

## Designing and implementing effective human rights-based housing strategies.

### Introduction

FEANTSA works on a range of housing issues in the EU, including the role of housing markets in generating and combating homelessness, the housing needs of homeless people, the role of neighbouring sectors such as social housing and the overall role of housing as part of solutions to homelessness. FEANTSA and its member organisations have long been advocating for housing rights, and promote a rights-based approach to tackling homelessness.

We have included in this report information and references that we possess from the most [up-to-date country fiches](#), information provided by some key contacts and from recent research by the European Observatory on Homelessness and desk research. For this report we have referred mainly to strategies tackling homelessness more than housing strategies.

We have added a section at the end on how the European Union is addressing target 11.1 of the SDGs and Agenda 2030.

1. How those who are homeless and other stakeholders have been included in the design and implementation of housing strategies;

The Action Plan for Preventing Homelessness in **Finland**. Experts by experience are included into the Action Plan. Their experience is vital in the work of tackling homelessness. No Fixed Abode NGO (Vailla Vakinaista Asuntoa, VVA) supports the role of experts by experience in designing, developing and implementing the homeless services.

**Ireland:** Irish homeless NGOs were strongly involved in the early stages of the Irish strategy, but that participation has been seriously reduced as the strategy got into trouble during the economic crisis.

**France :** there is at least meaningful participation mechanism:« [Le Conseil consultatif des personnes accueillies et accompagnées \(CCPA\)](#) »This Consultative Council and its regional variations (CCRPA) were conceived with the aim of promoting the participation of persons receiving or assisted in the development, monitoring and evaluation of public policies, especially in the field of accommodation and housing. Supported by the General Directorate of Social Cohesion, they are animated, according to the territories, by the Salvation Army Foundation, [FNARS](#) (Feantsa Member) or UNIOPSS.

**Scotland:** There are several legal frameworks for the participation of all people experiencing homelessness.

- Scottish Social Housing Charter: Developed in conjunction with tenants and people experiencing homelessness and recently reviewed and updated. The Housing (Scotland) Act 2010 requires Ministers to consult on and then set the outcomes that social landlords should be achieving. The document which sets out these outcomes is the Scottish Social Housing Charter.
  - The charter provides a range of standards and outcomes that social landlords and others are held to account for including an outcome on participation: *social landlords manage their businesses so that tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.*

- The Scottish Housing Regulator use the Charter as the framework for monitoring and assessing a landlord's performance. It publishes performance reports and is able to set performance improvement targets.
  - 2005 Scottish Government Code of Guidance on Homelessness: (see Chapter 3. Involving people affected by homelessness)
  - Glasgow – GHIFT – The Glasgow Homelessness Involvement and Feedback Team:
    - To coordinate a Glasgow-wide coproduced approach to the participation of people with experience of homelessness in the improvement of homelessness service provision.
    - To create a framework for – and culture of – circular communication between people using homelessness services and Glasgow City Council.
2. How the various needs and situations of different population groups, especially the most marginalized and excluded, are considered, consulted on and incorporated in the strategies?

FEANTSA has always argued that housing for the homeless should be mainly social housing and we have been looking at how social housing allocation was done in different countries in Europe:

[EOH Comparative Studies on Homelessness: Number 1 – 2011, Number 1 – 2011](#) looks at “*Social Housing Allocation and Homelessness*”. Research shows that the broader and more flexible the allocation mechanism is, the less likely homeless people are to access social housing. Scotland has always been a reference on this as most social housing was allocated to homeless people.

3. How the roles of multiple levels of government and other authorities are coordinated or incorporated;

We can mention some examples of successful multi-level cooperation in homelessness strategies:

**Finland:** national programs PAAVO I and II (2008-2015) targeting at reducing long-term homelessness were implemented in cooperation between the state, cities, organisations, and service providers. The Ministry of the Environment was responsible for the management of the programs in close cooperation with the Ministry of Justice, the Ministry of Education and Culture, the Ministry of Social Affairs and Health, the Ministry of Employment and Economy, as well as the Ministry of the Interior. The state drew up agreements for the programs period with cities and interested peri-urban municipalities, in which measures for preventing homelessness, combating homelessness and principles for joint development are specified.

**Netherlands:** Initial focus of the strategy to combat homelessness was on four major cities and then expanded to 43 municipalities and their regions (2006-2010 and 2011-2014). Regional strategies from 2014 onwards – municipalities are required to develop new regional plans where they combine homelessness prevention policies with policies for supported housing for people with mental health problems, addiction problems or learning difficulties. These regional strategies to promote stable living and support conditions for this group and to prevent homelessness have to be in place by the end of 2017. A special allowance for the 43 cities is decentralized by the government to implement the regional and local strategies.

The strategy is coordinated by the Ministry of Health, Welfare and Sports (VWS) and the National Association of Local Authorities (VNG). VWS has overall responsibility for the implementation of the

legal system and monitoring of the decentralization and policy development. The municipalities are responsible for developing and implementing regional and local policies. Regarding the monitoring process, all municipalities are required to report to their local council. The VWS reports on progress on homelessness at least once a year. Regular consultation takes place between NGOs, local authorities, health insurance companies and others. The VWS gives a subsidy to the VNG so that they can support the municipalities in developing policies on homelessness. The VNG facilitates a platform of civil servants and of aldermen which meets 5 times a year and discusses the progress and obstacles which they experience in developing and implementing homeless policies.

**Denmark:** The Ministry of Social Affairs led the Strategy to Reduce Homelessness in Denmark (2009-2012), which was adopted by the Danish Parliament. Municipalities sign implementation agreements with the Ministry and determine quantifiable local targets in line with the strategy objectives. These are based on detailed mapping. Municipalities must develop monitoring processes to measure progress. The Ministry of Social Affairs coordinates overall monitoring at national level. 17 municipalities (out of a total of 98) were involved in the Strategy. The main focus on 8 municipalities which contained about half of the total homeless population in Denmark. This included the 3 largest cities – Copenhagen, Aarhus and Odense. The majority of the strategy budget was allocated to these municipalities. In a second phase, additional municipalities were invited to apply for funding. 9 additional cities, mainly medium-sized towns, were thus selected.

**Ireland:** The Housing Strategy is co-ordinated nationally by the Department of Housing. A number of levels of co-ordinations exist. The highest level is a Cabinet Sub-Committee which meets regularly involving the Ministers in all relevant Departments. There is also a senior staff co-ordination group and a Consultative Committee involving voluntary sector organisations. Quarterly progress reports are published.

Several countries where competencies are decentralized don't have a national homelessness strategy, but have interesting local strategies:

**Belgium:** competence for housing and homelessness lies mostly at regional level. There is no integrated national strategy, but in the Flanders region for instance, a Flemish homeless strategy is included in the Flemish anti-poverty strategy 2015-2019. It emphasises 5 strategic goals to end homelessness, based on prevention. Action plan 2015-2017 based on five strategic goals, with focus on prevention of evictions, youth, access to housing and Housing First. In Brussels, protocols have been signed between the Government of the Brussels Capital Region and the three Community Institutions concerning the fight against poverty. See European Journal of Homelessness Volume 11, No. 2, September 2017. [A Flemish Strategy to Combat Homelessness, Koen Hermans. LUCAS, Centre for Care Research and Consultancy, KU Leuven](#)

**Germany:** competence for homelessness lies largely at local and regional level. No national strategy in the sense of a federal programme defined in a strategic document. But, for instance, North-Rhine Westphalia has a regional action plan on homelessness (1 million €/year budget), aim = develop innovative approaches and support municipalities to tackle homelessness (main focus: prevention and access to housing / specific target groups include migrants and older homeless people).

**Austria:** There is no national homelessness strategy, Vienna and Upper Austria have adopted an integrated program on homelessness, covering prevention, accommodation and reintegration; Housing First approaches are being implemented.

**Italy:** the national government launched a call for innovative projects to reduce homelessness in big and medium-sized cities. The budget is drawn from two EU funds: FEAD and ERDF (PO Inclusion)

In more centralized countries: ex. **France**, where the government created an inter-ministerial body in charge of developing, coordinating and monitoring the implementation of policies on homelessness (DIHAL), the responsibility for implementation is shared with regional and local authorities.

In some countries where the national level is failing in setting up targeted policies, capitals and cities are adopting local strategies to combat homelessness ([Barcelona](#), Prague, Vilnius...)

#### 4. What goals and timelines have been set and whether these have been met;

Multi-year plans are the most common tools for homelessness and housing strategies (ie. FL, DK, NL, FR, CZ, IE...)

- **Finland:** PAAVO I and II (2008-2015) intended to reduce long-term homelessness and these goals were met considering the decrease in long-term homelessness by 35% between 2008 and 2015. Present [Action Plan for Preventing Homelessness in Finland](#) (2016-2019) main goal is continue to reduce homelessness by strengthening prevention of homelessness and prevent recurrence of homelessness (allocation of 2,500 new dwellings or places in housing for the homeless or people at risk of becoming homeless + 15 targeted measures for prevention: ease access to housing for households with financial difficulties, strengthen housing guidance services and low-threshold services, securing transition from institutions/housing services to independent housing, promoting service development and participation of service users, in order to renew the service system so that it becomes more client-oriented, preventative and cost-efficient).

See European Journal of Homelessness, Volume 11, No. 2, September 2017: [The Action Plan for Preventing Homelessness in Finland 2016-2019: The Culmination of an Integrated Strategy to End Homelessness? Nicholas Pleace, University of York](#)

**Netherlands:** regional plans have to combine homelessness prevention policies with policies for supported housing for people with mental health problems, addiction problems or learning difficulties. Their goal is to promote stable living and support conditions for these groups and prevent them from becoming homeless.

**Denmark:** A Strategy to Reduce Homelessness in Denmark (2009–2012) Find below some objectives of the strategy:

- No citizens should live a life on the street;
- Young people should not stay in care homes, rather they must be offered alternative solutions;
- Periods of accommodation in care homes or shelters should last no longer than three to four months for citizens who are prepared to move into their own homes with the necessary support;
- Release from prison or discharge from courses of treatment or hospitals must presuppose that an accommodation solution is in place.

Housing First was the overriding principle of the Strategy. Part of the funding was allocated to provide more housing for homeless people including the construction of new housing units. It was possible for the municipalities to focus on all, or just some, of the four overall goals depending on the local situation.

The strategy was evaluated in September 2013. Homelessness over the strategy period had increased overall. The increase was considerably lower in the municipalities that were part of the Strategy. Nonetheless, the targets that were set for the four overall goals of the Strategy (reducing rough sleeping, reducing the need for young people to stay in a shelter, reducing the general length of shelter stays and reducing homelessness due to institutional release) were generally not met. However, at the same time the Housing First-based interventions and methods implemented through the Strategy proved to be very effective in terms of housing retention rates. Part of the follow up of the strategy will be to extend Housing First provision to 23 further municipalities and to focus on training and capacity building.

**Norway:** Norwegian policy closely reflects some of the core principles of Housing First, focusing on 'normalisation', which stresses the rapid provision of housing with support services being provided as required, rather than using a staircase approach (services that are designed to make someone 'housing ready' before providing housing). Housing is seen as a basic right for every citizen. A 2016 [report from the Norwegian Institute of Urban and Regional Research](#) (NIBR) showed that there were 36% less homeless people in 2016 in Norway compared to 2012. The decrease has been particularly seen amongst priority target groups: youngsters and families. According to the report, this decline is the result of a long-term national strategy and a successful cooperation between the State, the municipalities, the housing bank (Husbanken). New housing measures and new services were launched by municipalities during the strategy: increasing the flows within social housing, close follow up of fragile households on the private rental market, massive construction programs for student housing = easing of the access to housing and decreasing of the waiting lists for affordable housing available for homeless people. Important: now that the success of the strategy is proven, the government stresses that it's important not to give up on the objectives, the work must be continued to avoid a new rise in homelessness.

**Belgium / [Flemish homeless strategy](#):** 5 strategic goals to end homelessness (Action Plan 2017-2019 included in the Flemish anti-poverty strategy 2015-2019):

- No one should be forced to live on the streets overnight due to lack of adapted care
- No one should be forced to stay longer than necessary in a shelter because of the lack of other housing options
- No one should be out of institution (hospital, psychiatry, prison, youth institution, etc.) without adequate aftercare and without a housing solution
- No one should be evicted because of lack of guidance and without rehousing possibilities
- No one becoming a young adult should be forced into homelessness as a result of the transition to independence

**Ireland:** [Rebuilding Ireland – An Action Plan for Housing and Homelessness](#) (2016):

The overarching aim of this Action Plan is to ramp up delivery of housing from its current under-supply across all tenures to help individuals and families meet their housing needs, and to help those who are currently housed to remain in their homes or be provided with appropriate options of alternative accommodation, especially those families in emergency accommodation. This Plan sets targets to double the annual level of residential construction to 25,000 homes and deliver 47,000 units of social housing in the period to 2021, while at the same time making the best use of the existing housing stock

and laying the foundations for a more vibrant and responsive private rented sector. Achieving the aim of accelerated delivery will contribute to the following core objectives:

- Addressing the unacceptable level of households, particularly families, in emergency accommodation;
- Moderating rental and purchase price inflation, particularly in urban areas;
- Addressing a growing affordability gap for many households wishing to purchase their own homes;
- Maturing the rental sector so that tenants see it as one that offers security, quality and choice of tenure in the right locations and providers see it as one they can invest in with certainty;
- Ensuring housing's contribution to the national economy is steady and supportive of sustainable economic growth; and
- Delivering housing in a way that meets current needs while contributing to wider objectives such as the need to support sustainable urban and rural development and communities and maximise the contribution of the built environment to addressing climate change.

However, most of the ambitious targets for new social housing are in the final years of the 5-year plan, and it has been very difficult to monitor delivery of targets in the early years due to contested data on house building, for example.

**Czech Republic:** The *“Concept of Preventing and Tackling Homelessness Issues in the Czech Republic until 2020”* was adopted by the government in August 2013. In 2015, the Czech Parliament approved the *“Social Housing Concept of Czech Republic 2015-2025”*. The goal of the Concept is a wider offer of housing for people threatened by loss of housing or social exclusion and for people who spend a high percentage of their income on housing. Furthermore, the concept aims to create a new social housing system intended to target people who fulfil certain strict criteria, to avoid the waste of public money.

The basic principles should be to ensure and maintain long-term quality standards and spatially non-segregated social rental housing through a set of tools of housing and social policies. The system should be linked to the execution of social work, provision of housing allowance and it should augment the social services system (specifically shelters), as per the Act on Social Services. The Concept sets the basis for the Act on Social Housing, prepared in 2016, and it is expected to take effect in 2017, but stark differences in stakeholder interests make the preparation considerably complicated. The bill is currently in the legislative process at the government level (4Q/2016). According to the Labour and Social Affairs Ministry, the law might affect a maximum of 350,000 people.

##### 5. What independent accountability mechanisms have been put in place.

**Ireland:** A quarterly report is published showing progress on the actions in the Plan for housing and Homelessness. This has been widely scrutinized and debated in the media and the parliament.

**France :** Comité de suivi de la loi DALO (Droit au logement Opposable) called Haut comité pour le logement des personnes défavorisées : This monitoring committee can formulate proposals for the implementation of the right to housing. It gives its opinion on any matter which the Government needs. It prepares an annual report he submits to the President of the Republic, the Prime Minister and Parliament.

**Belgium:** The Flemish Housing Council is in the Strategic Advisory Board for housing policy. The Flemish Housing Council will take independent advice on the outlines of the Flemish housing policy and contributes to the creation of a vision about it.

6. What roles have been assigned to independent authorities such as National Human Rights Institutions or Ombudspersons

In **Ireland**, The Irish Human Rights and Equality Commission has commented on the issues of homelessness and in particular the level of family homelessness. The Ombudsman for Children has issued a number of reports on the situation of children in homeless families.

In **Poland**, the Ombudsman for Human Rights, Adam Bodnar, has been fighting for homeless people's rights since he was appointed.

7. How access to justice for claimants of the right to housing has been ensured in legislation or otherwise

Several European countries (Belgium, Finland, Portugal, Spain and Sweden) articulate a programmatic right to housing in their constitution. Such rights express objectives which political actors agree to pursue committing the state *'to the development and implementation of social policies, rather than to the legal protection of individuals'* (Kenna and Uhry, 2008<sup>1</sup>). Only France has established an *enforceable right to housing*.

**France:** The law of 5 March 2007 (Loi DALO), enables those in sub-standard housing or on a long-term waiting list for social housing to assert their right to housing. The law establishes amicable settlement procedures and litigation options in the case of a violation of the law. The State is the guarantor of the right to housing:

- The right to adequate and self-contained housing" referred to in article 1 of law no. 90-449 of 31 May 1990 concerning the implementation of the right to housing is guaranteed by the State to any person legally residing in French territory in permanent conditions defined by decree in the Council of State and who is unable to acquire or maintain such housing by his own means.
- This right is exercised by amicable arbitration and then, if necessary, by litigation subject to the conditions and modalities set by this article and articles L. 441-2-3 and L. 441-2-3-1." (L. 300-1 of the Construction and Housing Code)

This law introduces the notion of no return to the streets for any person sheltered in an emergency accommodation facility. This rule is included in article L. 345-2-3 of the Family and Social Action Code. Access to an accommodation facility is available always to any homeless person in a situation of medical, psychological or social distress. See [The DALO law: a step towards making the right to housing a reality](#) by Julie Clauzier ([Jurislogement](#)).

See also (in French):

- Fondation Abbé Pierre. L'état du mal-logement en France, RAPPORT ANNUEL #22, 2017, (page 369) :

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<sup>1</sup> Kenna, P. and Uhry, M. (2008) France Violates Council of Europe Right to Housing

- Droit au logement opposable, 10 ans après : l'appliquer, c'est urgent ! [Propositions pour améliorer la mise en œuvre du DALO](#).

**Spain:** Article 47 of the Spanish constitution (1978) provides that one of the guiding principles of social and economic policy is the right of Spanish citizens to decent and adequate housing. As a “guiding principle” it has not the same value as other constitutional rights included in the Fundamental rights section, so it cannot be directly invoked before the ordinary courts. Some argue that art. 47 attributes a legal right of means for the public powers. The public powers should not only respect the right to housing, but also protect, guarantee and promote it, either through regulatory activity or through promoting private activity or the provision of services.

In response to the housing crisis, regional governments in Spain have passed laws and secondary legislation on the right to housing including the notion of “social function of housing”. Unfortunately, most of these regional laws have been contested before the Spanish Constitutional Court by the central government as the content would clash with state responsibilities. These regional regulations were suspended. From 2015, the Constitutional Court has only adopted one decisión, the one about the Andalusian decree (Decreto-ley de Andalucía 6/2013, de 9 de abril, de medidas para asegurar el cumplimiento de la función social de la vivienda). [Some articles in the Andalusian regulation were declared unconstitutional](#).

The essential reasoning behind the declaration is that regional legislation constitutes a significant obstacle for the effectiveness of economic and political measures previously established by the national government because it regulates within the scope of national competences and responsibilities – mortgage repossessions – and undermines the competencies of the state (general economic system) under article 149.1.13 of the Spanish Constitution.

Some of the measures included in these regional legislations are forced expropriation of the use of property in relation to empty housing, taxation to empty housing, alternative measures to eviction, etc. All of them quite related to General Comment No. 7.

Spain is due to report on economic, social and cultural rights next year, (March 2018) and we expect that the shadow report from civil society will dedicate some space to explaining this “paralysis” in the development of economic and social rights (not only in relation to the right to housing).

**Ireland:** The Constitutional Convention recommended that a Right to Housing be introduced into the Irish Constitution. This recommendation has been referred for consideration to a Parliamentary Committee. While the Government recently set out an agenda of around 7 changes to the Irish Constitution which is was considering putting to Referendum, the Right to Housing was not one of these.

8. What new initiatives or approaches are being considered in plans for implementation of the New Urban Agenda and Goal 11 of the SDGs, particularly target 11.1

We find interesting to look at Voluntary National Reports (VNR) on SDG that mention some action and progress on SDG 11 in re. to homelessness/ housing, such as [Finland](#), [France](#), [Germany](#) or [Norway](#). Interesting to note that low levels of homelessness were flagged as one of the successes in Norway's voluntary review of the sustainable development goals 2016. Norway was also one of the first countries to submit a voluntary review.



**In 2018 the countries from the EU that should do VNR** are: Greece, Hungary, Iceland, Ireland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Spain.

### European Commission and SDGs

The Commission's communication on the Sustainable Development agenda was out in [November 2016](#).

The Commission declared that they would mainstream SDGs and start working on the post 2020 strategy based on the Sustainable Development Agenda. You can read the EU strategy on SDG [here](#): (see pages 39-41 about SDG 11)

[The monitoring proposals set out by Eurostat](#) were not very promising either: the 'at risk of poverty rate' was the only Indicator for SDG1. For FEANTSA it is worrying not only that they ignore homelessness in the SDG 1, but also in SDG 11 – there is no reference to the right to housing. However, there are mentions of the Pillar of Social Rights and the EU Urban Agenda:

[Pillar of Social Rights](#): Principle 19 establishes “Housing and assistance for the homeless”

- 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.

### EU Urban Agenda

[The Urban Agenda for the EU](#) is a new working method to ensure maximum utilization of the growth potential of cities and to successfully tackle social challenges. It aims to promote cooperation between Member States, Cities, the European Commission and other stakeholders...

Commissioner Corina Cretu, responsible for Regional Policy publicly connected the EU Urban Agenda with the Agenda 2030/ SDG and announced in June 2016 that: (...) [we are making sure that the rationale of the Urban Agenda is embedded in the United Nations' Sustainable Development Goals and Habitat III](#).

FEANTSA believes that if the European Commission is serious about SDG they must address homelessness and the right to housing under these two policy frameworks (European Pillar of Social Rights and EU Urban Agenda). Our colleague Ruth Owen wrote this piece in relation that summarizes FEANTSA's position on [this](#).

In the recently established [Multi-stakeholder platform on the implementation of the Sustainable Development Goals in the EU](#), no housing organizations have been included. Poverty organizations are indirectly represented but not extreme poverty ones.

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