**A Place of Decent Life for All: Making Housing Affordable**

**Report of the Special Rapporteur on the Right to Adequate Housing at
the 78th Session of the UN General Assembly**

**Questionnaire**

For States: please also forward this questionnaire to your National Statistics Office and relevant ministries for assistance in completing the statistical sections on housing affordability.

Name of the submitting enterprise, organization or individual: Public Foundation "Fund for the Development of Parliamentarism in Kazakhstan

**National legislation, policy, and jurisprudence related to affordable housing**

1. Does your country's national legislation, including constitutional, housing or social protection legislation, refer to affordable housing or provide any other guarantees to ensure a minimum standard of living? Or, if not, are there national policies that address affordable housing or a minimum standard of living? Please provide references to relevant key legislation or constitutional provisions, as well as policies.

*In order to provide the population of the republic with affordable housing, the Government of the Republic of Kazakhstan developed and approved the Program "Affordable Housing - 2020" in 2012. Due to the loss of this Program, measures to stimulate construction are included in the Program of regional development until 2020.*

*According to article 68 of the Housing Relations Act, dwellings from the communal housing stock or dwellings leased by the local executive body in the private housing stock are provided for use by citizens of Kazakhstan in need of housing who permanently reside in the locality in question. Priority is given to participants in the Second World War and to persons who are disabled as a result of injury, contusions, mutilation or illness sustained during the Second World War, as well as to persons who were in need of housing from the state housing stock (housing belonging to the municipal housing stock, the housing stock of state enterprises or the housing stock of state institutions and forming part of the national or municipal property) or privately owned housing leased by a local executive body. At the same time the state is not taking legislative measures to implement the right to adequate housing and to ensure guarantees against forced eviction of owners of housing and land plots, problem borrowers of second-tier banks. There is no effective system and protection mechanisms to ensure strict control over the conditions under which evictions take place. There are no measures to hold accountable those who have committed violations when carrying out evictions. The existence of a large number of state bodies (Akimat, Land Resources Committee, Department of Architecture and Urban Planning and others) leads to the lack of general reliable statistics on forced evictions.*

*There is a growing trend of violations of housing rights: citizens are evicted from their homes, offering in return disproportionate compensation for its market value and insufficient to purchase another home; the state seizes land and forcibly evicts owners from their homes for state needs; socially vulnerable persons stand on waiting lists for decades and cannot obtain housing; citizens are deprived of their only housing due to inability to repay bank loans; no provision is made for the provision of almshare.*

*Homeless people are discriminated against and stigmatized. They are forcibly displaced and transported outside the city in order to attract investors and sponsors, to change the appearance of the streets for tourists and visitors.*

1. Please explain if your country has any official definition or criteria for assessing whether a household faces housing costs in excess of affordability.

*Under article 68, subparagraphs 1-1) to 5), 7-11), of the Housing Relations Act, communal housing stock or private housing leased by the local authorities are allocated to citizens in need of housing who are registered as members of the population, including socially vulnerable groups with an average total monthly income for the past 12 months prior to the request for housing of less than 3.1 times the minimum subsistence income per family member, the housing allowance under article 68 of the Housing Relations Act and the housing allowances under article 68, paragraphs 1-1) to 5) of the Act. The coefficient of 3.1 times the subsistence minimum does not apply to children with disabilities; civil servants, employees of budgetary organizations, military personnel, candidates for astronauts, cosmonauts, employees of special state agencies and persons holding state elective positions*

1. Please share any important court decisions in your country that address the issue of affordable housing or minimum living standards, including important court decisions on public policies or measures to ensure affordable housing. Please provide a brief summary of the decision and a link to the text of the decision, if possible.

(e.g., international, constitutional, supreme or high court decisions, rent control measures or rent freezes, access to housing subsidies, public or social housing, nondiscrimination and equal access to affordable housing, etc.)

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**Data and trends in housing affordability**

1. Is housing affordability measured regularly in your country, region, or city by the national statistical office or other organizations? Please explain how housing affordability is measured and tracked. Where is the data published?

*The Bureau of National Statistics is an agency of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan, which coordinates, manages and implements state statistical activities within its competence. (https://www.gov.kz/memleket/entities/stat/about?lang=ru) At the end of 2022, the availability of housing per resident in Kazakhstan was 23.4 sq.m. (https://ranking.kz/reviews/banking-and-finance/dostupnost-priobreteniya-zhilya-kazahstan-ustupaet-mnogim-stranam-po-urovnyu-ipotechnogo-kreditovaniya.html).*

1. Has housing affordability increased or decreased in your country over the past 10 years? In which regions or cities has housing affordability changed, and for whom?

*By the beginning of this year, the level of housing provision in the republic has already reached 23.2 square meters per resident, against 22.6 square meters a year earlier, 21.4 square meters five years ago and only 18.7 square meters ten years ago. In the cities of the country the index has already reached 25.5 sq. m. per capita, against 25 sq. m. a year ago, and in the countryside - 19.8 sq. m. per capita, against 19.3 sq. m. a year ago (https://www.energyprom.kz/ru/a/monitoring/obespechennost-zhilyom-v-rk-vpervye-prevysila-23-kvadratnyh-metra-na-prozhivayushego-plyus-3-za-god).*

*In 12 of the 20 largest regions of the country the indicator of housing is below the average national value. Residents of Zhambyl, Zhetysu and Turkestan regions are the least provided with housing (https://ranking.kz/reviews/banking-and-finance/dostupnost-priobreteniya-zhilya-kazahstan-ustupaet-mnogim-stranam-po-urovnyu-ipotechnogo-kreditovaniya.html).*

1. Please describe which households, individuals, or groups are at particular risk for housing affordability in your country, region, or city.

(Please provide data on housing affordability by household size, tenure type (owner-occupied, rental, other), type and quality of housing (e.g., living in formal or informal housing); location (region, city, village), type of household (with or without children, single-parent households), income, employment status, gender, disability, age, nationality, ethnicity, religious affiliation, or immigration status).

*During a government hour in the Senate of the Parliament of Kazakhstan Vice-Minister of Industry and Infrastructure Development Yerkebulan Dauylbaev observed a constant growth of the queue for housing, the queue in the akimats reached 623 thousand people, including over 400 thousand citizens of socially vulnerable situation. Every year the queue increases by an average of 50,000 people (https://ortcom.kz/ru/novosti/1669374444).*

1. Could certain specific groups or individuals, such as those experiencing homelessness, those living in informal settlements, students, asylum seekers, or refugees, potentially be overlooked in collecting data on housing affordability?

*Homeless people are discriminated against and stigmatized. They are forcibly displaced and transported outside the city in order to attract investors and sponsors, to change the appearance of the streets for tourists and visitors.*

*Experts from the Foundation for the Development of Parliamentarism in Kazakhstan identified 4 categories of homeless people: actual, hidden, potential, and long-term homeless. All of them are unsatisfied with available opportunities of leisure (2.9 out of 5), living conditions (2.7) and financial situation (2.7). The top three problems were: affordable and safe housing (35%), lack of suitable work (34%) and decent wages (33%). For all categories of homeless people today are characterized by similar fears: to remain homeless (42%), increase in prices (30%), to remain without means of subsistence (28%). Long-term homeless are distinguished by credit (49%), potential homeless more often applied to a pawnshop (32%), hidden homeless more often borrow from relatives (43%) (STUDY OF RELATIONS BETWEEN LESSONS AND HOLDINGS OF RIGHT TO ACCESSIBLE LIVING. Analytical report on the results of sociological research of the Foundation for the Development of Parliamentarism in Kazakhstan).*

**Causes and Consequences of Unaffordable Housing**

1. What are the main reasons why housing is not available to certain individuals or groups in your country? Please provide links, if possible, to (scientific) studies that analyze such reasons.

*The deficit of social housing, increasing levels of ability to pay, and long waiting times create the impression that a person must "earn" housing as a material good. While the housing strategy of the state should be based on the fact that the acquisition of own housing is not a privilege, but one of the basic rights of man. The experts blame low solvency of the population, high corruption in the distribution of affordable housing, lack of transparency, a large disparity in the volume of housing commissioned in the regions, the high cost of new housing due to expensive imported materials (ANALYSIS OF THE RELATIONSHIP BETWEEN HOMELESS AND THE RIGHT TO ACCESSIBLE HOMELAND. Analytical report on the results of sociological research of the Foundation for the Development of Parliamentarism in Kazakhstan).*

1. What percentage of land is owned or otherwise controlled by the state or other government entities, as opposed to private entities (both for-profit and non-profit)? Please explain if there are any policies or laws to control land prices, prevent land speculation, including its supply and financing?

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1. How many households have been evicted due to non-payment of rent in the last ten years? Please, if possible, provide more information on the socio-economic profile of the households concerned.

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1. How many individuals, households, or groups have become homeless in the last ten years due to inability to afford housing? Please provide a breakdown by socioeconomic characteristics of such persons.

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1. Please describe how inaccessibility to housing affects the ability of individuals and families to enjoy other human rights, including the rights to work, health, education, and access to all aspects of personal security.

**Laws, policies, programs, and practices designed to make housing affordable to all without discrimination**

1. Please share an overview of the laws, policies, programs and practices adopted in your country/region/city to ensure that housing is accessible to all without discrimination, Please provide links to relevant official texts.

(e.g. affordable housing, subsidies for social and energy costs, preferential mortgages, construction support schemes, provision of social and public housing, service land for self-construction, rent containment and control measures, taxation, measures to reduce housing vacancy, multilateral initiatives by state and local governments, the construction industry, housing providers, tenant unions, etc.)

*The basic principles, forms and procedure for realization of citizens' rights to housing are defined in the Law of the Republic of Kazakhstan "On Housing Relations. Under the law, housing from the communal housing stock or housing leased by the local executive body in a private housing stock is provided for use by citizens of Kazakhstan in need of housing who permanently reside in that locality. The Constitution of the Republic of Kazakhstan stipulates that conditions are being created in Kazakhstan to provide citizens with housing. Citizens in need of housing mentioned in the act are provided with housing at an affordable price from state housing funds in accordance with the norms established by law. This norm proclaims the strengthening of stable, permanent use of housing, regardless of the category of the housing fund; improvement of living conditions in all categories of housing funds; ensuring the level of residence, worthy of a civilized person, on the provision of a citizen with permanent housing, its inviolability, the inadmissibility of deprivation of housing without a legal basis (A STUDY OF RELATIONSHIP BETWEEN LIVING AND THE RIGHT TO ACCESSIBLE DIVIDENCE. Analytical report on the results of sociological research of the Foundation for the Development of Parliamentarism in Kazakhstan).*

1. Please share your assessment of the success, limitations, or potential failures of the above laws and policies in your country/region/city, including any studies or independent evaluation reports related to them. Who benefited from them and who didn't? What worked well and what didn't? What lessons can be learned? What could potentially be replicated in other countries/regions/cities?

*The results of the survey show that, on average, two-thirds of respondents express dissatisfaction (rather unsatisfied / totally unsatisfied - 68%) with the state policy in the field of housing affordability. The main reasons for dissatisfaction are the need for a high level of income, corruption, and a long waiting list for housing (26%). In terms of cities the growth of dissatisfaction is higher among respondents in Shymkent (85%), Kostanay (90%), Taraz (83%), Taldykorgan (93%), Semey (88%). Satisfaction is more often expressed by respondents in the cities of Aktobe (42%), Almaty (42%), Kyzylorda (51%). The younger the respondent, the more often dissatisfaction is expressed (18-29 years - 70%), the older, the higher the level of satisfaction (45-55 years - 32%). General awareness of the state programs is quite high, but the degree of participation in them is quite low. More than a half of respondents are to some extent aware of the listed state programs (from 50% to 68%), but among them the share of those who are "well" aware of the state programs is only 15-20%. Respondents are more likely to have more in-depth knowledge of the programs: Mortgage Lending through the HUD (25%) and Affordable Housing 2020 (18%). Respondents know least of all about the program of rental housing with buyout (49% don't know) and without buyout (51% don't know), "Nurly zher" (50% don't know) and "7-20-25" (43% don't know). In general, for all state programs the indicator of readiness to participate "yes, I already submitted/plan to submit documents" is very low and amounts to about 5-8%. The average share of pessimists in relation to state programs ("no, it's useless anyway") is about a third of respondents, in particular, in such programs as "Affordable housing 2020" (35%), housing and communal services (29%) and rental housing with buyout (28%). In the regional context of uselessness of state programs more often than others say residents of Kokshetau, Taldykorgan, Semey and Turkestan. The proportion of those who intend to participate ("would like to participate, but do not fit the conditions") according to the study averages from 12% to 20%. So, for example, every fifth would like to participate in the program "Housing and Communal Services" (21%), every sixth in the program "7-20-25" (17%) and "Affordable Housing 2020" (17%). But the main deterrent to participation in state programs, as noted by the respondents, is low income, while the ability to pay in these programs is one of the main criteria for the selection of participants (STUDY OF THE RELATIONSHIP BETWEEN HOMELESS AND THE RIGHT TO ACCESSIBLE HOMELAND. Analytical report on the results of sociological research of the Foundation for the Development of Parliamentarism in Kazakhstan).*

**Submission Instructions**

**Deadline: April 30, 2023**

**Email:** Please return this form to: hrc-sr-housing@un.org; ohchr-registry@un.org

**Subject line:** Contributing to SR Housing - Housing Affordability Report

**Accepted file formats:** Word (accompanying documents can be submitted in PDF)

**Accepted languages:** English, French and Spanish

Please include links to reports, scholarly articles, policy documents, texts of legislation and court decisions, statistical information with hyperlinks or attach them to your submission (please observe the total file size limit of 20 MB per letter to ensure it is received).

**Publication: Submissions** by states and state authorities will be made public. For other interested parties, materials will be published except where confidentiality is explicitly requested.

**Expected submission of** the Special Rapporteur's report to the General Assembly: October 2023.