

Affordable Housing is a Human Right

Article by Leilani Farha

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The pandemic has exposed how weak our housing systems are and how poorly they provide for the most marginalised communities. But the response from governments so far has been weak. Leilani Farha, former UN special rapporteur on the right to housing, explains the roots of the current housing crisis, the initiatives helping to alleviate it, and why housing needs to be recognised as a fundamental human right.

***Green European Journal:* The Covid-19 pandemic is now in its second year. How have the lockdowns, curfews, and economic challenges of this period affected the homeless population?**

Leilani Farha: On the one hand, some governments could see quite clearly that the World Health Organization's prescription to stay home, practice social distancing, and wash your hands was not going to be possible for a population living on the streets. Governments who understood that moved quickly, some of them – like the UK – took steps to ensure that people living in homelessness had access to some kind of shelter, such as in airports or hotels. Several cities took similar measures, including Los Angeles, Toronto, Vancouver, and Paris. Elsewhere, as in France for example, homeless people were penalised and harassed for being on the streets.

Housing homeless people in hotels was fine at the beginning of the pandemic when we all optimistically thought that it wouldn't last several years. But housing people in hotels in the long term is obviously not viable. Now, the leases of these hotels are expiring and people living in homelessness are being left to go back to shelters.

Another problem was that shelters themselves had to close or downsize because of distancing rules. Shelters are often packed with bunk beds so, in the context of the pandemic, many found that the safety concerns cut capacity to a third, leaving some homeless people with nowhere to go.

Did some governments take effective and sufficient measures?

Some governments did take interesting steps, but more around evictions and rental arrears. Several governments imposed a moratorium on evictions. Germany, for example, has a generous two-year period in which you can pay back your arrears. In Greece, people who could show that they couldn't pay their rent because of the pandemic or pandemic-related economic loss could apply for a subsidy.

But what I would have hoped to see was a more overarching recognition by governments that housing is fundamental to human life and health and that there is a housing crisis that the pandemic exposed. There should be calls for government responses to that, and

housing should be a greater part of the debate about Covid-19 recovery measures.

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Which demographics are most vulnerable to homelessness? Some statistics show, for example, that men are more likely to be homeless than women, or that people of colour are more likely to be homeless than white people.

I do not accept that women are less vulnerable than men, given that women have much higher poverty rates in most countries. Especially single mothers. Women's earning power is much lower than that of men in most societies, and when relationships break down, women are often at risk of living in poverty and homelessness. They do not show up in the homelessness statistics because women will do almost anything they can to avoid entering the public system unless they are leaving violence and go to an emergency shelter. Women generally try to go to friends and family first. But rest assured, everywhere I go, women are experiencing homelessness.

Of course, LGBTQ people are very susceptible to homelessness because of violence within the family home and they also experience discrimination in the housing market. Migrants and refugees are also vulnerable, as many governments refuse to care for these communities. Especially in North America, many people with disabilities end up on the streets.

It is estimated that worldwide 150 million people are homeless, and about 1.6 billion (more than 20 per cent of the world's population) lack adequate housing. What are the main factors behind this growth of homelessness worldwide?

Most governments would like to think that homelessness is somehow a result of drug addiction, laziness, psycho-social disability, or a general sense of criminality. But that is not the case. Homelessness is something that governments help to create. Ultimately, because governments do not treat housing as a human right and do not ensure adequate, affordable housing for everyone, we see homelessness.

If you look at the Global South, urbanisation for sure has had a hand in this trend. Cities are the engines of the economy. Up until the pandemic, people were driven to the city from rural areas to make a living and survive. In the cities of the Global South, wages are often low and, since governments do not look at housing as a human right, people often end up in informal settlements. Informal settlements are treated as illegal and the people living there are often evicted into homelessness.

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What about the Global North?

In the Global North, rents are escalating dramatically, especially since the global financial crisis of 2008. One reason among many for this is the financialisation of housing. Housing is increasingly treated as a financial instrument and a tool to accumulate capital and make profits. As a result of escalating rents, people find themselves living in poor, overcrowded accommodation and often risk eviction. What happens to people when a landlord wants to “renovate” and increase the rent? People often find themselves living in their cars, or with friends. In Europe, add to that the migrant and refugee situation. With migrant flows and not enough adequate housing, the result is an increase in homelessness.

If governments were to take seriously that housing is a human right, our housing systems might look entirely different. The decisions made by governments about whether or not to invite in foreign or even domestic investors, pension funds, and insurance companies to invest in housing, or whether to allow Airbnb and other short-term platforms to dominate the housing landscape, could lead to very different outcomes. The supply of social housing and tenant protections would look different, because we would know that tenants need to be protected from eviction so that they do not fall into homelessness.

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When did the financialisation of housing become a serious problem?

It is a relatively new phenomenon that was triggered as a result of the global financial crisis. This crisis should have been called the global housing crisis. Predatory lending allowed people to take out loans that they could not afford in order to buy homes. Thousands and thousands of loans became what we call “bad loans” because people just could not make their monthly payments. As a result, the banks started to lose their security and there was a real risk they would fall.

So, governments decided to save the banks and one of the main actors that helped them do it were private equity firms. Private equity firms are firms that take money from pension funds, insurance companies, and ultra-high net worth individuals and invest it. During the crisis, those private equity firms went in and bought the debt and they bought it cheap; they bought these loans for a fraction of the original value in the knowledge that people were going to need to rent, because so many had lost their homes. So they rushed in and purchased in one transaction tens of thousands of single family homes, and they turned those into rentals. It was a whole model of dealing with residential real estate.

Next, they turned their eye to multi-family dwellings. In the midst of this crisis, Spain and Ireland, for example, had a lot of cheap assets available in the form of homes: apartment buildings, multi units, social housing, and so on. Governments were scared and city governments needed to finance themselves, so they opened themselves to these actors.

When I talk about the financialisation of housing, I mean very specifically when housing is used as a place to park, grow, leverage, or hide capital. I am not talking about the family who buys a country home in the south of France. That may be some form of financialisation but it is not my main concern. The business model is to buy, renovate, and raise the rent. Since the global financial crisis, the amount of investor-owned housing in Europe has increased by 700 per cent. This is huge.

Platforms made it even more problematic because many landlords in touristic cities like Paris, Barcelona, Madrid, and Lisbon saw that renting their apartment on a nightly basis on Airbnb, booking.com, or VRBO made many times that what they would be making from long-term tenants.

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In Berlin, there was an effort late last year to create a ceiling for rents. In many cases, it cut rent for tenants by a quarter. But the measure was found unconstitutional and abolished. What do you think about rent caps?

I fully supported the rent cap that Berliners were fighting for, and I think it is really unfortunate that it fell at the constitutional court. It is a popular idea and many tenants are organising around rent caps. Podemos in Spain have proposed maximum rents and California has seen referendums on rent control.

In many countries, rents cannot legally be raised by more than a certain amount. In some jurisdictions in Canada, guidelines for rent increases are normally set at the rate of inflation. But the problem is that these actors know how to get around legislation.

In many jurisdictions, rent control does not protect empty units so landlords figure out how to get a unit empty and then increase the rent as much as they want. Coming back to the business model of financialisation, investors look for what they call “undervalued properties” to find a chance to squeeze more profit out of every square meter.

More than ever, I am seeing tenants arguing for rent caps and rent freezes. In Denmark, the Social Democrat housing minister drafted legislation for new ownership preventing any rent increases for five years, even if the new owner renovates. It has put a real brake on private equity moving in.

Have the approaches of governments towards homelessness changed in recent years?

There isn't a single global trend, but I would say that people living in homelessness are still

often treated as criminals, as encroachers, as trespassers. It manifests differently in different countries.

I can go to Nigeria, France, and California, and find people living in homelessness. In Nigeria, they are rounded up by the police and given a fine. In France, migrants and refugees who do not manage to get asylum are forced deeper underground, occupying abandoned buildings, or maybe living in a forest. In California, people living under a bridge are swept away by police and security forces with nowhere else to go. Hungary is the most obvious example in Europe where the authorities have taken an extremely hard law-and-order approach towards homeless people.

That being said, in some countries there is growing recognition that people living in homelessness need houses and social support. Finland, for example, has made a bold move towards zero homelessness by trying to figure out the structural causes of homelessness and recognising that people living in homelessness should be housed and should only be in shelters for a short period of time. Then if they need support for housing to be successful, the authorities provide it. The movement towards zero homelessness or the “housing first” approach has also gained prominence in North America. A small town in Canada called Medicine Hat has just declared what they call “functional zero homelessness”: they are not preventing the causes of homelessness, but they are dealing with people who are homeless very quickly.

In some parts of the Global South, people who are homeless will establish informal settlements and often governments turn a blind eye. This avoids criminalising these people, but often residents lack the services that they need to survive – like access to water and sanitation, or electricity. When people pitch a tent under a bridge or create an informal settlement or put up a wood structure in a park, it has to be understood as a human rights claim. That is a person saying “I have the right to housing. And if no one’s going to help me, I’m going to do it myself.” This changes the nature of how we understand homelessness and people occupying public spaces. Those people are trying to survive, which is a human right.

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How do you see the supply of social housing?

Traditionally, parts of Europe have had the highest rates of social housing, but part of this system is under threat. When I visited France as a UN Special Rapporteur, one of the recommendations I made was to revisit the 2018 act reforming housing. This policy incentivises the sale of parts of the country’s social housing stock. We saw this trend under Margaret Thatcher in the UK: social housing was sold to the people who were living in it. It was seen as a good thing for the people who went from being renters to owners, but it undermined the stock and supply of social housing. If you have such a policy, you have to

constantly build new units. But the neoliberal economic agenda that took hold across countries around the world from the 1980s and well into the 2000s did not promote new social housing. Some outliers like Vienna and Finland continue to invest in social housing and the pandemic has exposed how weak our housing systems are and how poorly they provide for the most marginalised communities. But it's too early to talk about a return to social housing.

You say that housing is not treated as a human right by governments. How can governments be forced to act on housing? What could progressive forces like the Greens do to make this happen?

Change normally comes from the ground. People living in homelessness and tenants need to start articulating their claims and their situations as a human rights situation. The global housing crisis is a human rights crisis and governments have already ratified international law that commits them to recognising and implementing housing as a human right. Political commitments like the Sustainable Development Goals state that by 2030 everyone should have access to adequate, affordable, and secure housing. Then, it is up to individuals and political parties to hold governments accountable.

The Greens are often operating in coalition or in opposition and can use that position to move forward the right to housing. They could push for legislation, at national or regional levels, that recognises the right to housing or breathes life into the constitutional recognition of the right to housing. They could also propose reforms to laws and policies that undermine the right to housing, and regulate the actors and sectors driving the financialisation of housing.



Leilani Farha is the Global Director of The Shift, an international movement to secure the right to housing. She previously served as an Executive Director of Canada Without Poverty and the United Nations special rapporteur on the right to housing (2014- 2020). In her tenure as Special Rapporteur, she has focused on economic inequality and an absence of effective political representation for the poor as causes of homelessness or inadequate accommodation.

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