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Mandate of the Independent Expert on the enjoyment of all human rights by older persons

Call for contributions: The right to adequate housing of older persons

To inform her report, the Independent Expert wishes to receive written contributions from relevant stakeholders, including national and local governments, national and international non-governmental organizations, national human rights institutions, international and regional inter-governmental organizations, United Nations agencies and entities, activists, and academics.

She strongly encourages sharing concrete examples of good practices where available.

She invites all interested stakeholders to share their views and provide information on any or all the following issues:

1. What are the **local and national legal, policy and institutional frameworks** protecting and promoting the right to adequate housing of older persons? Please identify both existing or planned legal frameworks such as constitutional provisions, laws, regulations, or decrees.

Article 72 of the Constitution of the Portuguese Republic states that "Older people have the right to economic security and housing conditions and family and community life that respect their personal autonomy and avoid and overcome isolation or social marginalisation". Furthermore, article 65 of the Constitution provides for the right to housing and urban planning, without distinguishing between specific population groups. In the Constitution the guarantee of the right to housing is essentially attributed to the State, recognising the role of the Municipalities in a model of cooperation.

However, in 2006 and in 2012 there were changes in the law of rents, unprotecting everyone and especially older people who had open-ended contracts that could not, according to the previous law, be changed. Most of these contracts provided for low rents that had been in place since before 1990. With that 2012 alteration there was a transition process for these contracts that took place in only 1 month, without the guarantee of adequate information for people, namely for the older people who were the main beneficiaries of these contracts.

Recently the change in this specific point was considered unconstitutional by the Constitutional Court in decision no. 393/2020, which found that "the only interest that an uninformed and (therefore) omissive reaction of the tenant has is in order to accomplish the eventual interest of the landlord in fully enforcing, as soon as possible, the terms and conditions contained in his proposal, namely regarding the duration of the agreement and the amount of the rent, avoiding, depending on the case, the impediments and adjustments in the redefinition of the lease status that, under the terms of the law, may result from an active and clarified participation of the tenant in the procedure initiated by the latter. ", concluding that we are facing a "disproportionate

restriction of the right to housing". It also raises the constitutional issues of protection in old age and trust.

In 2019 legislative changes occurred in order to protect older people more, resuming the legislative wording that did not allow the transition of contracts for high rents and fixed-term contracts for people over 65 years old. This situation only applies to people that have been living in the same house for more than 15 years without an updated contract, or to people with a contract already in the new regime, but who have been living in the same house for 20 years and who were 65 years old at the date of the new contract. This implies that currently persons over 65 years of age have differentiated regimes of lease protection. These regimes are reflected in article 36, no. 10 after the amendments of Law no. 13/2019.

In 2019 the Housing Framework Law (Law no. 83/2019 of 3 September) was approved in Portugal. In point c) of number 3 of article 8 it specifies that housing policy integrates special protection measures aimed at "older people, to ensure adequate housing adapted to their health and mobility conditions, with respect for their personal autonomy, preventing isolation or social marginalisation".

Other programmes were also implemented such as the Right to Durable Housing created by Decree-Law n.1/2020, advertised as being directed to older people. The data disclosed shows that it has had little adherence, because people have to have the financial capacity to advance with several down payments, which leaves out a large part of the older population that could benefit from this programme.

Decree-Law no. 55/2020 of 12 August provides for the "...transfer of competences to municipal bodies and inter-municipal entities in the field of social action". In article 9 of this decree, named as "Housing comfort for older people", it is provided that "It is up to the Municipality to develop programmes to promote housing comfort for older people, namely in articulation with public entities, social solidarity institutions or with the management structures of thematic programmes". This transfer of competences to the municipalities was extended until the end of 2022.

There are currently some shared housing projects, still very little developed and with limited response that municipalities have been developing in the context of collaborative housing. These initiatives have been promoted and financed by private entities in articulation with some municipalities, but without direct promotion by them.

2. What are the **existing local and national action plans, development plans and support programmes** for advancing the right to adequate housing for older persons? If available, please specify the budget allocated for their implementations.

The housing program '1º Direito' (D.L.nº37/2018 of 4th of June) is intended to ensure adequate housing to needed persons of all ages, who live in inappropriate situations. The law considers as inappropriate situations those of insalubrity, overcrowding, inadequacies, and substandard conditions. Substandard conditions include families with tenants that are over 65 years of age. This housing program has a local implementation. We send one local program as a demonstration as Annex 1. The National Association of Portuguese Municipalities' answer to this question is attached as Annex 2.

Yet, most of the housing solutions benefit younger people or families. For those over 65 the answers seem to give preference to collective solutions, insufficiently developed, underfinanced, and much depending on social welfare, itself insufficiently financed.

The budget for housing programs in general has been quite limited, never surpassing 300M until 2021. The budget for next years will have its source on the Recovery and Resilience Plan in Portugal. Yet we still don't have any specific answers for the housing problems of the elderly.

3. How are **older persons involved and participating** in the development of action plans, policies or legislation related to housing?

Older people are still little heard in Portugal, and this is also the case in housing legislation. Despite this, APRe! and other organizations of older people were invited to the legislative preparation phase of the Housing Framework Law, published in 2019. The issue is that even though older people have been consulted, their proposals are often not included, or only partially included, in the final considerations and decision-making processes.

Furthermore, in the face of situations of serious violation of the right to housing, APRe! has been taking action to warn of these situations, as happened in 2018, when a wave of evictions affected many older people, following Law no. 31/2012 of 14 August.

4. What **challenges, barriers and forms of discrimination** are faced by older persons in fulfilling their right to adequate housing? Please also include any existing legislation, policy or practice. Please also state how it impact older persons' enjoyment of other human rights.

As stated in another answer, we don't have disaggregation of data for the over 65 years old. In this context we can only deduce from other, usually local, information what are the challenges, barriers, and forms of discrimination of older persons in their right for adequate housing.

Challenges. An old nation like Portugal means also an old housing park and, of course, many of the older persons that live in rented houses, or even own them, are located in the old areas. This situation has different meanings in metropolitan areas, suburban areas or rural areas. But they have in common two great challenges, the overall poverty of retired people, that usually don't have enough money to restore their old houses, and the inexistence of policies of promoting and financing the maintenance of old houses in a fairly good condition. In spite of some good efforts in the last 10 years there is an overall deficit of local structures for older people who need daily help - meals, cleaning, baths and so on in their homes.

Barriers. Portugal was only entirely covered by an electric net in 1984. This had a stronger impact in rural areas where electricity, water and basic sanitation were unknown to the entire population until very recently. Although water and basic sanitation are still not public in many of the rural and suburban areas, the way of life of the older persons is compensated by an urban tissue mainly consisting of independent houses of one or two floors, with guarantees some mobility to the over 65. On the other hand, there is only one program to provide funds to install new and clean forms of energy and it only covers individual homes.

Forms of Discrimination. We will only state here the forms of discrimination connected with housing. Increased accesses and accessibility standards are absolutely needed in metropolitan and suburban areas. An old person who lives in the 5th floor of a nineteenth century building, with no elevator may never be able to leave his house. Sometimes technical solutions are not obvious and, or very expensive. This is a terrible form of discrimination for the weakened by age.

The public space has still a lot of physical barriers that obstruct the free physical moving across the city for older people with difficulties in seeing clearly, hearing and generally enfeebled by old age. In some metropolitan areas' gentrification, connected with tourism has moved older people from their house, their traditional neighbourhoods and submitted them to isolation away from old acquaintances, old shops and even family.

Once again older people in the end of their house renting contract are put under pressure to take the institutionalization option.

In Annex 3 we send a detailed clarification of the impact that the 2012 redraft law (Law no. 31/2012 of 14 August) has had for older people. This PPT was presented by APRe! in a public session on the subject.

5. How do **other factors** (i.e., gender, sex, race, ethnicity, indigenous identity, disability, sexual orientation, gender identity, religion, social status, place of origin and immigration status) intersect and impact the enjoyment of older persons' right to adequate housing?

As in all other stages of the lifespan, also in old age other factors interfere with people's access to housing, being age one more factor that restricts the access to the right to adequate housing. Although there are still few data and studies in Portugal on the housing conditions of older people, the existing data and our empirical knowledge allow us to state that there is a high prevalence of situations of housing deprivation among the very elderly population, namely among those living in poverty or at risk of poverty.

Older migrants and Roma people have less access to their own housing, acquired in the private market, due to life paths marked by discrimination phenomena - due to income and prejudice - and correspond to a reduced percentage of people living in public housing. They live mostly in precarious housing with little access to water and electricity.

Considering that gender is a factor that increases the risk of vulnerability in old age, in 2012 the Commission for Citizenship and Gender Equality published a document listing several recommendations aimed at "people who are in decision-making situations, at any level, of a political or technical nature, with a view to supporting their action in promoting the integration of the dual dimension gender/age in policies, programmes, measures and actions of Central and Local Public Administration services whose actions are aimed at or impact on the elderly population"¹. With regard to housing, the recommendations are the following:

"> Take into account that many, and increasingly, older people, particularly older women, live alone or exclusively with other older people.

> Recognize that older people, and particularly older women, are among the most vulnerable groups with regard to material deprivation in housing.

> Take into account that the changes underway in the housing market, namely in the rental market, will have greater impacts among elderly men and, above all, among elderly women.

> Encourage flexibility in the housing market in order to allow for better and easier adjustment to the needs of elderly women and men.

> Stimulate and support the adaptation of homes and living spaces to the needs of elderly men and women.

> Promote and disseminate programmes and measures that support the housing comfort of older women and men.

> Identify and implement housing solutions for elderly persons living in precarious conditions and in situations of economic deprivation".

6. What impact has had **the COVID-19 pandemic** on older persons' right to adequate housing in your country (e.g., has the pandemic caused any policy shift away from institutions and more emphasis on community supports)? What measures have been taken to minimize its impact?

The impact of the COVID-19 pandemic hasn't been studied. We know (2020 census) that of 2,4 millions of persons older than 65 years (23,4% of the population), 99 234 (4,13%) live in nursing homes. This data refers to legal institutions. It's common knowledge that there are almost as many illegal institutions, presumably with less people. Several were closed during the pandemic with great protest of families involved, because they had no conditions to have their older ones in their homes.

We also know (Pordata) that since 2019 to 2021 the mortality by COVID-19 was as follows: 0-19 - 0,7% | 20-39 -2,8% | 40-59 - 4,4% | 60-69 - 7,4% | 70-79 -9,4% | 80 or more - 9,6%
Total - 8,8%

The totality of deaths by COVID-19 was 21 545 in Portugal.

About 60% of the population over 65 years lives alone (400 964) or in the exclusive company of other old people (804 577). This last number includes husbands and wives over 65 years, as well as people living in legal or illegal institutions.

¹ https://www.cig.gov.pt/siic/wp-content/uploads/2015/01/RECOM_Genero_Envelhecimento_4.pdf

Until today there has been no new policies either for nursing homes or for older people living alone.

7. What **alternative housing strategies for older persons**, other than care homes and state institutions, exist in your country? What policies/programmes are in place to enable older persons to live independently in their communities as they age? Please provide detailed information.

Although there is more and more discussion about the need to have housing alternatives for older people, even in connection to the idea of *aging in place*, what we see is that there are some experiences, but they are still very incipient and, not rarely, with a more assistencialist nature than a promoter of autonomy and rights of older people.

There are some (few) experiences of sharing social housing by elderly people and/or in situation of special fragility, advanced by some municipalities and in articulation with social sector organizations

Besides that, there are municipal initiatives aiming at keeping people in their own homes, through adaptation works of the houses, as well as home support services, both in the social and health component. However, these services are insufficient taking into account the real needs of the population and are not enhanced because there is still a problem of articulation between the social and health sectors. From this point of view, there is still a long way to go to broaden, deepen and improve these services.

Experiences such as "cohousing"² or "social villages"³ are starting to emerge, but they come mainly from the private and corporate sector, not resulting from any public policy strategy.

In an article published already in 2012⁴, the authors identify some of these experiences of alternative housing existing in Portugal (p. 189 and 190), putting forward explanations for the difficulty of dissemination in Portugal of similar alternatives: "(...) the lack of adequate legal framework presents itself as the main limiting factor to the implementation of alternative housing by propitiating and encouraging the private sector to build a traditional typology of housing for the elderly population (Homes or Residences) ...".

8. What are the **new and sustainable housing strategies** for older persons considering the current concerns of the impacts of climate change?

Little or nothing has been done in that direction.

The only exception is the program cited on question 4 "there is only one program to provide funds to install new and clean forms of energy and it only covers individual homes."

The economic help for changes in thermic comfort may have an important impact in stopping deaths by too much cold or too much heat of persons in their own houses.

9. How does **the State fulfil its obligations** to ensure older persons' access justice, and to obtain remedies and reparations, when their right to adequate housing have been violated?

Access to justice in the case of housing is slow and difficult. People have little knowledge of the few rights they still have in accessing housing. It is even more difficult in the case of the older population and it is quite evident in the legislative change in 2012, where the lack of information and a lack of response was used as an agreement to change contracts.

The Ombudsman's Office has a special channel for complaints and claims from older people, but it is not specific to housing issues. It is a relatively new service which is not yet disseminated among the population and is not yet fulfilling its full potential.

The municipalities have some schemes for the provision of small repairs in housing, or even sometimes major adaptation works to increase autonomy. Other municipalities have their own

² <https://www.hacora.org/>

³ <https://www.publico.pt/2020/12/22/sociedade/noticia/autonomia-liberdade-fim-vida-aldeias-sociais-sao-habitadas-idosos-1943867>

⁴ <https://ler.letras.up.pt/uploads/ficheiros/10586.pdf>

telephone lines for older people's assistance and support. However, these policies are not consolidated at national level and depend on the implementation by some municipalities.

10. What are the **lessons learned** from advocacy, legal, and policy actions undertaken to combat ageism and to access of adequate and affordable housing by older persons?

In 2018, when a wave of evictions affected many older people, following Law no. 31/2012 of 14 August APRe! and other organisations mobilised against this situations of serious violation of the right to housing.

APRe! made information sessions about the situation and how people could defend themselves and tried to spread this situation through the media. Following this, a press release was issued on the subject, in which a legislative change was demanded in order to mitigate the harmful effects of this 2012 law for the older people, compromising their right to housing (APRe! press release in Annex 4). APRe! also requested an audience with the Secretary of State for Housing. Although not all demands were considered, advocacy from civil society organisations and other actors in Portuguese society effectively led to legislative changes in 2019, which were intended to guarantee some more protection for older people.

11. **Data:**

- a. Does your country collect data on older persons' living conditions in your country? If yes, please provide any available and disaggregated figures and statistics (e.g., number of older persons: in institutions, living alone, living with family, or living in urban and rural areas).

Some of these numbers have been presented on answer number 6:

“We know (2020 census) that of 2,4 millions of persons older than 65 years (23,4% of the population), 99 234 (4,13%) live in nursing homes. This data refers to legal institutions. It's common knowledge that there are almost as many illegal institutions, presumably with less people. Several were closed during the pandemic with great protest of families involved, because they had no conditions to have their older ones in their homes.

We also know (Pordata⁵) that since 2019 to 2021 the mortality by COVID-19 was as follows:
0-19 - 0,7% | 20-39 -2,8% | 40-59 - 4,4% | 60-69 - 7,4% | 70-79 -9,4% | 80 or more - 9,6%
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About 60% the population over 65, lives alone (400 964) or in the exclusive company of other old people (804 577). This last number includes husbands and wife's over 65 years, as well as people living in legal or illegal institutions.”

Specifically, about housing our data is small and not very well structured, in whatever age. General data on Portuguese population (Census) show percentages of over crowded homes, energy poverty, extreme difficulty in paying rents and other fixed costs of housing. In Portugal only 2% of housing is public housing, around 120 000 homes.

- b. Is data on older persons broken-down into groups of different ages over 65 years to plan and address each specific age group's needs in terms of housing?

Unfortunately no.

At a local level there is some data at “freguesia” level about people over 65 living alone. At a national level the rural police does the same for rural areas only.

Existing data:

- 1) Owner occupied housing

⁵ <https://www.pordata.pt/Portugal>

<https://gulbenkian.pt/de-hoje-para-amanha/publication/habitacao-propria-em-portugal/>

2) Public Housing

https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_destaques&DESTAQUESdest_boui=250034590&DESTAQUESmodo=2&xlang=pt

3) Data Census 2021:

https://censos.ine.pt/xportal/xmain?xpgid=censos21_main&xpid=CENSOS21&xlang=pt

4) Characterisation of the housing conditions of the Roma community:

https://www.portaldahabitacao.pt/documents/20126/58203/caraterizacao_condicoes_habitacao.pdf/43b00c61-59e6-2adf-1d0a-959445ce1068?t=1549879128711

5) Carta Social 2020:

<https://www.cartasocial.pt/documents/10182/13834/csocial2020.pdf/54b90a92-0a88-4d78-b99a-c53b7061fd0e>

12. Please outline **any other areas** that you would like to bring to the attention of the Independent Expert in the context of the right to adequate housing of older persons. Please feel free to share any document, report, study, publication already available and that might be of interest to the mandate.

Speculation, associated with the tendency to regulate access to housing by the market, has contributed to a greater difficulty in guaranteeing the right to housing for populations in situations of greater vulnerability, including many older people. It is urgent that measures are taken to guarantee the right to quality housing for all people.

Furthermore, it is urgent that we rethink the way cities are designed and planned so that they are increasingly spaces that can be enjoyed by everyone, regardless of their age.

Thank you for sharing any relevant information about the older persons' right to housing.

Annex 1 - Answer from a Portuguese municipality (Vila Real) to our request for support in answering question 2.

“Exma. Sra. Presidente da Direção da APRe

Dra. Maria do Rosário Gama

No seguimento do V. pedido de colaboração, encarrega-me a Sra. Vereadora da Ação Social e Igualdade, Dra. Mara Minhava, de prestar as seguintes informações:

No plano local, a Câmara Municipal de Vila Real apresenta, especial preocupação, no que diz respeito ao assunto em apreço. Neste sentido, cumpre mencionar a **Estratégica Local de Habitação de Vila Real**, instrumento que define a estratégia de intervenção em matéria de política de habitação e que reuniu o consenso de todos os grupos parlamentares municipais, tendo sido, assim, aprovada por unanimidade.

A Estratégia Local de Habitação do Município de Vila Real, considera um diagnóstico global das carências habitacionais existentes e prevê um investimento de mais de 11 milhões de euros por forma a apoiar cerca de 330 agregados familiares, nos quais se incluem, as pessoas idosas.

Assim, prevê-se a reabilitação de habitações sociais (246 fogos), a aquisição e reabilitação de frações e prédios habitacionais (46 fogos), a aquisição e reabilitação de frações e prédios para destinar a habitação (10 fogos) e a aquisição de terrenos e construção de prédios ou empreendimentos habitacionais (9 fogos).

O investimento para as soluções que se enquadram no programa do **1º Direito** corresponde a cerca de 9 milhões de euros, abrangendo um total de 159 famílias.

Neste contexto, importa, ainda, considerar outras medidas em vigor, no âmbito do trabalho desenvolvido pela Divisão de Ação Social e Saúde do Município de Vila Real que procuram, direta ou indiretamente, dar resposta a esta necessidade social e que se encontram previstas no **Código Regulamentar do Município**, designadamente:

1. Acesso à Habitação Municipal - previsto na norma do artigo G-2/42º e seguintes do Capítulo VI do Código Regulamentar supramencionado.

Esta medida tem como finalidade responder de forma direta à necessidade de habitação social dos agregados familiares do Município, nos quais se incluem, as pessoas idosas.

2. Apoio ao Arrendamento - previsto na norma do artigo G - 2/57º e seguintes do Código Regulamentar do Município.

Esta medida visa suprir a falta de atribuição de uma habitação social aos agregados familiares que vivam em condições socialmente vulneráveis.

Assim, o Município de Vila Real apoia financeiramente agregados familiares que se encontrem em situação de carência habitacional, face à incapacidade económica de suportar a totalidade da renda devida no âmbito de um contrato de arrendamento.

No presente momento, o Município de Vila Real apoia mais de 100 agregados familiares nestas condições.

3. Fundo de Emergência Social - previsto na norma do artigo G - 2/71º e seguintes do Código Regulamentar do Município.

Esta medida permite apoiar de forma indireta o acesso a uma habitação digna.

O presente apoio destina-se a disponibilizar um apoio financeiro excecional e temporário a agregados familiares em situação de emergência social grave, designadamente no âmbito da habitação.

4. Apoio Sénior - previsto na norma do artigo G - 2/16º e seguintes do Código Regulamentar do Município.

Esta medida destina-se a apoiar os/as idosos/as, residentes no concelho de Vila Real, através da atribuição do Cartão Municipal Sénior que, entre vários benefícios prevê, concretamente, na alínea h do nº1 do artigo G - 2/21º do Código Regulamentar do Município, apoio (financeiro ou outro) na melhoria do alojamento sempre que estejam comprometidas as condições mínimas de habitabilidade e após a avaliação técnica realizada pelo Município.

5. Neste âmbito, cumpre mencionar a "**Oficina Domiciliária**" que se caracteriza por dispor de uma equipa de profissionais, cujas funções se prendem com realizar reparações em habitações das pessoas idosas do Município de Vila Real e, assim, melhorar as suas condições de habitabilidade.

Finalmente, gostaríamos de fazer menção ao **Projeto Bairros da Bila**, que resulta de uma candidatura por parte do Município de Vila Real ao Programa Operacional Regional do Norte - NORTE 2020, Eixo Prioritário 7 e que conta com participação do Fundo Social Europeu, no valor de 199.979,50 euros.

Acreditamos que este Projeto assume um papel de relevo no que respeita ao envolvimento e participação das pessoas idosas no desenvolvimento de planos de ação e de políticas públicas, na medida em que, o presente projeto tem como finalidade potenciar a inclusão ativa das comunidades residentes nos bairros sociais da cidade de Vila Real, através da dinamização de diversas atividades.

Estas atividades pressupõem uma relação de proximidade e de escuta ativa, designadamente, das pessoas idosas permitindo, assim, considerar as suas reais necessidades.

Em traços gerais, estas são as principais políticas locais existentes que garantem o direito à habitação adequada das pessoas idosas, no Município de Vila Real.

Encontramo-nos ao V. dispor para esclarecimentos adicionais que considerem pertinentes para a elaboração do relatório internacional sobre o Direito à Habitação das Pessoas Idosas.

Com os melhores cumprimentos,

Margarida Cascarejo

Chefe de Divisão de Ação Social e Saúde

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Resposta de março 2022

Annex 2– Letter received from the National Association of Portuguese Municipalities’ to answer the question 2

- Attached document – Annex 2

Annex 3 – PPT presented by APRe! in a public session about the 2012 redraft law (Law no. 31/2012 of 14 August) – in 2018.

- Attached document – Annex 3



A Lei das Rendas e os Contratos de Arrendamento

Posição da APRe!

(Abril de 2018)

Desde 2012, com a entrada em vigor da Lei nº3172012 de 14 de Agosto, o mercado do arrendamento sofreu uma alteração significativa resultante da **maior liberdade na estipulação de regras relativas à duração dos contratos de arrendamento e na criação de um procedimento especial de despejo do local arrendado por forma a permitir a célere recolocação daquele no mercado de arrendamento (in Artigo 1º da Lei nº 31/2012).**

O mercado de arrendamento foi dinamizado após um período longo de estagnação atendendo a que os proprietários puderam actualizar as rendas. No entanto, as novas regras suscitaram desde logo críticas e as alterações legislativas de 2014 e de 2017 não evitaram uma perturbação no mercado e muito menos a crise que se instalou em algumas zonas do país no arrendamento de casas de habitação e de lojas e espaços de cultura, nomeadamente em Lisboa e no Porto, mas que tende a atingir outras zonas.

Muitas das situações resultaram da complexidade da legislação, da dificuldade de interpretação da mesma das condições de vulnerabilidade e falta de esclarecimento dos inquilinos.

Duas realidades preocupantes são de salientar:

- A saída forçada de inquilinos e a precaridade dos novos contratos sendo de registar a actuação fria de proprietários institucionais, nomeadamente sociedades imobiliárias,

- O aumento especulativo das rendas resultante do crescimento muito significativo do turismo e da apetência por parte de estrangeiros, com grande poder de compra, na aquisição ou aluguer de imóveis.

Estas duas realidades atingem diversos estratos da população portuguesa: os que procuram casa para habitar e os que tendo já habitação há muito tempo são obrigados a procurar nova habitação. Os mais idosos e os mais vulneráveis têm sido vítimas deste processo doloroso que se tem agravado muito. Há pessoas a serem expulsas das casas onde vivem há muito tempo e onde investiram afectos e fizeram investimentos

Uma das missões da APRe! é a defesa dos seus associados, aposentados, reformados ou pensionistas, e, de um modo geral, dos idosos em situação difícil ou injusta. Muitos destes já são vítimas deste processo ou estão ameaçados de o serem. Nesta conformidade, a APRe! junta-se aos esforços dos que

dão voz e apoio à população em risco e que pugnam por uma alteração da legislação em vigor por forma a serem evitadas os efeitos mais negativos da aplicação da mesma.

A sessão de esclarecimento e debate realizada na Junta da Misericórdia (Lisboa), em 23 de Abril de 2018, teve por objectivo possibilitar o diagnóstico da situação e recolher propostas para fazer chegar ao poder político. É de salientar que, de acordo com a Presidente da referida Junta de Freguesia, o problema dos despejos é da maior relevância na freguesia. Com efeito, entre 2012 e fim de 2016, a freguesia da Misericórdia perdeu 2000 habitantes e desde Janeiro de 2017 até ao presente já perdeu mais 400 em resultado da lei do arrendamento.

- Concluiu-se que é urgente alterar a legislação em vigor para proteger melhor o direito constitucional à habitação, equilibrar os direitos e obrigações das partes, evitar os abusos especulativos nos valores das rendas e a precaridade nos contratos de habitação. Este é o momento oportuno de apresentar propostas e de discutir esta problemática atendendo à apresentação, nesta data, de uma proposta de Lei de Bases e de um conjunto de medidas por parte do Governo.

- O arrendamento deve ser considerado uma actividade económica que deve ter em conta a justiça e a coesão sociais e que deve ser regulada de modo adequado com supervisão das Autarquias. Este é um dos casos em que o mercado livre não pode proporcionar soluções justas e equilibradas.

- Devem ser consideradas medidas fiscais especiais que incidam de modo progressivo sobre os rendimentos provenientes dos arrendamentos, desincentivando a subida especulativa do valor das rendas e a precaridade dos contratos.

- Os aumentos das rendas devem ser graduais e obedecer a regras razoáveis de sustentabilidade e que não impliquem a expulsão automática de quem tem rendimentos baixos ou fixos. A prova dos rendimentos dos inquilinos deve ter em conta a situação efectiva em cada ano.

- A duração dos contratos deve proporcionar uma estabilidade no arrendamento e vida das famílias. Impõe-se a fixação de regras neste domínio, nomeadamente a fixação de um período mínimo, permitindo, contudo, excepções por acordo entre as partes.

- Há que garantir uma proteção eficaz aos inquilinos mais idosos (com idade superior a 65 anos), em particular os reformados, ou portadores de deficiência ou incapacidade significativa por forma a garantir uma segurança na habitação.

- Devem ser implementadas medidas que suspendam os processos de despejo em curso e evitem o início de novos processos até à entrada em vigor de nova legislação.

- Há que implementar medidas que evitem ou sancionem práticas de pressão abusivas por parte dos senhorios sobre inquilinos vulneráveis. O esclarecimento e o apoio judicial por parte das Juntas de Freguesia é fundamental.

- O Alojamento Local deve ser regulado pelas Autarquias, nomeadamente pelas Juntas de Freguesia, por forma a avaliar o impacto social em cada zona. Em algumas zonas de Lisboa (nas quatro freguesias da Baixa de Lisboa) o Alojamento Local deve ser controlado com urgência e ponderação. Nestas freguesias já parece estar próximo do limite socialmente suportável.

- O Alojamento Local deve ser considerado uma actividade comercial e não como habitação.

- O peso da habitação pública deve ser aumentado por forma a servir de moderadora face ao mercado. As medidas em curso por parte da CML são positivas mas insuficientes para enfrentar a dimensão do

problema. Neste sentido, o investimento em habitação pública deveria deixar de contar para endividamento das autarquias.

- Há que ter em conta a experiência internacional nesta matéria, em particular no que respeita as “melhores práticas” e a regulação relativas ao Alojamento Local e à pressão da procura por parte de residentes não permanentes estrangeiros com elevado poder de compra. A regulação deve prevenir o potencial crescimento da xenofobia e do populismo em reacção a um crescimento desordenado de um turismo que provoque a exclusão dos habitantes nacionais.

Lisboa, 28 de Abril de 2018

Sessão pública sobre a Lei das Rendas promovida pela APRe! com o apoio da Junta de Freguesia da Misericórdia (Lisboa)

Data: 23-04-2018

Local: Auditório da Junta de Freguesia da Misericórdia, Lisboa

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