



Global Platform for the Right to the City
Plataforma Global por el Derecho a la Ciudad
Plataforma Global pelo Direito à Cidade

HABITAT III

Policy Papers Frameworks

Review and Comments

February 2016

10.- HOUSING POLICIES

Overview

1. The paper has chosen to discuss only four elements of adequate housing (for which indicators were developed in the report of the Special Rapporteur on housing A/HRC/4/18). However, all elements of adequacy (as expounded by General Comment 4 of the Committee on Economic, Social and Cultural Rights) and the SR need to be discussed, analyzed, and monitored. The authors of this paper should view Annex 3 (Questionnaire on women and housing) in the same report (A/HRC/4/18) to discuss the expanded list of elements of adequacy of housing. Merely looking at four elements is not sufficient.

2. The fundamental premise for this report needs to be the fact that **housing is a human right**, recognized and upheld in international law, especially the International Covenant on Economic, Social and Cultural Rights (Art. 11.1). This is not mentioned anywhere in the paper. International law needs to be the legal basis and the point of reference for the progressive realization of the right to adequate housing and for developing national housing policies, not MDGs or SDGs, which are merely aspirational targets.

3. State accountability needs to be built in strongly. The paper should recommend legally enforceable national housing laws as policies remain on paper in most countries, as they are not enforceable, and also guarantee the corresponding budget and financing mechanisms.

4. The paper completely **ignores rural housing** and the need for comprehensive housing policies that view urban and rural on the same spectrum. It only discusses urbanization, without questioning its inevitability. It also does not discuss rural homelessness, landlessness, displacement – that are key ‘push’ factors for forced migration to urban areas. The paper needs to move beyond the ‘New Urban Agenda’ to a ‘New Habitat Agenda’ as it omits a large percentage of the world’s population living in rural areas. In countries such as India, 69 per cent of the population is rural while in Cambodia it is 80 per cent. Habitat III cannot afford to ignore these populations, especially since issues of rural development and housing were included in the Habitat Agenda.

5. The sections of the **Habitat Agenda** that have been cited in the report, also, only focus on the financing of housing and economic elements of the housing sector – not on the very important commitments of the Habitat Agenda that call for the recognition and realization of the right to housing.

6. The **role of the market is merely viewed as a supplier/financer of housing**. The destructive role of the private sector, especially in aiding and abetting demolitions and evictions, and its direct role in destroying housing stock of low income groups is completely ignored – and must be addressed taking into account the trauma and health related problems that especially affect the most vulnerable, i.e. the children. Similarly, the privatization of housing, speculation of property, and other excesses of the real estate sector need to be condemned, as they have directly led to the loss of housing and increasing homelessness of low income groups and marginalized populations. The overwhelming focus in the paper on the ‘housing sector’ – instead of the consideration of

housing as a human right, is misplaced, incorrect, and misleading. The paper should also mention the responsibility of financial institutions (national and international), especially with regard to the financialization of housing and their bad and abusive lending practices before the crisis (2007-?).

7. Important principles of participation, consultation, the free and prior informed consent of affected persons and ways to improve social cohesion are completely missing from the paper.

8. There is also **much confusion about the different tenure options** throughout the document including:

- private freehold ownership;
- collective forms of private ownership which could be freehold with shared common areas, as in condominiums or shared ownership under various legal regimes including cooperatives and co-ownership;
- different forms of community ownership which again could include rental cooperatives;
- different forms of social not-for-profit ownership which would typically be rental from a municipality or municipal housing company, a social housing agency or association, etc.(why doesn't not-for-profit housing appear in the list on page 11, under b, point 2?).

9. Regardless of all the confusion, we would like to see **cooperative housing** mentioned early in the document and more than just once (i.e. on page 10 in Sec 1.4, second to last paragraph) in fact at least 30 countries have experimented with different forms of cooperative housing around the world. Co-operative housing provides a form of housing in which resident members are equal stakeholders in their housing enterprise, keeping decision-making within the community. Given their demonstrated success and their inclusive, member-oriented nature, they ought to prioritize as a desirable housing form within the Policy Paper.

10. Making a housing project/development accessible and desirable to households with a mix of incomes and who occupy different tenure forms (ownership, market rental, below-market rental) ought to be a goal of any overall housing policy or approach. Communities are inclusive, less segregated. The negative consequences of concentrations of poverty are eliminated. Financial viability of community-based housing providers is improved when, in addition to delivering subsidized units affordable to low-income households, they are able to generate revenue from the sale of ownership units or rental revenue from non-subsidized units. This goal – of housing plans which emphasize tenure and diverse income – ought to be clearly outlined in the Policy Paper.

11. The paper should also address the **security of tenure** and living conditions of those living in informal areas. Many of these citizens have no access to basic urban services, health services or education; the lack of a formal address deprives many of their rights; they simply don't exist.

12. There is insufficient understanding of the issues of **affordability** and appropriate responses. In Section 1.3, it is not much help to quote average, national income figures when we need household incomes. Most importantly, most people in 'slums' could not

afford the cost of a mortgage even if the banks chose to make them available. So, there is not too much value in the critique of the banks even if it is valid. The key issue is that the poor acquire land and build incrementally, and they need forms of incremental finance (sometimes called “housing microfinance”) to support this process.

13. The paper should also discuss housing policies in the framework of the **Right to the City (PPF1)**, and establish needed links with other PPFs such as PPF9, exploring methods to increase the resilience by means of participatory processes in risk reduction, urban planning, social housing, use of local technologies and materials as well as promoting local labour.

14. Any housing policy should guarantee the **access to basic services** and develop mechanisms to ensure both the quality and the affordability of these services while protecting human rights.

15. To relate the right to adequate housing to the right to the city (that is not mentioned in this paper), it would be also useful to refer to the UN Special Rapporteur more recent report on [Adequate housing as a component of the right to an adequate standard of living](#)

where she calls for a “**New Agenda of Urban Rights**” that should include: (a) eliminating homelessness and forced evictions; (b) ensuring security of tenure for all households; and (c) ensuring the incorporation of the right to housing as paramount in all related urban laws, policies and programmes, including fiscal policy and resource allocation.

Policy priorities

We strongly suggest to also include in the Paper recommendations to:

16. Renew and monitor the standing Habitat Agenda commitments to land-value sharing that involves the development/consolidation of public, open and transparent integrated land registries, assessing values to be captured and transferred to the community (for social housing and community infrastructure), inter alia through incremental taxation for available empty units/plots, the unearned increment resulting from changes in use, or public investment or decisions, or due to the general growth of the community, adopting and implementing traditional and innovative instruments; i.e. mandatory percentages of social housing and/or regulated zoning.

17. Renew and monitor the standing Habitat Agenda commitments to combat homelessness and state-supported social production of habitat (SSSPH), implementing public policies that guarantee appropriate access to land, adequate financing schemes and technical assistance.

18. Respect and implement, for all housing spheres, in urban and rural areas, the requirements of social and community-wide participation and meaningful consultation as well as free, prior and informed consent (FPIC) related to any project that is going to affect their life.

19. Impulse social rental programs based on public investment in a transparent way and under the control of citizens. Each city should have at least 35% of social housing.

20. Promote, protect and regulate the housing rental market (rental prices should not compromise more than 30% of any household income).

21. Take into account the changes of residence of urban dwellers due to the fast changing circumstances of their living conditions and status (precariousness of work, transformation of family models...) Housing rights should be considered and guaranteed in terms of residential mobility.

Indicators

22. The role of MDGs in monitoring housing has not been as positive as reported. In many countries, governments used the MDG target to justify demolitions of informal settlements. This is the reason why the human rights approach must be integrated into the development of housing policies across the world. The indicators for monitoring SDG 11 need to be widely discussed and need to incorporate a strong human rights approach.

23. The targets listed on page 12 – point 2(d) are not sufficient and too vague. For instance, “reduce by 20% the population living in inadequate housing by 2030.” This should be increased to 40-50% and must include those who do not have any housing such as the homeless and landless. The homeless population, as a priority target group for housing, needs to be included. Under ‘Indicators of Success’ on page 16, the ‘intergovernmental panel’ being proposed should be one on Adequate Housing.

24. The selection of “the most important policy recommendations” on page 14 is completely random and vague, how is green infrastructure going to address the structural issues of affordability and accessibility? There must be better recommendations.

25. The numbers on page 15, b.1 ‘Financial resources’ are all over the place and incoherent and do not take into account that the urban poor will probably contribute about half the costs if there is incremental finance, and when we create millions of jobs for building infrastructure and housing.

26. Regarding Annex 2, indicators shouldn't show the total number of social housing units, or the units allocated for rent. Instead, indicators should give accurate data on accessibility (percentage related to population) and disaggregated data (number of people per housing unit, age, accessibility for the most disadvantaged).

Here some of the corrections and additions:

Primary Housing Indicators (corrections and additions)

Issue	Outcome Indicator	Process Indicator
HABITABILITY	<ul style="list-style-type: none"> ✓ % of low cost social housing units allocated for rent. 	<ul style="list-style-type: none"> ✓ Growth rate of affordable housing, social housing and housing for rent. ✓ Average household income of families receiving housing subsidies. ✓ % of low income households (i.e. below 4 times the basic salary) receiving housing subsidies or living in social housing units.
ACCESSIBILITY TO SERVICES	<ul style="list-style-type: none"> ✓ % of the contribution made by local communities to improve informal areas. ✓ % of countries implementing housing policies in line with the SDGs and the 	

AFFORDABILITY AND ACCESSIBILITY	<ul style="list-style-type: none"> ✓ % of reservation of housing for low income groups in private housing projects of real estate developers/builders 	<ul style="list-style-type: none"> ✓ % of energy consumption and pollution of the housing and building sector.
---------------------------------	--	---

HOUSING AFFORDABILITY	<ul style="list-style-type: none"> ✓ Growth of available credit for low income population with financial difficulties and for other groups marginalized by the public and private sectors. ✓ Considering the total national budget, % of housing programs budgets allocated to low income and vulnerable groups. ✓ Number of low income households receiving adequate housing with tenure security ✓ Number of homeless persons who receive housing and are thus no longer 	<ul style="list-style-type: none"> ✓ Number of low income households integrated in public-private associations. ✓ % of population in informal settlements living in peace and with security. ✓
LAND TENURE	<p>Number of landless families receiving land under land redistribution programmes aimed at promoting the social function of land</p>	<ul style="list-style-type: none"> ✓ % of low income women led households that have legal access (and formal tenure) to housing and land.

Secondary Housing Indicators ((corrections and additions))

Issue	Process Indicator
HOUSING AFFORDABILITY	<ul style="list-style-type: none"> ✓ % yearly increase of the value of vacant housing units and available land