**Joint submission to the report on "A place to live in dignity for all: Make housing affordable"**

*of*

**the UN Special Rapporteur on the right to adequate housing**

*to*

**the 78th session of the General Assembly of the United Nations to be presented in October 2023**

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# Introduction

Around the world, lesbian, gay, bisexual, trans, intersex, and queer (LGBTIQ) persons experience structural and social barriers—if not outright exclusion—from government affordable housing programs. LGBTIQ persons are already made susceptible to exclusion from adequate housing due to their actual or perceived sexual orientation, gender identity, sex characteristics, and expression (SOGIESC).

ILGA Asia welcomes the opportunity to make a submission to the UN Special Rapporteur on the right to adequate housing, with inputs received from member organizations and individual activists from Hong Kong and the Philippines that demonstrate how LGBTIQ persons are excluded from affordable public housing programs. We are committed to supporting efforts to ensure full compliance with states’ obligations to respect, protect and fulfill the human rights of all LGBTIQ persons in the context of adequate and affordable housing.

# National law, policies and jurisprudence relating to affordable housing

1. ***Does your country’s national law, including constitutional, housing or social protection law, refer to affordability of housing or provide any other guarantees to ensure a minimum standard of living? Please provide references and links to the respective key laws or constitutional provisions.***

### Hong Kong

In Hong Kong, **Section 4(1) of the Housing Ordinance** provides that the Housing Authority “shall exercise its powers and discharge its duties under this Ordinance so as to secure the provision of housing and such amenities ancillary thereto as the Authority thinks fit for such kinds or classes of persons as the Authority may, subject to the approval of the Chief Executive, determine.”[[2]](#footnote-2)

While this provision does not explicitly refer to affordability of housing in Hong Kong, Mr. Hui Bing Chiu, Assistant Director of Housing Subsidies of the Hong Kong Housing Department, stated in a Court proceeding that the objective of the Housing Authority is to address the housing needs of middle and low-income families and the elderly.[[3]](#footnote-3)

### The Philippines

The 1987 Philippine Constitution refers to housing once, as in Section 9 Article XIII which states:

“The State shall, by law, and for the common good, undertake, in cooperation with the public sector, a continuing program of urban land reform and housing which will make available at affordable cost decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlements areas. It shall also promote adequate employment opportunities to such citizens. In the implementation of such a program the State shall respect the rights of small property owners.”

Pieces of legislation pertaining to affordable housing in the Philippines quote directly from this provision as legal bases for the provision of such to the underprivileged.[[4]](#footnote-4)

RA 7279 or the **Urban Development and Housing Act (UDHA)** of 1992 is the landmark affordable housing legislation in the Philippines. This act lays out principles governing urban development and affordable housing programs especially toward the underprivileged and homeless citizens. This act further defines the eligibility criteria of potential beneficiaries of national socialized housing programs as well as the strategies and requirements to access these programs. Under the RA 7279, informal settlers are protected from eviction and are provided resettlement plans that comply with living standards such as connection to decent housing, electricity, potable water, etc. and are allowed to purchase their new location or acquire a tract of land through a socialized payment plan.[[5]](#footnote-5)

There have also been efforts to protect tenants of lower income brackets from unreasonable rent increases. The **Rent Control Law of 1997, Rent Control Act of 2005**, and **Rent Control Act of 2009** prevented rent increases of more than a certain percentage, however these laws only covered residential units in the National Capital Region and other highly urbanized cities, probably such as that of Cebu City and Davao City.

1. ***Please explain if there is any official definition or criteria to assess whether a household faces housing costs above the level of affordability in your country?***

### The Philippines

Rather than an official definition or criteria to determine whether a household faces housing stress, there is an official definition of “underprivileged and homeless citizens” that would qualify individuals and families as beneficiaries of housing programs. RA 7279 Section 2(t) defines “underprivileged and homeless citizens” as “individuals or families residing in urban and “urbanizable” areas whose income or combined household income falls within the poverty threshold as defined by the National Economic and Development Authority (NEDA) and who do not own housing facilities,” including those who “live in makeshift dwelling units and do not enjoy security of tenure.”[[6]](#footnote-6)

While data on the poverty threshold set by NEDA cannot be found, according to the Preliminary Results of the Family Income and Expenditure Survey (FIES) of the Philippine Statistics Authority (PSA)[[7]](#footnote-7) in 2021, the poverty incidence in the country in the first semester of 2021 was at 23.7%, translating to 26.14 million Filipinos living below a poverty threshold of 12,082 PHP per month (around 221 USD).[[8]](#footnote-8)

1. ***Please share any important court decisions in your country that relate to the issue of affordable housing or enjoyment of a minimum standard of living, including important judgements on State policies or measures aimed at ensuring housing affordability. Please provide if possible a short summary of the decision and a link to its text.***

### Hong Kong

In 2020, the High Court of the Hong Kong Special Administrative Region Court of First Instance (hereafter, “the Court”) issued a ruling upholding the right of same-sex couples to be eligible for public rental housing. The case involved a same-sex couple who are both permanent residents of Hong Kong and who were married in Canada.

Their application for Public Rental Housing was denied by the Hong Kong Housing Authority stating that the relationship between the applicant and family member “must be either husband or wife, parent and child, [or] grandparent and grandchild.” Citing the Shorter English Oxford Dictionary, the Housing Authority concluded that “the relationship between the Applicant and [the Partner] falls outside the definition of husband and wife”, thus rendering them ineligible to apply for public rental housing as an “ordinary family.”

The Court ruled that the Housing Authority’s decision to exclude a same-sex couple from eligibility for public rental housing is unlawful and unconstitutional and is in violation of the right to equality as enshrined in the Basic Law and the Bill of Rights.[[9]](#footnote-9) The decision, however, has been appealed by the government and is awaiting a decision from the Court.[[10]](#footnote-10)

# Data and trends on housing affordability

1. ***Please describe which households or persons are at particular risk of being exposed to housing affordability in your country, region or city?***

### Hong Kong

The Application Guide for Public Rental Housing explicitly excludes families composed of or led by same-sex couples. This constitutes discrimination on the basis of sexual orientation, and becomes evident when assessing the requirement stipulating that applicants and their family members be related as husband and wife, which the Hong Kong Housing Authority interpreted as excluding same-sex couples. A case challenging this discriminatory rule is currently pending before the Court.[[11]](#footnote-11)

Assuming that the Court will rule to allow same-sex couples access to public rental housing, LGBTIQ individuals are still vulnerable to housing insecurity due to priority designations given to “ordinary families” and the elderly.[[12]](#footnote-12) For single LGBTIQ persons to benefit from public housing priority, they must either enter into a foreign same-sex marriage to apply as a family or wait until the age of sixty.[[13]](#footnote-13) This is because same-sex partnerships and civil unions that occur *outside* of Hong Kong are legally recognized *within* Hong Kong, but only partially as limited sets of rights are granted to overseas same-sex couples through court cases.

Within Hong Kong, same-sex marriage and civil unions are *not* legally recognized and are same-sex couples are not allowed to register their marriages or partnerships with the Hong Kong government. This forces same-sex couples who *cannot* enter foreign same-sex marriages to wait until the age of sixty to be eligible for priority class designations. If they do not qualify for public housing under these two priority classes, they must apply as non-elderly single applicants. As of 2022, the average waiting time to obtain public housing for priority classes was about six years.[[14]](#footnote-14)

### The Philippines

GALANG Philippines, a feminist human rights organization working with and for the empowerment of economically disadvantaged Filipino lesbians, bisexual women, and transgender men (LBT), noted the absence of language inclusive of sexual orientation, gender identity, expression, and sex characteristics (SOGIESC) in the Urban Development and Housing Act (UDHA) which potentially excludes individuals who identify in these categories as beneficiaries of government social housing programs.[[15]](#footnote-15) GALANG surmised that this may be due to the absence of women’s groups and LGBT organisations during the deliberations on the UDHA. This exclusion further pushes LBT individuals and LBT-led families into the margins as they are already made vulnerable due to the discrimination they face in other aspects of their daily lives.

For instance, in terms of resettlement of informal settler communities who reside in areas that are scheduled for demolition, the Resettlement and Development Services Department of the NHA does not have a written policy regarding the relocation of same-sex couples. While families are prioritised for resettlement, same-sex couples do not fall under this category and are not considered as ‘family’ due to the lack of legal documents that would support this claim. That is, after being evicted from their homes, their houses and belongings demolished, same-sex couples are forced into homelessness by the very institutions and laws that professed to protect them.

1. ***May certain specific groups or persons, such as persons experiencing homelessness, living in informal settlements, students, asylum seekers or refugees, potentially be left out in data collection in relation to housing affordability?***

### The Philippines

There is an absence of SOGIESC-disaggregated data in the Philippines Statistics Authority (PSA) and other government agencies, which may be a contributing factor to the severe lack of information on issues faced by LGBTIQ individuals and LGBTIQ-led families. Unfortunately, LGBTIQ people are not considered as a demographic in their periodic census and other statistical data obtained by the PSA, nor do they find the need to include this category.

LGBTIQ advocates in the Philippines continue lobbying for the collection of SOGIE-disaggregated data to surface challenges experienced by the sector, identify gaps in access to services, and advocate for the implementation of programs, projects, and activities that are truly inclusive and non-discriminatory.

# Causes and Consequences of housing unaffordability

1. ***What are the main reasons why housing is unaffordable to certain persons or groups in your country? Please provide if possible as well links to (scientific) studies that have analysed such reasons.***

### The Philippines

The capacity of lesbian, bisexual women, and transgender men (LBT) and LBT-led families to secure housing is intrinsically linked to the kind of economic activity they are able to engage in, as well as the economic opportunities they have access to. For instance, GALANG has helped establish five LBT people’s organizations (LPOs) in seven barangays in Quezon City.[[16]](#footnote-16) Many of their LPO members are situated in urban poor settings and are mostly irregularly employed. They survive on “*rakets*” or temporary gigs, compensation for which does not usually cover taxes, social insurance, health insurance, etc., and is typically not enough to meet subsistence needs until the next *raket* is available.

GALANG examined the economic condition among LBT women in their publication, “Making it Work: Lesbian, Bisexual And Transgender Women’s Economic Empowerment In The Philippines”, and was able to speak with LBT women from different sectors all over the Philippines.[[17]](#footnote-17) They found that there were high levels of economic insecurity among LBT women participants, and that their incomes were insufficient to address their basic needs (housing included) even when employed full-time. It seemed that there were hindrances specific to each sector that contributed to their economic insecurity, such as additional training to maintain work-related licenses which companies do not pay for.

1. ***Please describe how housing unaffordability impacts the capacity of individuals and families to enjoy their human rights.***

### The Philippines

### In a policy audit conducted by GALANG Philippines with the Institute of Development Studies in 2013 on social protection policies and urban poor lesbian women, bisexual women, and trans men[[18]](#footnote-18) (LBTs) in the Philippines, GALANG was able to gather narratives from LBTs all over the country on the elusiveness of decent, affordable housing:

My partner’s family was asked how many families lived in their home, and how many people actually lived there at the time of the government survey of the area for demolition. They truthfully declared that there were five or six members living in their home. Her sister, a single parent, and her child were not counted as a separate household because single-headed units were not counted as families. (Jetro Cuarez)

Much of the issues arise from the lack of information among the urban poor on their basic rights, as well as the weak enforcement of the law by local governments. For instance, in cases of demolition in informal settlements, families residing in these areas are unaware of their right to adequate consultation and proper relocation. The term “consultation” itself is challenged whether it is equivalent to their consent.

RA 7279, as discussed in previous sections, lays out resettlement plans that comply with living standards such as connection to decent housing, electricity, potable water, schools, health centers etc. However, government relocation sites are notorious for having inadequate connection to these. Relocation sites are also situated far from the dwellers’ original location (and most probably their source of livelihood), which compels many of those who had been relocated to return to the place they vacated.

# Laws, policies, programmes and practices aiming to ensure that housing is affordable to all without discrimination

1. ***Please share an assessment of the success, limitations or potential failures of the above mentioned policies in your country/region/city, including any studies or independent evaluation reports related to them. Who has benefited from them, who has not? What has worked well, what - less? What lessons can be learned? What could potentially be replicable in other countries/regions/cities?***

### The Philippines

The **Home Development Mutual Fund (HDMF)** was established to provide affordable shelter financing mechanisms for its members with the express objective of improving the quality of life of Filipino citizens by providing adequate, affordable housing. HDMF members are entitled to a range of benefits such as the return of contributions when the member reaches a certain age, housing loans, short- term loans, etc. Further, upon the death of a member, her/his dependant or beneficiary would be entitled to receive death benefits and the total amount of contributions made by the deceased.[[19]](#footnote-19)

However, should the deceased be in a same-sex partnership, the surviving same sex-partner will not be entitled to the death benefits as they are prevented from being designated as dependents or beneficiaries, in keeping with the Family Code. That is, painstaking contributions made by the member in the hopes of securing the future of their family in case of an accident, disability, or death will be nullified because the Philippine government simply refuses to honor same-sex relationships.

GALANG affirms that the HDMF is insufficiently addressing the housing problem (for sexual minorities and Filipinos in general), it has also failed to reach the bottom 20-30 percent of the poor who are more likely in need of their support. These are people who are unable to secure stable employment for a variety of reasons which automatically disqualifies them from securing a housing loan.

# Recommendations

**For governments and relevant state entities:**

1. Repeal and eliminate discriminatory laws, policies, and social practices that implicitly or explicitly bar or create barriers for lesbian, gay, bisexual, trans, intersex, and queer (LGBTIQ) persons from accessing affordable public housing;
2. Establish and/or expand social protections to be inclusive of LGBTIQ persons by incorporating sexual orientation, gender identity, expression, and sex characteristics (SOGIESC) as prohibited grounds of discrimination within public housing programs;
3. Establish legal institutions to recognize and register same-sex marriages and partnerships and to ensure same-sex couples are entitled to the same housing rights and protections as heterosexual couples;
4. Collect robust qualitative and quantitative data (ideally disaggregated by gender, age, and income) on the structural and social barriers preventing LGBITQ people from accessing affordable public housing.

# Annex:

## Other national laws, policies and jurisprudence relating to affordable housing

**The Philippines**

Over the years, amendments have been made on the RA 7279, namely the RA 10884 or the **Balanced Housing Development Program Amendments** (2016). This act was said to reinforce provisions on balanced housing development and provide incentives for the private sector participating in socialized housing. However, under this Act, the previous requirement for subdivision developers to develop socialized housing equivalent to 20% of their main project’s total area cost was reduced to 15%. The Act also provides for the inclusion of condominium developers but only requires 5% socialized housing from their total project. These so-called “socialized condominiums” are expected to help address the increased demand of socialized housing especially in urban areas across the country, and house millions of workers.

There are also provisions that permitted loan restructuring and condonation of penalties for homeowners in the process of completing payments in their mortgage such as the RA 9507 or the **Socialized and Low-Cost Housing Loan Restructuring** of 2008 and the RA 8501 or the **Housing Loan Condonation Act** of 1998.

The RA 7835 or the **Comprehensive and Integrated Shelter Financing Act** of 1994 aimed to “focus the government’s full financial, technical and manpower resources in addressing the shelter needs of the lowest thirty percent (30%) of the population” in cooperation with the private sector and those in the higher socioeconomic percentile through activities that would result to the financial sustainability of resettlement programs and construction of medium-rise public and private housing.

Finally, on February 14, 2019, the Department of Human Settlements and Urban Development (DHSUD) was created by virtue of the RA 11201 or the **Department of Human Settlements and Urban Development Act**. The DHSUD oversees attached agencies, such as the National Housing Authority[[20]](#footnote-20) (NHA), Home Development Mutual Fund[[21]](#footnote-21) (HDMF), the Social Housing Finance Corporation[[22]](#footnote-22) (SHFC), and the National Home Mortgage Finance Corporation[[23]](#footnote-23) (NHMFC) in terms of policy and program coordination and monitoring and evaluation.

The **PD 1216** amended Section 31 of PD 957 (1977). **PD 957** dictates that 30% of the total area of a subdivision must be reserved as open space for parks and recreational areas, however, the cost of the upkeep of these spaces will fall on the homeowner’s association of the subdivision and might be beyond the reach of the common masses. PD 1216 reduces this required percentage to a level that will be more aligned to the means of lower income groups.

Former president Joseph (Erap) Estrada declared mass housing as the centerpiece program of his Administration through **EO 159** (1999).[[24]](#footnote-24) This EO created the **Presidential Commission for Mass Housing** chaired by the President himself as the “housing czar,” co-chaired by his presidential advisers. **EO 20** (2001) reaffirmed mass housing as a centerpiece program in the poverty alleviation efforts of the government and further strengthened the HUDCC which reinforced the goals of providing affordable housing for the underprivileged but albeit no specific mention of actions were provided.

Attempts to address the housing of the Neglected, Abandoned, Abused, Detached and Poor Older Persons and Persons with Disabilities were facilitated by virtue of the **EO 105** (2002). This order facilitated the implementation of a housing program for the aforementioned vulnerable groups designed by a technical working group spearheaded by the Department of Social Welfare and Development (DSWD).

While past administrations celebrate the National Shelter Program as the central piece of their poverty eradication efforts, they continue to demonstrate deliberate disdain for the poor by adopting anti-poor issuances, establishing national drives that would suppress and eradicate “professional squatters” and “professional squatting syndicates.” For instance, **PD 772** (1975) penalized “squatting” and other similar acts with imprisonment and/or fines. The **EO 129** (1993) established a national committee against squatting syndicates and professional squatters comprised mostly of law enforcement agencies, and other involved national agencies and civil society formations.[[25]](#footnote-25)

In 1997, PD 772 was repealed in the **RA 8368** or **Anti Squatting Law Repeal Act**. All pending cases under the provision of PD 772 were dismissed under this act, but the sanctions stipulated under Sec. 27 of RA 7279 remain intact.[[26]](#footnote-26) The aforementioned laws can be accessed from the Department of Human Settlements and Urban Development website.[[27]](#footnote-27)

## Assessments of housing affordability

**The Philippines**

Ballesteros, Ramos, and Ancheta (2022, p.2) studied housing affordability in the Philippines and traced the widely accepted 30% income standard to Batas Pambansa (BP) 220 (1982).[[28]](#footnote-28) Section 2 of BP 220 defined socialized housing as “housing units which are within the affordability level of the average and low-income earners which is **thirty percent (30%) of the gross family income** as determined by the National Economic and Development Authority (NEDA) from time to time.”[[29]](#footnote-29) However, they question the validity of this standard due to the lack of supporting research and expressed that this may not necessarily reflect the affordability of housing in the Philippines.[[30]](#footnote-30) They observed that Filipino families spend little on housing to accommodate the costs of basic necessities and settle for unacceptable housing arrangements (that is, housing in overcrowded areas, informal settlements, etc.). Some are forced to pay high and unsustainable rent or mortgage payments.

In the study, the Residual Income Method was used to compute housing affordability in consideration of various households and contexts, as well as the services/goods utilized by these households. With the 30% income standard, they found that the remaining income for non-housing expenditures such as food, water, electricity, transportation, health, communication, etc. is not enough for low-income and poor households.[[31]](#footnote-31)

Housing affordability was also assessed using the Housing Affordability Index which calculates the ratio of the median family income in a specific area to the qualifying income for a median-priced house in the area. Using this index, they found that the average income in certain areas in the country is not enough to meet the qualifying income. That is, a typical Filipino family looking to buy a house would be “severely constrained” even with a downpayment 10 to 20 percent already provided.[[32]](#footnote-32)

## Households or persons are at particular risk of being exposed to housing affordability in your country, region or city

**The Philippines**

According to GALANG, LGBTIQ individuals and families are one of the first groups to be deprioritised in the resettlement of evicted informal settlers in Quezon City. Andielyn Ramos, one of the informants to the research, recounted her experience:

“We were seven of us in the family including our parents. We used to live on the site where this huge mall is now located. We were relocated to Montalban, Rizal. We were shown the land where we could build our own homes after we got demolished and were given a chance to pay it off through mortgage financing. Nearly all affected families were located, but a lesbian couple who were our neighbours was told that they were not entitled to a home in the relocation site. We found out that the survey takers who were in charge of identifying qualified families excluded the couple because they were both women. To this day, the lesbian couple rents a room in Montalban to be able to live near old neighbours and friends, many of whom are now on their way to acquiring ownership of their respective dwelling units.”

## Assessment of housing related policies

**The Philippines**

In a policy brief on the Amended Section 18 of the Urban Development and Housing Act of 1992, Mico Maestro (2021) examined the impacts of the UDHA on the housing situation in the Philippines.[[33]](#footnote-33) According to the urban poor group Kalipunan ng Damayang Mahihirap (KADAMAY, Eng. Association and Solidarity of the Poor Peoples), the establishment of the **Department of Human Settlements and Urban Development (DHSUD)** even further aggravated the housing crisis in the Philippines. For KADAMAY, the agency streamlined the construction of housing units, including “socialized housing” that cannot be afforded by low-income and poor individuals and families, as well as “speed up the eviction and demolition of informal settlers.”

1. <http://www.lescorner.org/> [↑](#footnote-ref-1)
2. Housing Ordinance, Hong Kong Housing Authority: <https://www.elegislation.gov.hk/hk/cap283>. [↑](#footnote-ref-2)
3. High Court of the Hong Kong Special Administrative Region Court of First Instance Judgement: <https://legalref.judiciary.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=126959&QS=%2B&TP=JU&ILAN=en>. [↑](#footnote-ref-3)
4. The 1987 Constitution Of The Republic Of The Philippines – Article XIII. <https://www.officialgazette.gov.ph/constitutions/the-1987-constitution-of-the-republic-of-the-philippines/the-1987-constitution-of-the-republic-of-the-philippines-article-xiii/#:~:text=Urban%20or%20rural%20poor%20dwellers,they%20are%20to%20be%20relocated>. [↑](#footnote-ref-4)
5. According to the Philippine Statistics Authority (PSA), informal settlers are persons who “settle on the land of another without title or right or without the owner's consent whether in urban or rural areas.” <https://psa.gov.ph/content/squatter-or-informal-dwellers-1#:~:text=Definition%3A,in%20urban%20or%20rural%20areas> [↑](#footnote-ref-5)
6. An Act To Provide for a Comprehensive and Continuing Urban Development and Housing Program, Establish the Mechanism for its Implementation, and for Other Purposes. See: <https://www.officialgazette.gov.ph/1992/03/24/republic-act-no-7279/>. [↑](#footnote-ref-6)
7. The PSA is the central statistical authority in the country. The PSA conducts periodic census on housing and other sectors and publishes this information for government and public use. See: <https://psa.gov.ph/poverty-press-releases/nid/165535> [↑](#footnote-ref-7)
8. The PSA defines poverty incidence as the proportion of individuals and families whose yearly income or combined income cannot sufficiently meet basic food and non-food needs. See: <https://psa.gov.ph/poverty-press-releases/nid/165535> [↑](#footnote-ref-8)
9. *Supra,* 3. [↑](#footnote-ref-9)
10. Cheng, Selina (2022). “Same-sex couples not allowed subsidised Hong Kong housing because of ‘scarcity of resources,’ gov’t argues in appeal.” <https://hongkongfp.com/2022/02/17/same-sex-couples-not-allowed-subsidised-hong-kong-housing-because-of-scarcity-of-resources-govt-argues-in-appeal/> [↑](#footnote-ref-10)
11. *Supra,* 3. [↑](#footnote-ref-11)
12. *Ibid*. [↑](#footnote-ref-12)
13. Hong Kong Housing Authority Act: Single Elderly Persons Priority Scheme: <https://www.housingauthority.gov.hk/en/flat-application/application-guide/elderly-persons/single-elderly-persons-priority-scheme/index.html> [↑](#footnote-ref-13)
14. *Supra,* 10. [↑](#footnote-ref-14)
15. GALANG Philippines, Inc. (2013). Policy Audit: Social Protection Policies and Urban Poor LBTs in the Philippines. Evidence Report No. 21. Institute of Development Studies. See: <https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/2892/ER21Policy_Audit_Social_Protection_Policies_and_Urban_Poor_LBTs_in_the_Philippines.pdf?sequence=7> [↑](#footnote-ref-15)
16. Smallest unit of government in the Philippines [↑](#footnote-ref-16)
17. GALANG Philippines (2020). Making it Work: Lesbian, Bisexual And Transgender Women’s Economic Empowerment In The Philippines. See: <https://www.undp.org/philippines/publications/making-it-work-lesbian-bisexual-and-transgender-women%E2%80%99s-economic-empowerment-philippines> [↑](#footnote-ref-17)
18. GALANG Philippines, Inc. (2013). Policy Audit: Social Protection Policies and Urban Poor LBTs in the Philippines. Evidence Report No. 21. Institute of Development Studies. See: <https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/2892/ER21Policy_Audit_Social_Protection_Policies_and_Urban_Poor_LBTs_in_the_Philippines.pdf?sequence=7> [↑](#footnote-ref-18)
19. Presidential Decree No. 1530: Instituting a System of Voluntary Contributions for Housing Purposes: <https://lawphil.net/statutes/presdecs/pd1978/pd_1530_1978.html> [↑](#footnote-ref-19)
20. The NHA was created by virtue of the Presidential Decree (PD) 757 (1975) which integrated existing housing agencies for the purpose of concentrating resources to maximize results in providing adequate, livable, affordable, and inclusive housing programs. See <https://nha.gov.ph/about/> and <https://lawphil.net/statutes/presdecs/pd1975/pd_757_1975.html>. [↑](#footnote-ref-20)
21. More popularly known as the Pag-IBIG fund, the HDMF was instituted through the PD 1530 (1978) to address the need for a national savings program as well as provide affordable shelter financing mechanisms for government and non-government employees. See: <https://www.pagibigfund.gov.ph/index.html> and <https://lawphil.net/statutes/presdecs/pd1978/pd_1530_1978.html>). [↑](#footnote-ref-21)
22. The SHFC was created by virtue of the EO 272 (2004). This transferred the Community Mortgage Program, Abot-Kaya Pabahay Fund Program, and other social Housing Powers and Functions of the National Home Mortgage Finance Corporation to the SHFC. [↑](#footnote-ref-22)
23. The NHMFC was created through PD 1267 (1977) to make affordable housing loans more available and accessible for Filipino homebuyers. SHFC is one of its subsidiaries. Both the SHFC and the NHMFC are Government Owned and Controlled Corporations. See: [GOCC Profile - Integrated Corporate Reporting System (gcg.gov.ph)](https://icrs.gcg.gov.ph/profiles/nhmfc/?sector=Government%20Financial%20Institutions%20Sector&keyword=). [↑](#footnote-ref-23)
24. Served as the 13th President of the Philippines, from 1998 to 2001. Nicknamed *Erap* (flipped *pare*, which is used to refer to a friend in Filipino), his campaign managers built his image around the promise of alleviating the poverty of the masses, using the tagline *Erap Para sa Mahirap* (*Eng.* Erap for the masses/poor). He was found guilty of plunder and was sentenced to life imprisonment but was granted executive clemency by his successor, former President Gloria Macapagal-Arroyo. [↑](#footnote-ref-24)
25. Department of Interior and Local Government (DILG), Housing and Urban Development Coordinating Council (HUDCC), Department of Justice (DOJ), Presidential Commission for the Urban Poor (PCUP), Philippine National Police (PNP), National Bureau of Investigation (NBI), Representative of PCUP accredited National Urban Poor Organization, Representative of a Non-Government Organization. [↑](#footnote-ref-25)
26. Republic Act No. 8368 an Act Repealing Presidential Decree No. 772, Entitled 'penalizing Squatting And Other Similar Acts. See: <https://dhsud.gov.ph/wp-content/uploads/Laws_Issuances/01_Laws/RA_8368.pdf>. [↑](#footnote-ref-26)
27. Department of Human Settlements and Urban Development. See: <https://dhsud.gov.ph/laws-and-issuances-2/laws/>. [↑](#footnote-ref-27)
28. Ballesteros, M., Ramos, T., and Ancheta, J. (2022). Measuring Housing Affordability. Philippine Institute of Development Studies. See: <https://pidswebs.pids.gov.ph/CDN/document/pidsdps2222.pdf> [↑](#footnote-ref-28)
29. The Batas Pambansa (BP) 220 or the Economic and Socialized Housing (1982). See: <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/2/13859> [↑](#footnote-ref-29)
30. *Ibid*. [↑](#footnote-ref-30)
31. *Ibid.* [↑](#footnote-ref-31)
32. Qualifying income refers to the “income required to obtain a loan at a preferred term, which is at 6% interest rate for a duration of 30 years” (Ballesteros, et al., 2022). They further clarify in the footnotes that the aforementioned rate is “based on the subsidized loan rates for socialized and low-cost housing offered by the Home Development Mutual Fund (HDMF) to their members.” *Ibid*. [↑](#footnote-ref-32)
33. Maestro, M. (2021). Iskwater sa Sariling Bayan: A Policy Brief on the Balanced Housing Policy Specifically the Amended Section 18 of the Urban Development and Housing Act of 1992. Philippine Legal Research. See: <https://legalresearchph.com/2021/02/01/iskwater-sa-sariling-bayan-a-policy-brief-on-the-balanced-housing-policy-specifically-the-amended-section-18-of-the-urban-development-and-housing-act-of-1992-2/> ) Maestro also discussed how private developers profited from the UDHA through tax adjustments, higher amortization rates, etc. [↑](#footnote-ref-33)