup> point out that:

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172 Ibid.

173 <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women#%3a~%3atext=On%2018%20December%201979%2c%20the%2ctwentieth%20country%20had%20ratified%20it>.

174 Declaration on the Elimination of Violence against Women, Adopted 20 December 1993. <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-violence-against-women>

175 Un Doc. A/HRC/43/43 26/12/2019. Available at: <https://documents.un.org/doc/undoc/gen/g19/353/90/pdf/g1935390.pdf?token=wfilq9KetnnW8T2V8m&fe=true>

44. Refugees, asylum seekers, migrants, especially those who are undocumented, internally displaced persons, stateless persons, persons with disabilities, children and youth, indigenous peoples, women, lesbian, gay, bisexual, transgender and intersex persons, older persons and members of racial, ethnic and religious minorities are disproportionately represented among those living in homelessness, in informal accommodation and inadequate housing, and are often relegated to the most marginal and unsafe areas. These groups often experience intersectional discrimination as a result of their housing status.

... 49. As a result of discrimination and inequality in housing, many women and girls live in insecure, undignified and unsafe conditions, at increased risk of homelessness and violence. Women often lack security of tenure and equal rights to land and property as a result of inheritance laws, customs and traditions that discriminate directly or indirectly against them. Their access to housing, land and property, including through access to credit, is frequently dependent on a relationship with a male family member and is often jeopardized upon the dissolution of their marriage or the death of their spouse.

50. Inadequate housing has particularly adverse impacts for women and girls. For example, harassment, physical attacks, rape and even death are not uncommon when women and girls have to walk to fetch safe drinking water or access sanitation facilities. Lack of access to latrines and to privacy affects women and girls adversely, particularly during menstruation. Evictions too have a disproportionate impact on women, who are often on the front lines defending their homes and dealing with the aftermath of eviction.

51. Domestic violence is one of the leading causes of women's homelessness. It is often the case that the woman experiencing violence, rather than the male perpetrator, must leave the home. Because women avoid living on the streets, particularly if they are caring for children, they are more likely to be found among the "hidden homeless" and denied the benefit of programmes directed at persons in more visible forms of homelessness. The lack of alternative housing options for women experiencing violence in the home places their security and lives at risk.<sup>51</sup>

52. The right to housing must be recognized as a central component of women's right to substantive equality, which requires that laws, policies and practices be altered so that they do not maintain, but rather alleviate, the systemic disadvantages that women experience. Women must be empowered to articulate and claim the right to housing in a manner that addresses their experience of housing disadvantage in all of its dimensions.

## **Refugees**

Refugees have the protection of the Geneva Convention and its Protocols.

Article 21 of the Geneva Convention<sup>176</sup> states:

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

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<sup>176</sup> Convention and Protocol relating to the status of refugees 1951 and 1967 Protocol. UNGA resolution 429(V) of 14 December 1950, available at <http://www.unhcr.org/refworld/docid/3b00f08a27.html>. See also Council of Europe, Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025): <https://edoc.coe.int/en/refugees/10241-council-of-europe-action-plan-on-protecting-vulnerable-persons-in-the-context-of-migration-and-asylum-in-europe-2021-2025.html>

## Article 13 of the Convention on movable and immovable property states:

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

The UN Special Rapporteur Guidelines also state that refugees and internally displaced persons who have been unlawfully or arbitrarily deprived of their former homes, lands, properties or places of habitual residence must be ensured a right to return consistent with the principles on housing and property restitution for refugees and displaced persons.<sup>177</sup>

The ECSR Statement of interpretation on the rights of refugees under the European Social Charter 5 October 2015<sup>178</sup> points out that Article 25 paragraph 1 of the United Nations Universal Declaration of Human Rights sets out the following with regard to the universal right to an adequate standard of living:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

The Statement recalls that in *FEANTSA v. the Netherlands*,<sup>179</sup> the ECSR held that the right to emergency shelter and to other emergency social assistance is not limited to those belonging to certain vulnerable groups, but extends to all individuals in a precarious situation, pursuant to the principle of upholding their human dignity and the protection of their fundamental rights. The ECSR considers that certain social rights directly related to the right to life and human dignity are part of a “non-derogable core” of rights which protect the dignity of all people. Those rights therefore must be guaranteed to refugees, and should be assured for all displaced persons.

The ECSR Statement reiterates that the rights guaranteed by the Charter are to be enjoyed to the fullest extent possible by refugees (cf. 4 Conclusions XVII-1 (2004), Statement of Interpretation on the personal scope of the Charter). It recalls that it has held that certain rights afforded by the Charter apply to refugees and other vulnerable groups, for example Article 17 (Conclusions 2003, Bulgaria), Article 13 (Conclusions 2013, Bosnia and Herzegovina) and Article 31 (*FEANTSA v. the Netherlands*, Complaint No. 86/2012, Decision on the Merits of 2 July 2014). It recalls that it has previously outlined the protection of stateless persons under the Charter (Conclusions 2013, Statement of Interpretation on the rights of stateless persons). The Committee adds to that reasoning the following observations. The Appendix forms an integral part of the Charter, and the interpretation thereof, in the light of its object and purpose, is thus entrusted to the European Committee of Social Rights. The Appendix to the Charter reads: “2. Each Party will grant to refugees as defined in the Convention relating to the Status of Refugees, signed in Geneva on 28 July 1951 [and in the Protocol of 31 January 1967]1, and lawfully staying in its territory, treatment as favourable as possible, and in any

<sup>177</sup> See UN Doc. E/CN.4/Sub.2/2005/17, annex. See also the Guiding Principles on Internal Displacement, A/64/255, para. 55, the Principles and Guidelines on the Human Rights Protection of Migrants in Vulnerable Situations, principle 8, the Global Compact for Safe, Orderly and Regular Migration, objective 13, and the global compact on refugees, para. 60.

<sup>178</sup> Available at <https://rm.coe.int/1680489511>

<sup>179</sup> Complaint No. 86/2012, Decision on the Merits of 2 July 2014.

case not less favourable than under the obligations accepted by the Party under the said convention and under any f15other existing international instruments applicable to those refugees.<sup>180</sup>

Further details on these issues are set out above in the section on Articles 16 and 31 of the Charter.

The provision of mere shelter for refugees and asylum seekers must not be permanent, and in *FEANTSA v France* the ECSR stated:

As regards living conditions in sheltering facilities, the Committee believes these should be such as to enable living in keeping with human dignity, and that support should be routinely offered to help the persons within the facilities to attain the greatest possible degree of independence. It also recalls that the temporary provision of accommodation, even decent accommodation, cannot be considered a satisfactory solution, and people living under such conditions must be offered housing of an adequate standard within a reasonable time.<sup>181</sup>

In the EU the Reception Conditions Directive<sup>182</sup> aims at ensuring common standards of reception conditions throughout the EU.

The Directive:

- ensures that applicants have access to housing, food, clothing, health care, education for minors and access to employment (within a maximum period of 9 months)
- provides particular attention to vulnerable persons, especially unaccompanied minors and victims of torture. EU countries must conduct an individual assessment to identify the special reception needs of vulnerable persons and to ensure that vulnerable asylum seekers can access medical and psychological support.
- includes rules regarding detention of asylum seekers and consider alternatives of detention in full respect of the fundamental rights.

The Reception Conditions Directive still leaves a margin of discretion to Member States to choose the most adequate way to provide material reception conditions to ensure the protection of human dignity in accordance with the Charter of Fundamental Rights of the European Union.

In September 2016, the European Asylum Support Office (EASO), now the EU Agency for Asylum released the EASO guidance on reception conditions : operational standards and indicators<sup>183</sup> describing specific common standards which are applicable to national reception systems across all EU Member States and the indicators with which such standards should be measured against. The overall objective of the guidance is to support Member States in the implementation of key provisions of the Reception Conditions Directive while ensuring an adequate standard of living for all applicants for international protection, including those with special reception needs. The guidance on unaccompanied children

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180 ECSR Statement of interpretation on the rights of refugees under the European Social Charter 5 October 2015, paras 4-5.

181 *FEANTSA v. France*, Complaint No 39/2006, decision on the merits of 5 December 2007, §118.

182 Directive 2013/33/EU 26 June 2013 laying down standards for the reception of applicants for international protection (recast).

183 [https://euaa.europa.eu/sites/default/files/publications/EASO\\_Guidance\\_on\\_reception\\_conditions\\_-\\_operational\\_standards\\_and\\_indicators%5B3%5D.pdf](https://euaa.europa.eu/sites/default/files/publications/EASO_Guidance_on_reception_conditions_-_operational_standards_and_indicators%5B3%5D.pdf)

follows the principle of the best interest of the child.

Article 34 of the Reception Conditions Directive (recast) on access to accommodation states:

1. Beneficiaries of international protection shall have access to accommodation under conditions at least equivalent to those applicable to other third-country nationals legally resident in the territory of the Member State that granted them international protection who are generally in the same circumstances.
2. National practices for the dispersal of beneficiaries of international protection shall ensure that beneficiaries of international protection are treated equally unless different treatment is objectively justified. Such national practices shall ensure equal opportunities regarding access to accommodation.<sup>184</sup>

ECSR case on homelessness is addressed in the section on Article 31§2 of the Social Charter above. However, many countries also establish a homelessness strategy. In this context, it may be useful to align the existing definitions of homelessness with definitions contained in the European Typology of Homelessness and Housing Exclusion (ETHOS) (or ETHOS light), (See Appendix) so as to be able to categorise persons in line with their living situation and cater to the needs of the different sectors of the homeless population. Homelessness should not be defined as vagrancy or idleness, and should not be penalised. In some cases legislation with a definition of homelessness may need to be introduced to facilitate public spending.

Beyond legislation, the development of organisations with the capacity and resources to provide support for the homeless is a significant area of planning. In this context the support of FEANTSA would be invaluable.

FEANTSA is the European Federation of National Organisations Working with the Homeless - the only European NGO focusing exclusively on the fight against homelessness. Its ultimate goal is an end to homelessness in Europe. Established in 1989, FEANTSA brings together non-profit services that support homeless people in Europe with over 130 members organisations from 29 countries including 22 EU Member States.

FEANTSA works towards ending homelessness by:

- Engaging in constant dialogue with the European institutions, national and regional governments to promote the development and implementation of effective measures to end homelessness.
- Conducting and disseminating research and data collection to promote a better understanding of the nature, extent, causes of, and solutions to, homelessness.
- Promoting and facilitating the exchange of information, experience and good practice between FEANTSA's member organisations and relevant stakeholders with a view to improve policies and practices addressing homelessness.
- Raising public awareness about the complexity of homelessness and the multidimensional nature of the problems faced by homeless people.<sup>185</sup>

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<sup>184</sup> Position of the European Parliament adopted at first reading on 10 April 2024 with a view to the adoption of Regulation (EU) 2024/... of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (EP-PE\_TC1-COD(2016)0223)

<sup>185</sup> <https://www.feantsa.org/en/about-us/what-is-feantsa>

To develop an effective strategy for the prevention and reduction of homelessness, governments need to allocate resources towards systematic data collection and monitoring, in order to be able to justify allocating adequate responses to homelessness in the society.

**Access to long term secure and affordable housing is a key element in the integration of refugees into the host country. The UNHCR in its Integration Handbook points out that:**

**Security of residency and legal equality in the receiving country is especially important in the early resettlement period. Recognising this, most countries grant resettled refugees permanent residence and confer upon them most of the same rights and responsibilities as nationals.**

**Problems and obstacles for refugees in this area include accessibility problems caused by a shortage of available housing to rent or buy, discrimination by the receiving community, in particular from landlords, allocation schemes which exhibit lack of choice or dispersal to housing far away from other facilities, such as education, employment care facilities etc., and failure to recognise specific needs, such as those of women.<sup>186</sup> Provision of housing for refugees must recognise the needs of particular groups within the refugee community, such as women, PWDs, older people, those who are unable to work, carers and those who are traumatised. In many cases, adequate housing provision will also include support services. In cases where citizenship or means tests are required for eligibility for particular housing options, assistance to suitable other housing solutions should be made available, in order not to undermine existing or required assistance and protection.**

**The UNHCR - The Refugee Agency has published “Good Practices for Migrant and Refugee Housing in Europe<sup>187</sup> setting out some good practice models. The UNECE Report (2021) - Housing for Migrants and Refugees in the UNECE Region Challenges and practices also provides examples of housing for refugees.<sup>188</sup> The Urban Agenda for the EU - Housing Partnership Action Plan 2018 identified examples of relevant social and affordable housing solutions in 30 projects addressing arrange of needs.<sup>189</sup>**

**One recent model for housing for refugees concerns rapid build housing using modular (factory made) systems. This was utilised in Ireland to deal with the Ukrainian crisis and influx of people under the EU Temporary Protection Directive. It aims to provide short-term accommodation for 2,000 people. The rapid build home is a high-quality dwelling that is mostly built off-site from the planned location and then delivered and finished on site. This means they can be put in place quicker than standard accommodation and there is less construction disruption to the area. The homes have a 60 year structural lifespan, A2 levels of energy efficiency, comply with building standards and are fully finished with double glazed doors and windows. Each site will have roads, footpaths, street lighting, community facilities, including a play area and green spaces, fully in**

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<sup>186</sup> See ECRE Good Practice Guide for housing refugees in Europe. [https://migrant-integration.ec.europa.eu/sites/default/files/2009-08/doc1\\_9268\\_71079461.pdf](https://migrant-integration.ec.europa.eu/sites/default/files/2009-08/doc1_9268_71079461.pdf)

<sup>187</sup> <https://www.unhcr.org/bg/wp-content/uploads/sites/18/2020/10/Good-practices-housing-FINAL-EN.pdf>

<sup>188</sup> [https://unece.org/sites/default/files/2021-02/Housing%20for%20Migrants\\_compressed\\_0.pdf](https://unece.org/sites/default/files/2021-02/Housing%20for%20Migrants_compressed_0.pdf)

<sup>189</sup> <https://www.google.com/maps/d/viewer?mid=1RcxrQ2QqfgUAU9Pw3EkuLOYDyJw&hl=en&ll=-3.81666561775622e-14%2C-73.47039779708962&z=1>

line with Local Authority planning guidance.<sup>190</sup> The rapid build homes will be energy efficient and durable, and the sites will be developed in a way that enhances the local area. An environment assessment is carried out for each scheme.

Figure 2. Internal layout for a high quality rapid build home

## High-Quality Rapid Build Homes built Completely in a Factory Environment and Lifted onto Site.



### A exemplar prototype;

- Centralised standard to which all manufactures will need to adhere. Gives level playing field for tendering.
- Fixed design to give certainty to manufactures and aid speed of deliver.
- Option to convert sofa into additional bed to sleep up to 6 people.



### Single Module:

Purpose: Own door access, Independent living homes to accommodate family of 4 people (45m<sup>2</sup> / 484sqft)

Figure 3. Example of two story rapid build home.



Each local authority has a dedicated senior staff member whose duties involve the development of these housing options for Ukrainian refugees. Full details are available on the Irish Government site.<sup>191</sup>

The Irish Council for Social Housing which represents some 270 non-profit social housing providers addressing housing needs of refugees, women, older people, persons with disabilities and low income households offers advice and assistance to those wishing to establish non-profit social housing projects.<sup>192</sup>

<sup>190</sup> Modern Methods of Construction (MMC) Rapid Build Modular Homes Programme, Presentation to Joint Committee on Housing, Local Government & Heritage OPW 2nd May 2023. [https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/joint\\_committee\\_on\\_housing\\_local\\_government\\_and\\_heritage/submissions/2023/2023-05-02\\_opening-statement-ciaran-o-connor-state-principal-architect-and-commissioner-office-of-public-works-opw\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/joint_committee_on_housing_local_government_and_heritage/submissions/2023/2023-05-02_opening-statement-ciaran-o-connor-state-principal-architect-and-commissioner-office-of-public-works-opw_en.pdf)

<sup>191</sup> <https://www.gov.ie/en/publication/ef882-rapid-build-housing/>

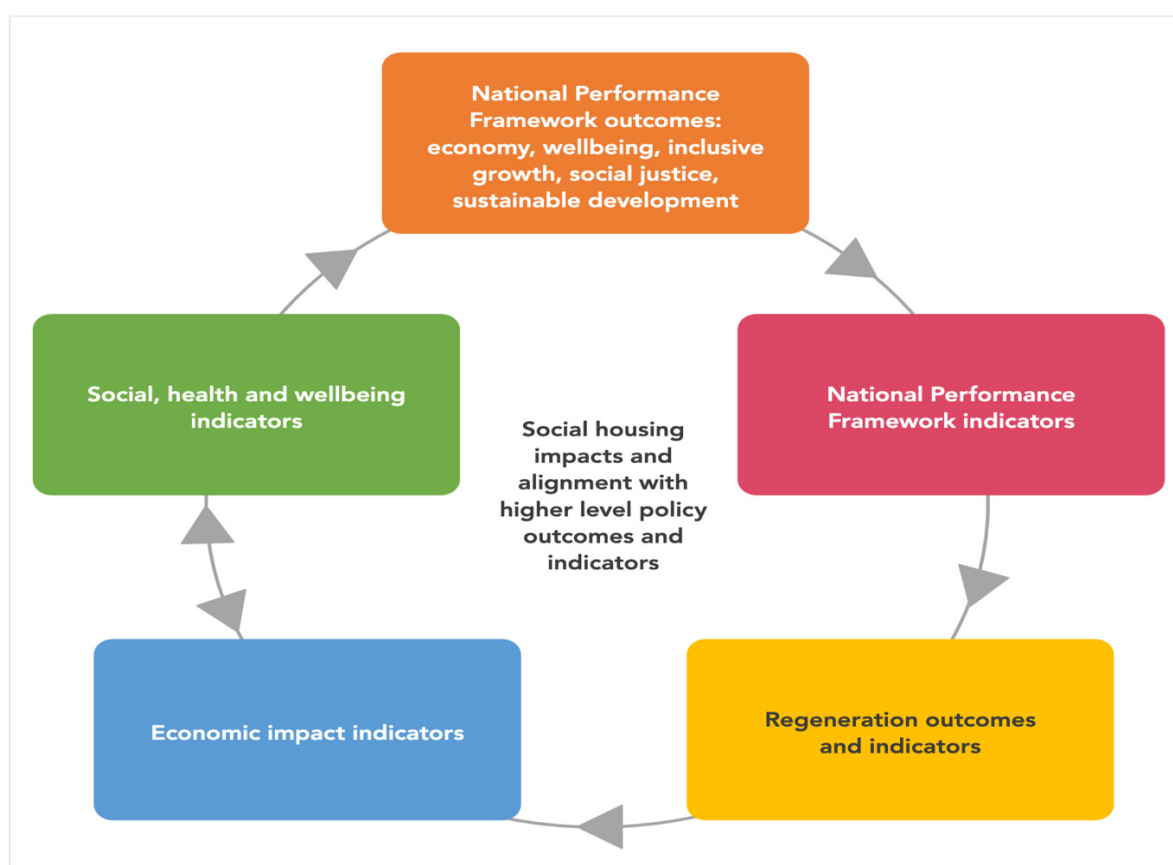
<sup>192</sup> <https://icsh.ie/icsh-members/>

## 7. Providing specialized knowledge and insights regarding the employment opportunities, education, health, and social infrastructure in the context of social housing initiatives.

Social housing provides many direct benefits to its occupants in terms of security, social inclusion and increased health and quality of life benefits. The provision of social housing itself can also directly involve the provision or coordination of employment, education, health and social services.

Investment in public, cooperative, and social housing has a significant payback to our society. Among the social and economic benefits of social housing are immediate increase in the purchasing power of households, as they save on housing costs, alleviation of poverty, providing homes to households on low incomes at rates that they can better afford and better health outcomes.<sup>193</sup>

**Figure 4. Aligning social and economic indicators of housing impact to national performance indicators.**<sup>194</sup>



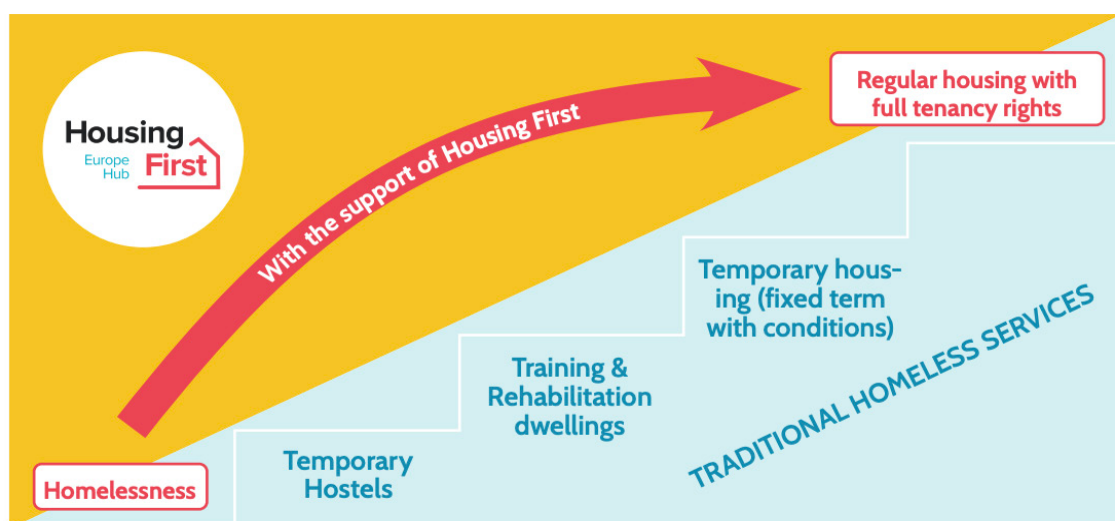
<sup>193</sup> Housing Europe (2022) Social and affordable housing: measuring the socio-economic impact. Vol. 6 of the Series 'Housing in the post-2020 EU': <https://www.housingeurope.eu/resource-1731/social-and-affordable-housing-measuring-the-socio-economic-impact>

<sup>194</sup> UK Collaborative Centre for Housing Evidence (CaCHE) and Housing Associations' Charitable Trust (HACT) (2020). The Impact of Social Housing: Economic, Social, Health and Wellbeing. <https://hact.org.uk/sites/default/files/uploads/The%20Impact%20of%20Social%20Housing%20Report.pdf>.

## Housing First

In situations of providing housing to vulnerable and social excluded persons the provision of housing with social, personal or other supports is often necessary. One model for this holistic approach to housing is Housing First, which although focussed on homeless people, nevertheless, provides inspiration as to how social housing can enhance peoples' lives in a number of ways. Housing First was developed as a service model by Dr. Sam Tsemberis (Pathways to Housing) in the US in the early 1990s. From the 2000s the Finnish government has funded programmes to reduce and end homelessness, using the principle of Housing First as an operating model, an ideology and a way of thinking. Unlike other supported housing models, in Housing First, individuals do not need to prove they are 'ready' for independent housing, or progress through a series of accommodation and treatment services. There are no conditions placed on them, other than a willingness to maintain a tenancy agreement, and Housing First is designed to provide long-term, open-ended support for their on-going needs.

**Figure 5. Housing First offers full tenancy rights with support**



The core principles of Housing First are:

- **Housing is a human right** – Housing is provided first, rather than last, without any expectation that a homeless person has to behave in certain ways, comply with treatment, or be abstinent from drugs or alcohol before they are given a home. Housing First does not expect homeless people to earn their right to housing, or earn a right to remain in housing.
- **Choice and control for service users** – People using the service should be listened to and their opinions should be respected. Housing First tenants are able to exercise real choices about how they live their lives and the kinds of support they receive.
- **Separation of housing and treatment** – Access to housing (being offered a home by a Housing First service) is not conditional on behavioural change or accepting treatment. Remaining in housing provided via Housing First does not require

someone to change their behaviour or accept treatment. If someone is evicted or moves out of their home, the support continues.

- **Recovery orientation** – The service focuses on the overall well-being of an individual. This includes their physical and mental health, their level of social support (from a partner, family or friends) and their level of social integration, i.e. being part of a community and taking an active part in society.
- **Harm reduction** – A principle based on the idea that ending problematic drug and alcohol use can be a complex process, and that services requiring abstinence or detoxification do not work well for many people experiencing homelessness.
- **Active engagement without coercion** – Assertive engagement is used with people in Housing First services in a positive way that makes them believe that recovery is possible.
- **Person-centred planning** – This involves organising support and treatment around an individual and their needs. Housing First adapts to and organises itself around service users, rather than expecting someone to adjust and adapt themselves to the Housing First service.
- **Flexible support for as long as is required** – This principle puts Housing First in stark contrast with other forms of homelessness support. Housing First providers commit to offering long-term support without a fixed end date; recovery takes time and varies by individual needs, characteristics and experiences.<sup>195</sup>

Housing First has demonstrated its effectiveness in supporting individuals experiencing long-term or recurring homelessness, who often lack social support networks and community connections.<sup>196</sup> Applying these proven Housing First principles to the entire housing and homelessness system, to everyone who is homeless or at risk of becoming homeless, is part of what we refer to as ‘systems change’. The goal of systems change is to shift the emphasis (in terms of effort, energy, policy and financial support) away from *emergency responses* to preventing people from becoming homeless and ensuring there is enough suitable and affordable housing and support for people in that housing.

In terms of costs, homeless people In most European countries who are eligible for Housing First are also eligible for social welfare and housing benefits. Often the funding is combined from different streams of support, e.g. housing benefits, healthcare support for treatment, etc. These benefits can be used to cover the cost of rent and support. Some Housing First programmes are funded by foundations and other project funding, which allows them to work with people who do not have recourse to public funds. who are eligible for Housing First are also eligible for social welfare and housing benefits. Often the funding is combined from different streams of support, e.g. housing benefits, healthcare support for treatment, etc. These benefits can be used to cover the cost of rent and support. Some Housing First programmes are funded by foundations and other project funding, which allows them to work with people who do not have recourse to public funds.<sup>197</sup>

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<sup>195</sup> <https://housingfirsteurope.eu/what-is-hf/>

<sup>196</sup> <https://housingfirsteurope.eu/what-is-hf/a-beginners-guide-to-housing-first/>; A Home of Your Own, Y-Foundation, 2017 - <https://ysaatio.fi/en/housing-first-finland/a-home-of-your-own-handbook>; Kaakinen, J., Turunen, S., “Finnish but not yet Finished – Successes and Challenges of Housing First in Finland,” European Journal of Homelessness, vol. 15, no. 3, 2021 [https://www.feantsaresearch.org/public/user/Observatory/2021/EJH\\_15-3/Final/EJH\\_15-3\\_A2.pdf](https://www.feantsaresearch.org/public/user/Observatory/2021/EJH_15-3/Final/EJH_15-3_A2.pdf); [https://housingfirsteurope.eu/assets/files/2022/02/Systems\\_Perspective\\_Policy\\_and\\_Practice\\_Guide.pdf](https://housingfirsteurope.eu/assets/files/2022/02/Systems_Perspective_Policy_and_Practice_Guide.pdf); What is Housing First - video series: <https://housingfirsteurope.eu/guide/>.

<sup>197</sup> <https://housingfirsteurope.eu/what-is-hf/>

## ***Successful Supported Housing***

One of the unique features of Housing First is the integration of housing provision with a range of person, social and other supports. The provider can offer these supports directly or arrange through other agencies, but the housing provider will coordinate these supports and ensure they are provided. Housing First is specifically tailored for individuals who require substantial assistance to transition out of homelessness. This approach is particularly beneficial for various groups, including those who are homeless and grappling with severe mental illnesses or mental health issues, individuals experiencing homelessness with problematic substance abuse, and those facing physical health challenges, disabilities, or chronic illnesses. Additionally,

High quality supported housing can be designed and delivered to ensure that tenants are able to enjoy their human rights included in the UN Convention on the Rights of Persons with Disabilities – particularly Article 19 on the right to independent living. In this way, supported housing can ensure that people with disabilities enjoy the right to:

1. The right to an adequate standard of living and social protection;
2. The right to enjoyment of the highest attainable standard of physical and mental health;
3. The right to exercise legal capacity and the right to personal liberty and the security of person;
4. The right to live independently and be included in the community
5. Supported housing can be aligned with policies that promote deinstitutionalisation.

Indeed, the UN Convention on the Rights of Persons with Disabilities, as well as European Union regulations and policies and their implementation at national level promote de-institutionalisation to ensure that anyone who requires social or mental health support, be provided with access to services in the community, rather than in institutional settings. The process of deinstitutionalisation can be applied to institutions such as homeless shelters, congregate temporary accommodation, institutions for young people or children under protection of the state, etc.

### **Infrastructure and Housing (See also NEW Section 10 below)**

**The development of sustainable housing is now inextricably linked with the development of infrastructure, planning, employment opportunities, transport, education and community facilities. The successful design of a good quality sustainable housing project depends on the balance struck between a range of factors. Issues such as accessibility, security, safety, privacy, community interaction, availability of appropriate services and the provision of adequate space, should be given due weight.**

**Good quality sustainable housing development should be:**<sup>198</sup>

#### **1. Socially and environmentally appropriate**

**The type of accommodation, support services and amenities provided should be appropriate to the needs of the people to be accommodated. The mix of**

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<sup>198</sup> Government of Ireland (2007) Quality Housing for Sustainable Communities. <https://www.opr.ie/wp-content/uploads/2019/08/2007-Quality-Hsing-for-Sustainable-Communities-1.pdf>

dwelling type, size and tenure should support sound social, environmental and economic sustainability policy objectives for the area and promote the development of appropriately integrated play and recreation spaces.

## **2. Architecturally appropriate**

The scheme should provide a pleasant living environment, which is aesthetically pleasing and human in scale. The scheme design solution should understand and respond appropriately to its context so that the development will enhance the neighbourhood and respect its cultural heritage.

## **3. Accessible and adaptable**

There should be ease of access and circulation for all residents, including people with impaired mobility, enabling them to move as freely as possible within and through the development, to gain access to buildings and to use the services and amenities provided.

Dwellings should be capable of adaptation to meet changing needs of residents during the course of their lifetime.

## **4. Safe, secure and healthy**

The scheme should be a safe and healthy place in which to live. It should be possible for pedestrians and cyclists to move within and through the area with reasonable ease and in safety. Provision for vehicular circulation, including access for service vehicles, should not compromise these objectives.

## **5. Affordable**

The scheme should be capable of being built, managed and maintained at reasonable cost, having regard to the nature of the development.

## **6. Durable**

The best available construction techniques should be used and key elements of construction should have a service life in the order of sixty years without the need for abnormal repair or replacement works.

## **7. Resource efficient**

Efficient use should be made of land, infrastructure and energy. The location should be convenient to transport, services and amenities. Design and orientation of dwellings should take account of site topography so as to control negative wind effects and optimise the benefits of sunlight, daylight and solar gain; optimum use should be made of renewable sources of energy, the use of scarce natural resources in the construction, maintenance and management of the dwellings should be minimised.

**Sustainable provision of housing in urban areas also involves:**

- **Concentration of development in locations where it is possible to integrate employment, community services, retailing and public transport**
- **Mixed-use and well-designed higher density development, particularly near town centres and public transport nodes like railway stations.**

- The efficient use of land by consolidating existing settlements, focusing in particular on development capacity within central urban areas through re-use of under-utilised land and buildings as a priority, rather than extending green field development.
- Ensuring that new housing development in or at the edges of villages and small towns is of a quality of design, character, scale and layout that is well related to the character and form of the village or small town in question at its particular stage of development.
- Avoiding environmentally sensitive areas in developing proposals for major extensions to built-up areas.
- Placing a high degree of emphasis on creating living environments of the highest quality through attention to detail in urban design, integration of amenities, facilities for children, older persons and sections of the community with special needs.

The following table can be used to assess the suitability of the location for housing.

Figure 6. Evaluation considerations for location of housing.<sup>199</sup>

| Evaluation Considerations            |                                                                                                                  |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>The Asset Test</b>                | Are there existing community resources such as schools, etc. with spare capacity?                                |
| <b>The Carrying Capacity Test</b>    | Is the environmental setting capable of absorbing development in terms of drainage, etc.?                        |
| <b>The Transport Test</b>            | Is there potential for reinforcing usage of public transport, walking and cycling?                               |
| <b>The Economic Development Test</b> | Is there potential to ensure integration between the location of housing and employment?                         |
| <b>The Character Test</b>            | Will the proposal reinforce a sense of place and character?                                                      |
| <b>The Community Test</b>            | Will the proposal reinforce the integrity and vitality of the local community and services that can be provided? |
| <b>The Integration Test</b>          | Will the proposal aid an integrated approach to catering for the housing needs of all sections of society?       |

<sup>199</sup> Government of Ireland (2002) National Spatial Strategy for Ireland 2002-2020 – People. Places, Potential. p. 103.

## 8. Explore the concept and objectives of social non-profit housing

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In OECD and non-OECD EU countries, social rental housing represents more than 28 million dwellings and, on average, around 6% of the total housing stock. There are significant differences across countries in the definition, size, scope, target population and type of provider of social housing.<sup>200</sup> Generally it is defined as residential rental accommodation provided at sub-market prices that is targeted and allocated according to specific rules, such as identified need or waiting lists. It may be referred to as social or subsidised housing (Australia, Canada, Germany and the United Kingdom), public housing (Australia, United States), council housing (United Kingdom) or general housing (Denmark), among others.

Most – but not all – social housing sectors target low-income and some vulnerable households. In many countries, social housing is intended for households that cannot otherwise afford market-rate housing, even though historically, this has not always been the case as the social housing sector has evolved very differently from one country to another.

Many countries with very high levels of owner-occupation, today, such as Armenia, have little or no social non-profit housing.<sup>201</sup> There may be some philanthropic institutions providing shelter to the most needy, but significant State or housing institutional involvement in the planning, development, management or maintenance of social non-profit might be undeveloped. The UNECE Guidelines on Social Housing were designed to enable policymakers to assess the various policy options for the provision of social housing. The Guidelines address the institutional, legal and economic frameworks for social housing and experience with social housing design.<sup>202</sup>

The term ‘social housing’ can have a number of meanings. The UNECE has pointed out that housing systems are culturally specific, context dependent and take different forms across the UNECE region.

They are the results of historical, cultural, political and economic circumstances. Most importantly, housing systems are subject to change and constant evolution. Consequently, the term “social housing” is interpreted in different ways. However, “each country has forms of housing that are broadly designed to satisfy the needs of households who are unable to compete in the marketplace for housing of an acceptable standard” (Oxley, 2009, p. 2). Regardless of the form it may take, social housing is supplied at prices that are lower than the general housing market and it is distributed through administrative procedures (for more details see UNECE 2002c, 2003a; 2005a, 2006a; Oxley 2009; CECODHAS, 2011; Braga and Palvarini, 2013). This means that some form of state support and subsidy are inevitably involved with this tenure. However, the definition (and use) of the term social housing, the definition of the housing need, eligibility for social housing, legal and institutional frameworks, funding and financial mechanisms, differ significantly across the UNECE region.<sup>203</sup>

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200 OECD (2020), *Social housing: A key part of past and future housing policy*, OECD Publishing, <http://www.oecd.org/social/social-housing-policy-brief-2020.pdf>.

201 UNECE (2004). Country Profile on the Housing Sector: Armenia. Geneva: United Nations.

202 UNECE (2006) Guidelines on Social Housing - Principles and Examples, <https://unece.org/DAM/hlm/documents/Publications/guidelines.social.housing.pdf>

203 UNECE (2015) *Social Housing in the UNECE Region, Models, Trends and Challenges*. p. 6. Available at: [https://unece.org/DAM/hlm/documents/Publications/Social\\_Housing\\_in\\_UNECE\\_region.pdf](https://unece.org/DAM/hlm/documents/Publications/Social_Housing_in_UNECE_region.pdf)

There is also a long history of housing co-operatives across the world and these are still a major part of housing provisions in many European countries.<sup>204</sup>

The Council of Europe Development Bank (CEB) responds to the needs of its Member States in matters of “housing for the less well-off parts of the population”.<sup>205</sup>

Across the EU, Member States define social housing differently. One Report adopted the European Parliament states here are three common elements in defining social housing across EU Member States:

1. Mission: a general interest;
2. Objective: to increase supply of affordable housing by constructing, managing or purchasing social housing;
3. Target: target groups are defined in terms of socio-economic status or the presence of vulnerabilities.<sup>206</sup>

Four dimensions characterise and differentiate social housing models and policies: the tenure, the provider of the service, the beneficiaries and the funding arrangements. The European social housing model can be classified as universal, targeted, generalist or residual.

**Table 3. Social Housing Models based on Allocation**<sup>207</sup>

| <b>Universal Model</b>                                                                    | <b>Generalist Model</b>                                                               | <b>Residual Model</b>                                                                                                           |
|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
|                                                                                           | <b>ALLOCATION</b>                                                                     |                                                                                                                                 |
| Open to the whole population (subject to registration on the social housing waiting list) | Vulnerable households<br>Special groups<br>Households below defined income thresholds | Vulnerable households<br>Special groups (e.g. refugees, asylum seekers, disabled, mentally challenged, substance abusers, etc.) |
|                                                                                           | <b>MISSION</b>                                                                        |                                                                                                                                 |
| Enable access to decent housing for all                                                   | Respond to difficulties in accessing the housing market.                              | Respond to the population excluded from the housing market.                                                                     |

The UNECE Report (2015) pointed out that residual allocation model aims to allocate housing to a restricted category of beneficiaries, usually very vulnerable households that are heavily dependent on state benefits (e.g. unemployed, disabled, elderly, single parents). In the European Union, “the social housing for the most vulnerable usually relies on the direct allocation of this type of housing by the local authorities on the basis of need” (CECODHAS, 2007, p. 15).<sup>208</sup> Rents are cost-based or set in terms of income.

<sup>204</sup> <https://www.housingeurope.eu/resource-1886/navigating-the-world-of-housing-cooperatives>

<sup>205</sup> CEB’s approach to “housing for low-income persons” is defined in the “Overall Policy Framework for Loan and Project Financing” (Resolution 1562 (2013)).

<sup>206</sup> European Parliament, (2013) *Social Housing in the EU*, Brussels, IP/A/EMPL/NT/2012-07 PE 492.469, p. 8/9. [http://www.europarl.europa.eu/RegData/etudes/note/join/2013/492469/IPOL-EMPL\\_NT%282013%29492469\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/note/join/2013/492469/IPOL-EMPL_NT%282013%29492469_EN.pdf)

<sup>207</sup> UNECE (2015) *Social Housing in the UNECE Region, Models, Trends and Challenges*. Available at: [https://unece.org/DAM/hlm/documents/Publications/Social\\_Housing\\_in\\_UNECE\\_region.pdf](https://unece.org/DAM/hlm/documents/Publications/Social_Housing_in_UNECE_region.pdf).

<sup>208</sup> UNECE (2015) *Social Housing in the UNECE Region, Models, Trends and Challenges*. p. 24.

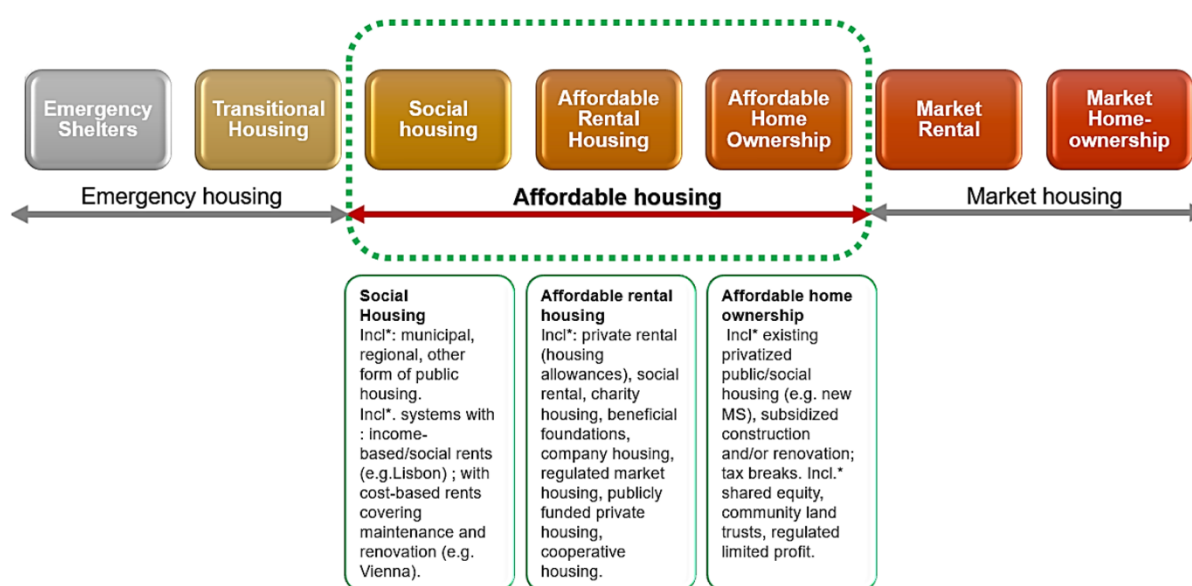
The majority of countries in the UNECE region either apply or were moving towards the residual social housing model by policy design. However, the UNECE Reports also points out that one key trend from this model is the concentration of the poor in social housing, especially in weak housing market areas.

The Report also suggest that attention should be paid to those countries where the social housing legislation is either very new or not established, and the allocation of social housing is greatly influenced by the availability of international donations and aid. This means that certain groups receive housing aid (e.g. refugees, Roma population) as they are of international concern, while the need of the so-called “local” population is not catered to because of the lack (or non-establishment) of funds.<sup>209</sup>

The OECD Report (2020) on social housing set out a selection of examples from eight countries.<sup>210</sup> These ranged from countries with a large social housing stock – over 20% of total dwellings (Austria and Denmark), to those with a moderate social housing stock (Finland and France), to those with a small social housing stock (Germany and Australia, to those with a very small social housing stock – less than 2% of total dwellings (Latvia and Colombia) – See Appendix 1 below.

Another approach involves viewing the provision of housing along a spectrum from emergency assistance to privately owned owner-occupation, with varying levels of State support along the continuum.

**Figure 7. Spectrum of social and affordable housing – the Housing Continuum<sup>211</sup>**



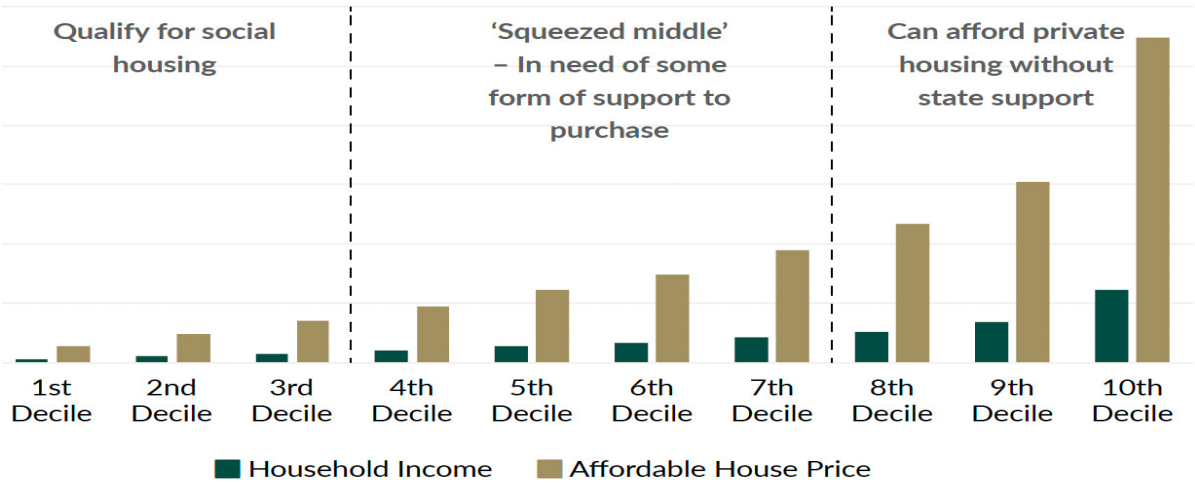
209 Ibid., p. 25.

210 OECD (2020), “Social housing: A key part of past and future housing policy”, Employment, Labour and Social Affairs Policy Briefs, OECD, Paris, <http://oe.cd/social-housing-2020>.

211 EU Urban Agenda (2018) The Housing Partnership Action Plan. [https://ec.europa.eu/futurium/en/system/files/ged/final\\_action\\_plan\\_euua\\_housing\\_partnership\\_december\\_2018\\_1.pdf](https://ec.europa.eu/futurium/en/system/files/ged/final_action_plan_euua_housing_partnership_december_2018_1.pdf)

One method of targeting social housing subsidies or assistance at those in greatest need involves using the data on income deciles. The EU statistics on income and living conditions (EU-SILC) is the reference source for comparative statistics on income distribution and social inclusion in the EU.<sup>212</sup> Data on incomes deciles is collated annually and this can be measured against affordability and the need for assistance. Income deciles is a quantitative method of splitting up a set of ranked data into 10 equally divided parts. If a distribution of household incomes is put in order from the lowest to the highest, the income deciles are the values that divide that distribution into 10 equal parts. We can see as an example from one country how the income of some 30% of the population is insufficient to enter any kind of subsidised house purchase schemes

**Chart 2. Income and affordable home price (with subsidies)<sup>213</sup>**



**Funding of Social Housing**

A significant aspect of social housing is the funding arrangements. To boost investment in housing, a number of OECD countries have established revolving funds, or more complex systems achieving the same effect, to finance the construction of affordable and social rental dwellings. These funds channel part of the rents or loan repayments into new affordable and social housing developments. The key features in establishing and operating a dedicated funding mechanism vary widely across countries, including with respect to the institutional set-up of the scheme, the funding and financing arrangements, and decisions around management and monitoring as shown in the following table.

212 [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=EU\\_statistics\\_on\\_income\\_and\\_living\\_conditions\\_\(EU-SILC\)\\_methodology\\_-\\_distribution\\_of\\_income](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=EU_statistics_on_income_and_living_conditions_(EU-SILC)_methodology_-_distribution_of_income)  
213 Government of Ireland (2024) *Report of the Housing Commission*. P. 146. Available at: <https://www.gov.ie/en/publication/f3551-report-of-the-housing-commission/>

**Table 4. Framework for establishing and operating a revolving fund scheme to channel investment in affordable and social housing**<sup>214</sup>

|              | <b>Institutional set-up</b>                           | <b>Funding and financing</b>                  | <b>Management and monitoring</b>  |
|--------------|-------------------------------------------------------|-----------------------------------------------|-----------------------------------|
| <b>Frame</b> | Enabling legislation                                  | <i>Investment environment</i>                 | Management of the units           |
|              | National housing policy                               | Land use regulations                          | Eligibility criteria              |
|              | Structure of the funding approach                     | Infrastructure                                | Allocation criteria               |
|              |                                                       |                                               | Rent setting approach             |
| <b>Scope</b> | Scope of the housing activities financed              | <i>Funding sources</i>                        | Maintenance of units              |
|              | Geographical scope of the activities financed         | Funding sources                               | Financing building improvement    |
|              |                                                       | Revolving funding mechanisms                  |                                   |
|              |                                                       | Impact of funding scheme on public finances   |                                   |
| <b>Tools</b> | Actors and expertise involved in the funding approach | <i>Financing instruments</i>                  | <i>Management of the fund</i>     |
|              |                                                       | Long term loans                               | Monitoring and control of fund    |
|              |                                                       | Incentives for affordable housing investments | External auditing requirements    |
|              |                                                       |                                               | Tenant protections and complaints |

The OECD Report also addresses the institutional issues including decisions about the structure, function and scope of activities of the social housing funding scheme, as well as the enabling legislation, policy environment and various actors involved in the scheme. OECD country examples include:

- *Denmark's National Building Fund*: A dedicated, stand-alone, self-governing funding institution that was established by housing associations to promote the self-financing of construction, renovations, improvements and neighbourhood improvements. Funding is based on a share of tenants' rents and contributions from housing associations to mortgage loans.
- *Austria's affordable and social housing model*: Austria's funding approach relies on limited-profit housing associations that operate revolving funds under the supervision and with the steering of the federal, regional and municipal

214 OECD (2023), *Brick by Brick (Volume 2): Better Housing Policies in the Post-COVID-19 Era*, OECD Publishing, Paris, <https://doi.org/10.1787/e91cb19d-en> Table 1.1.

governments. Projects developed by limited-profit housing associations are typically financed by multiple sources, including tenant contributions, housing associations' own equity, and public and commercial loans.

- *The Slovak Republic's State Housing Development Fund:* A fund established to finance the housing priorities of the government, the fund is an independent entity supervised by the Ministry of Transport and Construction. Originally financed exclusively from the State budget, the fund currently draws on a small amount of government funding and European structural funding, along with repayments on the loans it issues.
- *Latvia's Housing Affordability Fund:* Latvia has established a new funding scheme to channel investment in affordable housing, with initial funding from the EU Recovery and Resilience Facility, with the possibility for additional resources from State and commercial loans. In a first phase, the fund intends to finance the construction of new affordable rental housing outside the Riga capital area, which will be leased at below-market rents to households that meet income threshold requirements.
- *Slovenia's Housing Fund:* a dedicated fund for housing established to finance and implement the National Housing Programme. The Housing Fund is a public finance and real estate fund that provides long-term loans with a favourable interest rate to public and private entities to purchase, maintain and renovate non-profit rental housing or owner-occupied dwellings. The fund also invests in construction and land for development and supports the construction, refurbishment and renovation of housing for vulnerable groups.
- *The Netherlands' affordable and social housing model:* Housing associations have access to a guarantee fund (the Social Housing Guarantee Fund, or WSW). This system of housing associations operates as a sort of "revolving fund", benefitting from lower interest rates thanks to the WSW and their mutual co-operation agreement to bail out housing associations. Furthermore, the Dutch State and municipalities act as guarantors of last resort for bank loans.

In 2021, the European Parliament passed a Motion reiterating the significant role of social housing in EU policy-making. The Parliament:

43. Emphasises that suitable policies and measures that support an adequate supply of housing are crucial to balancing and enhancing the economic development of housing in order to benefit the whole of society and ensure affordable and thriving living environment for all; believes that measures taken must be deliberate, concrete and targeted towards the implementation of the right to housing within a reasonable time frame, and that Member States must allocate sufficient resources and prioritise the needs of disadvantaged and marginalised individuals or groups living in precarious housing conditions; calls, therefore, on the Member States, with support of the Commission, to ensure the provision of sufficient, adequate and affordable social housing to cover the housing needs of these individuals and groups;

56. Calls on the Commission, Member States and regional and local authorities to recognise, support and fund community led, democratic, and collaborative housing solutions, including community land trusts, as legitimate and viable means to provide market and social housing;<sup>215</sup>

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215 European Parliament (2021) *Report on access to decent and affordable housing for all*

While there is no definition of social housing at European Union level, social housing is often considered as a service of general economic interest (SGEI) in the application of State aid rules. In the context of the EU policy of advancing the Single market, this definition refers to social housing as follows:

Undertakings in charge of social services, including the provision of social housing for disadvantaged citizens or socially less advantaged groups who due to solvency constraints are unable to obtain housing at market conditions, should also benefit from the exemption from notification provided for in this Decision, even if the amount of compensation they receive exceeds the general compensation threshold laid down in this Decision”<sup>14</sup> (recital 11 of Decision 2012/21/EU of 20.12.2011).<sup>216</sup>

**In relation to Armenia, where there is no established institutional framework for the development or management of social housing, it is important to allocate resources to the development of such capacity, either at local authority level or through creation of specialised social housing companies. This will require an institutional, staffing, training and regulatory framework. The following table shows the variations in relation to the management of social housing across Europe.**

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(2019/2187(INI) P9\_TA(2021)0020 (January 2021) Available at:  
[https://www.europarl.europa.eu/doceo/document/A-9-2020-0247\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-9-2020-0247_EN.html)

<sup>216</sup> See recital 11 of Decision 2012/21/EU of 20.12.2011 on the application of Article 106(2) of the Treaty of the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest. See Kenna, P. (2021) *Supporting the Irish housing system to address housing market failure - Cost Rental Housing and Services of General Economic Interest (SGEI)*. Dublin: Irish Council for Social Housing and Centre for Housing Law, Rights and Policy, NUI Galway. <http://www.nuigalway.ie/media/housinglawrightsandpolicy/files/ICSH-NUI-Galway- Report Cost-Rental-and-SGEI-Full-Report-.pdf>

**Table 5. Providers of subsidised/social rental housing between public authorities and non-profit organisations<sup>217</sup>**

| Member state   | Subsidised/privileged access social rental sector |                           |                                                        |                          |                                                              |
|----------------|---------------------------------------------------|---------------------------|--------------------------------------------------------|--------------------------|--------------------------------------------------------------|
|                | Individual or corporate for-profit                | Public bodies or agencies | Corporate for-profit organisations controlled by state | Non-profit organisations | Other non-state social housing organisations or associations |
| Austria        | Yes                                               | Yes                       |                                                        | Yes                      | Yes                                                          |
| Belgium        | Yes (social housing agencies)                     |                           |                                                        | Yes                      |                                                              |
| Bulgaria       |                                                   | Yes                       |                                                        |                          |                                                              |
| Croatia        |                                                   | Yes                       |                                                        |                          |                                                              |
| Cyprus         |                                                   |                           |                                                        |                          |                                                              |
| Czech Republic | Minor relevance                                   | Yes                       |                                                        |                          |                                                              |
| Denmark        |                                                   |                           |                                                        |                          | Yes                                                          |
| Estonia        |                                                   | Yes                       |                                                        |                          |                                                              |
| Finland        |                                                   | Yes                       | Yes                                                    |                          | Yes                                                          |
| France         | Yes                                               | Yes                       | Yes                                                    | Yes                      |                                                              |
| Germany        | Yes                                               | Minor relevance           | Yes                                                    | Yes                      |                                                              |
| Greece         |                                                   |                           |                                                        |                          |                                                              |
| Hungary        |                                                   | Yes                       |                                                        |                          |                                                              |
| Ireland        |                                                   | Yes                       |                                                        | Yes                      |                                                              |
| Italy          |                                                   | Yes                       |                                                        | Yes                      |                                                              |
| Lithuania      |                                                   | Yes                       |                                                        | Yes                      |                                                              |
| Latvia         |                                                   | Yes                       |                                                        |                          |                                                              |
| Luxembourg     |                                                   | Yes                       | Yes                                                    | Yes                      |                                                              |
| Malta          |                                                   | Yes                       |                                                        |                          |                                                              |
| Netherlands    | Yes                                               |                           |                                                        | Yes                      |                                                              |
| Poland         | Minor relevance                                   | Yes                       |                                                        |                          | Minor relevance                                              |
| Portugal       | Minor relevance                                   | Yes                       |                                                        |                          |                                                              |
| Romania        |                                                   | Yes                       |                                                        |                          |                                                              |
| Slovakia       |                                                   | Yes                       |                                                        |                          |                                                              |
| Slovenia       |                                                   | Yes                       |                                                        |                          |                                                              |
| Spain          |                                                   | Yes                       |                                                        |                          |                                                              |
| Sweden         |                                                   |                           |                                                        | Minor relevance          |                                                              |
| UK             | Very minor relevance                              | Yes                       |                                                        | Yes                      | Minor relevance                                              |

217 Krapp, M-C., Vaché, M., Egner, B., Schulze, K. & Thomas, S. (2022) *Housing policies in the EU*, (Bonn, Federal Institute for Research on Building, Urban Affairs and Spatial Development within the Federal Office for Building and Regional Planning), p. 65.

In the majority of countries the role of managing social housing is undertaken by the local or State authorities, although some significant social housing organisations undertake the main role in Austria, France, Sweden, the Netherlands and UK. In these countries a specific role with an institutional regulated framework is established for the purpose of providing and managing non-profit or social housing. Across the UNECE region these non-profit bodies operate according to legislation which defines their non-profit mission, realm of operations and business conduct. Austria has a well-defined “cost rent”, limited-profit housing association (LPHA) system. This requires auditing of cost-capped resources, including land costs, financing and management costs, and size of dwellings under 150 m<sup>2</sup>, as well as cost-covering approaches to rent setting and indexing. Equity and assets must be dedicated towards affordable housing. The Austrian regulatory system is based on a number of key national laws like the Limited-Profit Housing Act, though delivery is a regional responsibility. The legislative framework sets out the role and rent-setting procedures of social housing providers which form 24 per cent of housing stock, comprising municipal housing companies and LPHAs.<sup>218</sup> Slovakia is another example where a non-profit social housing sector has been established through legislative, tax, funding, regulatory, institutional and capacity building arrangements.<sup>219</sup>

The Urban Agenda for the EU - Housing Partnership Action Plan 2018 identified examples of relevant social and affordable housing solutions in 30 projects.<sup>220</sup>

In terms of regulatory frameworks the Irish model is recommended whereby there are a range of small localised, specialised social housing organisations as well as medium and large sized organisations which address a range of needs, such as a range of schemes for older people,<sup>221</sup> and for a range of needs.<sup>222</sup> One best practice governance model for regulation of non-profit social housing organisations is the Irish Approved Housing Bodies Regulatory Authority (AHBRA).<sup>223</sup> Under the Housing (Regulation of Approved Housing Bodies) Act 2019 the regulator is responsible for the registration of social housing providers (Approved Housing Bodies/AHBs), setting standards for AHBs, subject to the approval of the Minister, monitoring and assessing AHBs’ compliance with the standards, undertaking investigations into AHBs, where necessary, cancellation of registration of AHBs, where appropriate to protect tenants and the AHB assets;<sup>224</sup> and seeking Court orders to protect the assets of AHBs in certain circumstances.<sup>225</sup>

Thus, the first decision is whether social housing should be developed, owned and managed by the local authority or a regulated specialist non-profit body. In relation to Armenia, perhaps the quickest and most effective approach would be the establishment of social housing organisations which could address needs across a number of local authority areas – operating through memoranda of agreement with

218 <https://www.housing2030.org/project/austrian-legislation-and-auditing-of-limited-profit-housing/>

219 See UNECE <https://www.housing2030.org/project/slovakian-state-housing-policy/>; [https://www.employment.gov.sk/files/ministerstvo/ksbp\\_en\\_final\\_version.pdf](https://www.employment.gov.sk/files/ministerstvo/ksbp_en_final_version.pdf)

220 <https://www.google.com/maps/d/viewer?mid=1RcxrQ2QqfgUAU9Pw3EkuLOYDyJw&hl=en&ll=-3.81666561775622e-14%2C-73.47039779708962&z=1>

221 <https://icsh.ie/our-work/mapping-of-housing-projects-for-older-people/>

222 <https://icsh.ie/about-icsh/about-approved-housing-bodies/>

223 <https://www.ahbregulator.ie/>

224 Housing (Regulation of Approved Housing Bodies) Act 2019, Part 6. Chapter 3.

225 Ibid., Chapter 1.

**the local authorities in terms of land supply, funding and agreements of allocations to person in needs. There are useful examples for this in Bosnia of non-profit housing organisations providing long term rented housing. Advice and assistance in setting up such a non-profit housing body can be provided.**

## 9. Sharing expertise on best practices of the structures and functions of social housing management organization clarifying the governance model differences of different communities and accredited NGOs.

The UNECE Report *Housing2030: Effective policies for affordable housing in the UNECE region* states that setting and monitoring appropriate housing standards to realise the right to housing is a vital tool of housing system governance, which can help shape better housing outcomes.<sup>226</sup> The Report sets out a range of best practices on the structures and functions of social management organisations and the governing models.<sup>227</sup> Further details of best practices are provided on an online resource of best practices, practitioner presentations, webinar recordings and audio podcasts.<sup>228</sup>

Modern social housing systems incorporate tenant participation as an integral element of management.<sup>229</sup> It is recognized internationally, through the Tenants Charter of the International Union of Tenants that incorporating tenants' perspectives and preferences in is a critical aspect of equitable and efficient rented housing management.<sup>230</sup> Indeed, the UNECE [#Housing2030](#) Report outlines the potential benefits and challenges of tenant participation:

**Table 6. Rationale for Involving Tenants in the Governance of Rented Housing**<sup>231</sup>

| Benefits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Challenges                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Tenants have a right to be consulted regarding decisions which affect their homes.</li> <li>• Tenants have insights into the effectiveness of housing management which can help improve service quality and efficiency.</li> <li>• Can promote stronger communities in rented housing developments and reduce social isolation.</li> <li>• Empowers tenants, increases their self-confidence and helps them gain additional skills.</li> <li>• Cheaper digital technology, more widespread internet and social media usage has made consulting tenants easier.</li> <li>• Promotes the open, inclusive governance of housing</li> </ul> | <ul style="list-style-type: none"> <li>• May conflict with dominant ethos and culture of the landlord organisation.</li> <li>• Can create inequalities between "insiders" and "outsiders", i.e., between current and aspiring tenants.</li> <li>• Additional demands on tenants to attend meetings, manage paperwork, take on management responsibilities.</li> <li>• Tenants' demands may undermine rent policy that secures funds for adequate maintenance, renovation and new housing.</li> <li>• Difficult to ensure that all categories of tenants get involved especially young people, disadvantaged households and ethnic minority tenants.</li> <li>• May be tokenistic and not reinforced by monitoring, regulation and legislation.</li> </ul> |

<sup>226</sup> [https://unece.org/sites/default/files/2021-10/Housing2030%20study\\_E\\_web.pdf](https://unece.org/sites/default/files/2021-10/Housing2030%20study_E_web.pdf)

<sup>227</sup> Ibid., pp 33-46.

<sup>228</sup> <https://www.housing2030.org>

<sup>229</sup> Centre for Housing Law, Rights and Policy (2022) *Empowering Tenants: Protecting Human Rights - Effective Tenant Participation in the Management of Local Authority Housing* (University of Galway) Available at: <https://www.housingagency.ie/sites/default/files/RSPs/CAN%20CHLRP%20University%20of%20Southampton%202022%20Empowering%20tenants%20protecting%20human%20rights.pdf>

<sup>230</sup> International Union of Tenants, The Tenants Charter (IUT, 2003) Part VI, available at <https://www.iut.nu/about-iut/the-tenants-charter/>

<sup>231</sup> UNECE, *#Housing2030*, p. 42.

Tenant participation can take various forms depending on both the goals of involving tenants in decision-making and the time and resources dedicated to the process.

**Table 7. Levels, objectives and methods of involving tenants and owner-occupiers in the governance of housing**<sup>232</sup>

| <b>Levels of Tenant Involvement</b> | <b>Objectives of Tenant Involvement</b>                                                                                                                        | <b>Methods and mechanisms of implementation</b>                                                                                                              |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Information provision</b>        | Tenants receive information on housing issues.                                                                                                                 | Bulletins, meetings, leaflets, tenant's guides, websites                                                                                                     |
| <b>Consultation and dialogue</b>    | Tenants' opinions are gathered and taken into consideration when making decisions and providing services.                                                      | Meetings, online surveys, discussion and feedback panels                                                                                                     |
| <b>Joint decision making</b>        | Tenants vote on issues related to service provision or are members of the boards of landlord organizations so landlords must take their opinions into account. | Tenants are organized and have representation.<br>Agreements are made between landlords and tenants.<br>Joint strategies and plans of action are undertaken. |
| <b>Tenant management</b>            | Tenants have full control and make autonomous decisions concerning housing governance                                                                          | Management by tenants.                                                                                                                                       |

One valuable legal/human rights based benchmark for tenant participation is the PANEL approach, adapted from the Scottish Human Rights Commission review of the Scottish Social Housing Charter (2016):<sup>233</sup>

- [P] Participation: Tenants should have the opportunity to be involved in decisions that affect their rights.
- [A] Accountability: There should be independent monitoring of how tenants' rights are being affected, as well as remedies when things go wrong.
- [N] Non-Discrimination: Tenants and their households should be treated fairly irrespective of their age, gender, ethnicity, disability, religion or belief, sexual orientation, gender identity or any other personal characteristic.
- [E] Empowerment: Tenants should be assisted to understand their rights, and be fully supported to take part in developing policy and practices which affect their lives.
- [L] Legality: Tenant rights should be set out in national law where possible.

<sup>232</sup> See UNECE #Housing2030, p. 42.

<sup>233</sup> Scottish Human Rights Commission, (2016) *Review of the Scottish Social Housing Charter 2016*.

## 10. Environmentally sustainable housing solutions

To tackle climate change and its negative impacts, world leaders at the UN Climate Change Conference (COP21) in Paris in 2015 signed up to the Paris Agreement.<sup>234</sup> Buildings (including housing) account for more than one third of energy used in the planet and almost half of all carbon emissions – all contributing to climate change. Climate-neutral construction and renovation will need to become the new norm in order to address the climate crisis.

There are three major phases in the development and management of housing to consider in relation to environmental sustainability. The first is the energy and resources used for the construction process, often described as embodied energy, or embodied carbon. The second phase involves the ongoing use and management of the building, largely dictated by lifestyle choices and living/working arrangements of the occupants. The third phase is the impact from end use demolition or decommissioning of the building/house. By far the largest impact on sustainability is from the use of the house – electricity, heating, appliances, cooking, hot water, etc.

In terms of environmentally sustainable housing some approaches seek to reduce negative environmental impact (where it may not be possible to completely eliminate negative impacts), while others seek to create net climate neutral impact.

In terms of a Social Housing Strategy developing a climate neutral housing policy the UNECE (2021) Report<sup>235</sup> at Chapter 4 sets out clear strategies for decarbonising the housing stock in an inclusive and affordable way, as well as a range of examples of good practice across Europe in this area. The UNECE Report sets out the range of tools which can be used to contribute to climate-neutral housing construction and renovation.<sup>236</sup>

In relation to building regulations, national and local governments provide the legal and regulatory framework for the construction and renovation sector. Energy efficiency building regulations are a very powerful climate policy tool and are implemented widely all over the world. From the first measures of requiring the thermal insulation of a building envelope, that is, roof, outer walls, slab on ground (in colder climates), windows and doors, over the years the regulations have extended to innovative building materials and advanced building technologies (e.g. double and later triple glassed windows, high-performing insulation materials, heating, ventilation and air conditioning systems with exhaust heat recovery etc.) There are many sources for the optimum standards of building and funding energy efficient social housing to be adopted.<sup>237</sup>

In 2020, the EU has established a legislative framework through the Energy Performance of Buildings Directive and the Energy Efficiency Directive.<sup>238</sup> These promote policies that aim to achieve a highly energy-efficient and decarbonized building stock by 2050, create a stable

<sup>234</sup> [http://unfccc.int/files/essential\\_background/convention/application/pdf/english\\_paris\\_agreement.pdf](http://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf)

<sup>235</sup> UNECE (2021) #Housing2030: Effective policies for affordable housing in the UNECE region. Chapter 4. Available at: [https://unece.org/sites/default/files/2021-10/Housing2030%20study\\_E\\_web.pdf](https://unece.org/sites/default/files/2021-10/Housing2030%20study_E_web.pdf)

<sup>236</sup> UNECE Report (2021) Table 33. p. 135.

<sup>237</sup> UNECE, Framework Guidelines for Energy Efficiency Standards in Buildings (ECE/Energy/GE.6/2017/4); UNECE Report (2021) chapter 4: Build Up – The European Portal for Energy Efficiency in Buildings - <https://www.buildup.eu/en/topics>; Building Performance Institute Europe - <https://www.bpie.eu/>

<sup>238</sup> Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings: Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018 amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency.

environment for investment decisions, and enable consumers and businesses to make more informed choices to save energy and money.<sup>239</sup> All the EU Member States had to incorporate these amendments into their legal regulatory systems.

Environmentally sustainable housing includes more than the actual buildings/homes, but the way they are used, including journeys to and from them, and the everyday use of energy. Thus, environmentally sustainable housing requires that urban areas are planned and constructed to encourage a mix of compatible work and lifestyles, and prevent low density housing from creating urban sprawl – this involves government planning and land use management. Traffic management and encouragement of walking, cycling and public transport is also required. The range of stakeholders in the building renovation sector has been identified in the context of sustainable housing by the UNECE Report.

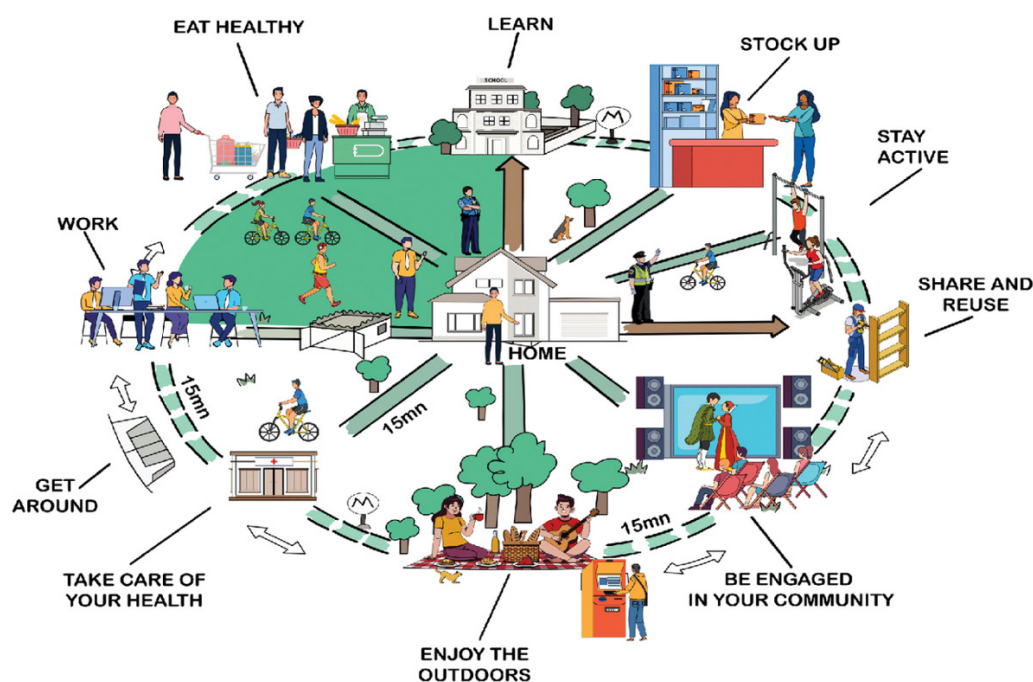
Today, concepts such as the 15 minute city, providing people with access to parks or green spaces encourages interaction and integration, helps combat isolation, and builds a sense of community. Establishing shops and amenities promotes the local economy and encourages walking or cycling over car use, which is better for the environment and people's physical health. Other elements critical to creating a successful 15-minute city are social infrastructure, such as schools and health facilities, as well as cultural venues like community centres and libraries. It involves designing the streets and spaces to support conviviality, giving priority to walking and cycling, and providing access to parks and children's play areas – supporting public health and a sense of community.<sup>240</sup>

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239 UNECE (2021) p. 141.

240 <https://www.burohappold.com/articles/15-minute-cities/>

**Figure 8. The 15-minute City**



Developing environmentally friendly-housing has a major impact on people with low incomes – both in terms of the high costs of energy for poorly insulated homes, but also in the costs of renovating older buildings to comply with energy efficiency standards. According to the European Fuel Poverty and Energy Efficiency Project, actions and measures to tackle energy poverty and improve the indoor environmental quality of housing of low-income households work towards three targets:

- Improve the energy efficiency of buildings occupied by vulnerable households including a commitment to and effort in educating households on the rational use of energy and energy saving
- Reduce energy prices for the households
- Strengthening low incomes as much as possible

The UNECE report (2021) states that based on several studies, the most cost-effective and efficient means to address energy poverty are often summarized as:

- Improvements in the dwellings' envelope
- Passive heating and cooling techniques
- Considering local energy-generating possibilities (e.g. "prosumer" and renewable energy communities)
- Improvement of the building's services (such as replacement of heating system, heat recovery etc.).

Governments have to carefully design, implement and monitor climate policies in such a way that the environmental progress that is being aimed does not place an excessive financial burden on low-income tenants and/or owner-occupiers, and is not achieved at the cost of affordability and security of occupancy. Climate policies should also be effective in addressing and overcoming market distortions that continue to reinforce reliance on fossil

fuels. Municipalities and public housing associations have a major responsibility to assure a sufficient supply of energy-efficient, low carbon and affordable houses. Furthermore, governments have to define the framework conditions in a way that public and private building owners are incentivised to plan, build, operate and maintain climate- and people-friendly housing, incorporating

different complementary reforms - such as legislative changes, financial incentives and better dissemination of information – in the package solution.<sup>241</sup>

UNECE Report (2021) sets out the range of policy tools which can be used in the provision of environmentally friendly social and affordable housing.

- Legislating to prohibit excessive rent increases when energy related renovations are undertaken and ensure the costs are spread over long periods through reasonable rent indexation
- Combining investment in renovation with an economic support programme to ensure that energy improvements do not leave to excessive costs to tenants, such as the EU Just Transitional Mechanism
- Designating specific areas for low-carbon and affordable housing development in strategic urban plans, with detailed zoning requirements and development conditions
- Purchasing existing buildings by a designated authority and coordinating renovation programmes to ensure the provision of low-rent social housing
- Investing in low carbon social housing and social housing renovation
- Providing soft or long-term loans to “social building owners” committing to environmental and social goals
- Enabling the creation and registration of mandatory or voluntary homeowners’ associations
- Building capacity in energy efficiency, for example, on environmental impact and cost ratios, tenant engagement possibilities, life cycle costs etc. among building owners, managers and end-users
- Conducting competitions for technological energy efficiency solutions involving affordable housing.<sup>242</sup>

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<sup>241</sup> UNECE Report (2021) p. 139.

<sup>242</sup> UNECE Report (2021) pp. 136/7.

### Box 1.1. What is social housing? A selection of examples from OECD countries<sup>1</sup>

Large social housing stock (at least 20% of total dwelling stock):

- ▶ **Austria:** The social housing sector, referred to as subsidised housing (Geförderte Wohnungen) or municipal housing (Gemeindewohnungen), is managed by different providers that follow the same cost-based rent-setting rules and eligibility criteria. The eligibility criteria are based on relatively high income thresholds, making the sector accessible to around 80% of all households.
- ▶ **Denmark:** Social housing is defined as general housing (almen bolig), reflecting its theoretical aim to house broad a range of the Danish population, and is provided at cost-based rents through a variety of public interest housing associations.
- ▶ *Other countries with a large social housing stock:* the Netherlands.

Moderate social housing stock (between 10 and 19% of total dwelling stock):

- ▶ **Finland:** Government-subsidised rental dwellings offers cost-based rent; while eligibility is theoretically universal, yet in practice based on social grounds and needs.
- ▶ **France:** The French social housing system (Habitation à loyer modéré) provides cost-based rental dwellings to lower- and middle-income tenants. Due to a large and growing stock and largescale social mixing initiatives, social housing covers a wide spectrum of social situations due to relatively high income thresholds (around 60% of the French population is eligible). It is home to a growing share of lower-income tenants, in line with the policy objectives adopted over the past decades.
- ▶ *Other countries with a moderately-sized social housing stock:* Iceland, Ireland, the United Kingdom.<sup>2</sup>

Small social housing stock (between 2 and 9% of total dwelling stock):

- ▶ **Australia:** Social housing is subsidised rental housing provided at below-market rents, generally no more than 30% of a tenant's gross income, by the government, not-for-profit or non-government organisations to assist people who are unable to access suitable accommodation in the private rental market.
- ▶ **Germany:** While social housing models vary across German regions, the term generally refers to the provision of a public subsidy to housing providers that let dwellings to eligible households under regulated conditions for a fixed period of time (Marquardt and Glaser, 2020<sup>[12]</sup>).
- ▶ *Other countries with a small social housing stock:* Belgium, Canada, Hungary, Italy, Japan, Korea, Malta, New Zealand, Norway, Poland, Portugal, Slovenia, Switzerland, Korea, Turkey and the United States.

Very small social housing stock (less than 2% of total dwelling stock):

- ▶ **Colombia:** Social housing is provided as both rental and owner-occupied dwellings through the vivienda de interés programme. Since 2019, the semillero de propietarios programme provides social rental housing with subsidised rents for disadvantaged households.
- ▶ **Latvia:** Social housing, operated by municipalities, is open to households who meet a minimum income requirement. Municipal housing is also offered to some vulnerable and low-income households under the Law on Assistance in Solving Apartment Matters.
- ▶ *Other countries with a very small social housing stock:* the Czech Republic, Estonia, Lithuania, Luxembourg and Spain.

*Note:* 1. Refer to OECD AHD, Indicator 4.3 for an overview of social housing in all OECD and EU countries. 2. Housing policy is devolved in the United Kingdom; as such, the social housing systems throughout the United Kingdom differ in some respects.

*Source:* OECD AHD, Indicator 4.3, OECD QuASH 2019, Housing Europe, Nielsen and Haagerup (2017<sup>[13]</sup>), Scanlon, Whitehead and Arrigoitia (2014<sup>[14]</sup>).

243 OECD (2020), *Social housing: A key part of past and future housing policy*, Employment, Labour and Social Affairs Policy Briefs, OECD, Paris, <http://oe.cd/social-housing-2020>

## Appendix 2. European Typology of Homelessness and Housing Exclusion (ETHOS) Light



### A Harmonised Definition of Homelessness for Statistical Purposes

Sometimes referred to as ETHOS 'Light', this is a version of the ETHOS typology developed in the context of a 2007 European Commission study: *Measurement of Homelessness at European Union Level*. It is a harmonised definition of homelessness for statistical purposes. It is a pragmatic tool for the development of homelessness data collection, rather than a conceptual and operational definition to be used for a range of policy and practice purposes.

| OPERATIONAL CATEGORY |                                                                                                             | LIVING SITUATION                                                       | DEFINITION                                                                                                |
|----------------------|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| 1                    | People living rough                                                                                         | 1 Public spaces / external spaces                                      | Living in the streets or public spaces without a shelter that can be defined as living quarters           |
| 2                    | People in emergency accommodation                                                                           | 2 Overnight shelters                                                   | People with no place of usual residence who move frequently between various types of accommodation        |
| 3                    | People living in accommodation for the homeless                                                             | 3 Homeless hostels                                                     | Where the period of stay is time-limited and no long-term housing is provided                             |
|                      |                                                                                                             | 4 Temporary accommodation                                              |                                                                                                           |
|                      |                                                                                                             | 5 Transitional supported accommodation                                 |                                                                                                           |
|                      |                                                                                                             | 6 Women's shelters or refuge accommodation                             |                                                                                                           |
| 4                    | People living in institutions                                                                               | 7 Health care institutions                                             | Stay longer than needed due to lack of housing                                                            |
|                      |                                                                                                             | 8 Penal institutions                                                   | No housing available prior to release                                                                     |
| 5                    | People living in non-conventional dwellings due to lack of housing                                          | 9 Mobile homes                                                         | Where the accommodation is used due to a lack of housing and is not the person's usual place of residence |
|                      |                                                                                                             | 10 Non-conventional buildings                                          |                                                                                                           |
|                      |                                                                                                             | 11 Temporary structures                                                |                                                                                                           |
| 6                    | Homeless people living temporarily in conventional housing with family and friends (due to lack of housing) | 12 Conventional housing, but not the person's usual place of residence | Where the accommodation is used due to a lack of housing and is not the person's usual place of residence |

## Appendix 3. OECD Affordability measures for housing<sup>244</sup>

**Table 1.1. Selection of affordability measures in OECD and EU countries**

Common metrics to assess housing affordability

| Type of measure                                | Example of indicators                                                                                                                                                                          | Advantages                                                                                                                                                                                                                                                                                                                                                         | Limitations                                                                                                                                                                                                                                                                                                                                                                                                                                                               | OECD data and examples                                                               |
|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Price-to-income ratios                         | <ul style="list-style-type: none"> <li>House-price-to-income ratio</li> <li>Rent-price-to-income ratio</li> </ul>                                                                              | <ul style="list-style-type: none"> <li>Relatively straightforward, intuitive</li> <li>Relies on data that are generally readily available in most countries</li> <li>Shows, at aggregate level, how the association between prices and income varies over time and/or across markets, such as across countries</li> </ul>                                          | <ul style="list-style-type: none"> <li>Does not provide any indication of the distribution of housing costs and housing affordability (e.g. who has/does not have access to affordable housing)</li> <li>Does not provide any indication of housing quality</li> <li>Does not take into account borrowing costs</li> </ul>                                                                                                                                                | <a href="#">OECD Affordable Housing Database</a> , Indicator HM1.2                   |
| Housing expenditure-to-income ratios           | <ul style="list-style-type: none"> <li>Housing cost burden</li> <li>Housing cost overburden rate (e.g. share of households spending over 40% of disposable income on housing costs)</li> </ul> | <ul style="list-style-type: none"> <li>Relatively straightforward, intuitive</li> <li>Relies on data that are generally readily available in most countries</li> <li>Can be disaggregated to measure actual housing spending at household level</li> </ul>                                                                                                         | <ul style="list-style-type: none"> <li>"Overburden" threshold is set at an arbitrary level that remains fixed, regardless of household characteristics or their position in the income distribution</li> <li>Does not provide any indication of housing quality</li> </ul>                                                                                                                                                                                                | <a href="#">OECD Affordable Housing Database</a> , Indicators HC1.1 and HC1.2        |
| Residual income measures                       | <ul style="list-style-type: none"> <li>Shelter poverty</li> <li>Housing-induced poverty</li> </ul>                                                                                             | <ul style="list-style-type: none"> <li>Captures the level of income a household has left after paying for housing costs, to assess the extent to which households have sufficient income left for non-housing expenses after paying for housing</li> <li>Can be useful to measure affordability gaps among vulnerable low- and middle-income households</li> </ul> | <ul style="list-style-type: none"> <li>Can require extensive additional data collection on the cost of the minimum basket of non-housing expenses</li> <li>Arbitrariness with respect to what constitutes the minimum income a household needs for non-housing expenses</li> <li>Does not provide any indication of housing quality (e.g. what households are paying for)</li> <li>Can misdiagnose general cost-of-living problems as cost-of-housing problems</li> </ul> | See OECD (2020) <sup>[9]</sup>                                                       |
| Housing quality measures                       | <ul style="list-style-type: none"> <li>Rooms per person</li> <li>Overcrowding rate</li> <li>Housing deprivation rate</li> </ul>                                                                | <ul style="list-style-type: none"> <li>Overcrowding can be assessed based on a very simple (or more complex) definition</li> <li>Provides insights into a key dimension of housing affordability, e.g. what households are paying for</li> </ul>                                                                                                                   | <ul style="list-style-type: none"> <li>Potential trade-offs between social and environmental objectives when interpreting indicators relating to dwelling size</li> <li>Cross-country/cultural differences in what characteristics are most relevant to assess housing quality</li> <li>Some quality metrics require up-to-date data on technical characteristics of dwellings, which may not be readily available</li> </ul>                                             | <a href="#">OECD Affordable Housing Database</a> , Indicators HC2.1, HC2.2 and HC2.3 |
| Subjective indicators of housing affordability | <ul style="list-style-type: none"> <li>Satisfaction with the availability of good, affordable housing</li> <li>Housing as a key short-term concern</li> </ul>                                  | <ul style="list-style-type: none"> <li>Can complement other measures of housing outcomes and can help better understand the determinants of housing satisfaction</li> </ul>                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>Perceptions and expectations about what constitutes good-quality affordable housing differ across individuals, countries and cultures, and may also depend on socio-demographic characteristics</li> <li>Satisfaction levels may depend on country-specific factors, including the overall economic environment, and/or the level of social protection policies</li> </ul>                                                         | <a href="#">OECD Affordable Housing Database</a> , Indicator HC1.4                   |

Source: Draws on multiple sources: (Rosenfeld, 2017<sup>[10]</sup>); (OECD, 2020<sup>[11]</sup>); OECD QuASH 2019; national statistical office websites; relevant national housing ministry/department/agency websites.

244 OECD (2021), *Building for a better tomorrow: Policies to make housing more affordable*, Employment, Labour and Social Affairs Policy Briefs, OECD, Paris, p. 7. Available at [https://read.oecd-ilibrary.org/view/?ref=1060\\_1060075-0ejk3l4uil&title=ENG\\_OECD-affordable-housing-policies-brief](https://read.oecd-ilibrary.org/view/?ref=1060_1060075-0ejk3l4uil&title=ENG_OECD-affordable-housing-policies-brief)

## Appendix 4. The European Typology on Homelessness and Housing Exclusion (ETHOS)

|                     | OPERATIONAL CATEGORY | LIVING SITUATION                                             | GENERIC DEFINITION                                                                                                                                                                                                                                                                                                           |
|---------------------|----------------------|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Conceptual Category | ROOFLESS             | 1 People Living Rough                                        | 1.1 Public space or external space<br>Living in the streets or public spaces, without a shelter that can be defined as living quarters                                                                                                                                                                                       |
|                     |                      | 2 People in emergency accommodation                          | 2.1 Night shelter<br>People with no usual place of residence who make use of overnight shelter, low threshold shelter                                                                                                                                                                                                        |
|                     | HOUSELESS            | 3 People in accommodation for the homeless                   | 3.1 Homeless hostel<br>3.2 Temporary accommodation<br>3.3 Transitional supported accommodation<br>Where the period of stay is intended to be short term                                                                                                                                                                      |
|                     |                      | 4 People in Women's Shelter                                  | 4.1 Women's shelter accommodation<br>Women accommodated to experience of domestic violence and where the period of stay is intended to be short term                                                                                                                                                                         |
|                     |                      | 5 People in accommodation for immigrants                     | 5.1 Temporary accommodation/reception centres<br>5.2 Migrant workers accommodation<br>Immigrants in reception or short term accommodation due to their immigrant status                                                                                                                                                      |
|                     |                      | 6 People due to be released from institutions                | 6.1 Penal institutions<br>6.2 Medical institutions (*)<br>6.3 Children's institutions/homes<br>No housing available prior to release<br>Stay longer than needed due to lack of housing<br>No housing identified (e.g. by 18th birthday)                                                                                      |
|                     |                      | 7 People receiving longer-term support (due to homelessness) | 7.1 Residential care for older homeless people<br>7.2 Supported accommodation for formerly homeless people<br>Long stay accommodation with care for formerly homeless people (normally more than one year)                                                                                                                   |
|                     | INSECURE             | 8 People living in insecure accommodation                    | 8.1 Temporarily with family/friends<br>8.2 No legal (sub)tenancy<br>8.3 Illegal occupation of land<br>Living in conventional housing but not the usual place of residence due to lack of housing<br>Occupation of dwelling with no legal tenancy illegal occupation of a dwelling<br>Occupation of land with no legal rights |
|                     |                      | 9 People living under threat of eviction                     | 9.1 Legal orders enforced (rented)<br>9.2 Re-possession orders (owned)<br>Where orders for eviction are operative<br>Where mortgagee has legal order to re-possess                                                                                                                                                           |
|                     |                      | 10 People living under threat of violence                    | 10.1 Police recorded incidents<br>Where police action is taken to ensure place of safety for victims of domestic violence                                                                                                                                                                                                    |
|                     |                      | 11 People living in temporary/non-conventional structures    | 11.1 Mobile homes<br>11.2 Non-conventional building<br>11.3 Temporary structure<br>Not intended as place of usual residence<br>Makeshift shelter, shack or shanty<br>Semi-permanent structure hut or cabin                                                                                                                   |
|                     | INADEQUATE           | 12 People living in unfit housing                            | 12.1 Occupied dwellings unfit for habitation<br>Defined as unfit for habitation by national legislation or building regulations                                                                                                                                                                                              |
|                     |                      | 13 People living in extreme over-crowding                    | 13.1 Highest national norm of overcrowding<br>Defined as exceeding national density standard for floor-space or useable rooms                                                                                                                                                                                                |

Note: Short stay is defined as normally less than one year; Long stay is defined as more than one year.

(\*) Includes drug rehabilitation institutions, psychiatric hospitals etc.

Source: <https://www.feantsa.org/en/toolkit/2005/04/01/ethos-typology-on-homelessness-and-housing-exclusion>; <https://www.feantsa.org/download/ethos2484215748748239888.pdf>

## Appendix 5. Required Minimum Floor Areas and Standards – Ireland<sup>245</sup>

### Minimum overall apartment floor areas

|                          |           |
|--------------------------|-----------|
| Studio                   | 37 sq. m. |
| One bedroom              | 45 sq. m. |
| Two bedrooms (3 persons) | 63 sq.m.  |
| Two bedrooms (4 persons) | 73 sq.m.  |
| Three bedrooms           | 90 sq.m.  |

### Minimum aggregate floor areas for living/dining/kitchen rooms, and minimum width for main living/dining rooms

| <b><i>Apartment type</i></b> | <b><i>Width of living/dining room</i></b> | <b><i>Aggregate floor area of living/dining room</i></b> |
|------------------------------|-------------------------------------------|----------------------------------------------------------|
| Studio                       | 4 m.                                      | 30 sq. m.                                                |
| One bedroom                  | 3.3 m.                                    | 23 sq. m.                                                |
| Two bedrooms (3 persons)     | 3.6 m.                                    | 28 sq. m.                                                |
| Two bedrooms (4 persons)     | 3.6 m.                                    | 30 sq. m.                                                |
| Three bedrooms               | 3.8 m.                                    | 34 sq. m.                                                |

### Minimum bedroom floor areas/widths

| <b><i>Type</i></b> | <b><i>Minimum width</i></b>            | <b><i>Minimum floor area</i></b> |
|--------------------|----------------------------------------|----------------------------------|
| Studio             | 4 m. (combined living/dining/bedspace) | 30 sq. m.                        |
| Single bedroom     | 2.1 m.                                 | 7.1 sq. m.                       |
| Double bedroom     | 2.8 m.                                 | 11.4 sq. m.                      |
| Twin bedroom       | 2.8 m.                                 | 13 sq. m.                        |

### Minimum aggregate bedroom floor areas

|                          |                                      |
|--------------------------|--------------------------------------|
| One bedroom              | 11.4. sq. m.                         |
| Two bedrooms (3 persons) | 13 + 7.1. sq. m. = 20.1 sq. m.       |
| Two bedrooms (4 persons) | 11.4 + 13 sq. m. = 24.4. sq. m.      |
| Three bedrooms           | 11.4 + 13 + 7.1.sq. m. = 31.5 sq. m. |

### Minimum storage space requirements

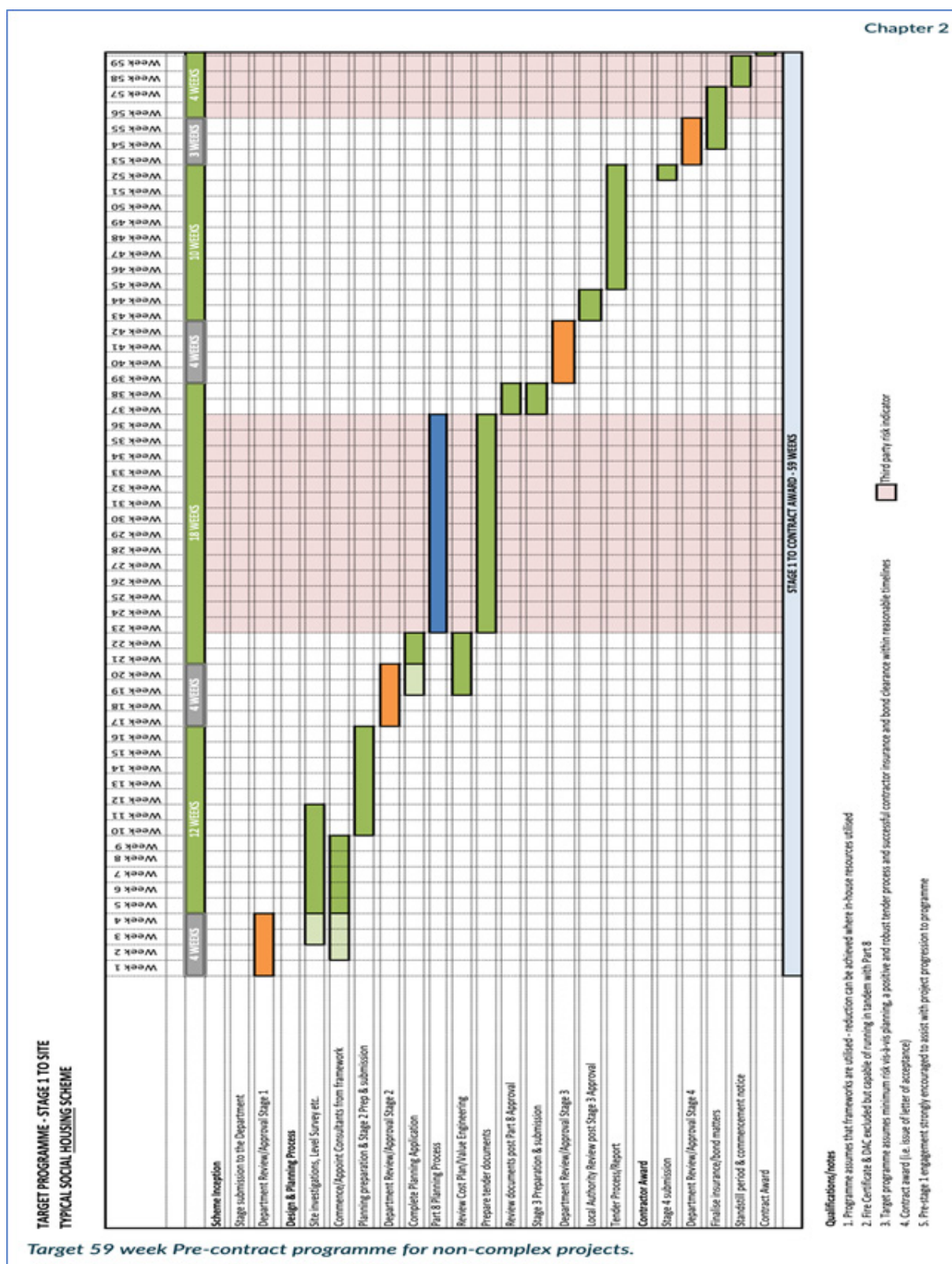
|                          |          |
|--------------------------|----------|
| Studio                   | 3 sq. m. |
| One bedroom              | 3 sq. m. |
| Two bedrooms (3 persons) | 5 sq. m. |
| Two bedrooms (4 persons) | 6 sq. m. |
| Three or more bedrooms   | 9 sq. m. |

<sup>245</sup> Government of Ireland (2022) *Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities*, Department of Housing, Local Government and Heritage.

### Minimum floor areas for communal amenity space

|                          |          |
|--------------------------|----------|
| Studio                   | 4 sq. m. |
| One bedroom              | 5 sq. m. |
| Two bedrooms (3 persons) | 6 sq.m.  |
| Two bedrooms (4 persons) | 7 sq.m.  |
| Three bedrooms           | 9 sq.m.  |

## Appendix 6. Gantt Chart – Social Housing Programme - Stage 1 – Site<sup>246</sup>



<sup>246</sup> Government of Ireland (2022) *Design Manual for Quality Housing*. Available at: <https://www.gov.ie/en/publication/b3e02-design-manual-for-quality-housing/>. Section 2.2.7.

The European Social Charter, adopted in 1961 and revised in 1996, is the counterpart of the European Convention on Human Rights in the field of economic and social rights. It guarantees a broad range of human rights related to employment, housing, health, education, social protection and welfare.

No other legal instrument at pan-European level provides such an extensive and complete protection of social rights as that provided by the Charter.

The Charter is therefore seen as the Social Constitution of Europe and represents an essential component of the continent's human rights architecture.

ENG

**[www.coe.int](http://www.coe.int)**

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.



European  
Social  
Charter

Charte  
sociale  
européenne

