



General Assembly

Distr.: General
15 August 2023

Original: English

Seventy-eighth session

Item 73 (b) of the provisional agenda*

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Balakrishnan Rajagopal, in accordance with Human Rights Council resolution [52/10](#).

* [A/78/150](#).

** The present report was submitted after the deadline so as to include the most recent information.



Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Balakrishnan Rajagopal

A place to live in dignity for all: make housing affordable

Summary

In the present report, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context addresses the global crisis of housing affordability, a concept that has long been recognized as a core element of the right to adequate housing under international law. With the present report, the Special Rapporteur aims to launch a clarion call to counteract and prevent the adverse repercussions of escalating housing unaffordability trends, exacerbated in recent years by intersecting economic, ecological, social and political crises. Elaborating on the meaning of housing affordability by tracing it to sources in international human rights law, the Special Rapporteur distinguishes between State obligations to respect, protect and fulfil housing affordability. The Special Rapporteur emphasizes that measuring housing affordability is pivotal for monitoring progress and devising responses to ensure accessible housing for all, and elaborates on options for indicators, highlighting the importance of involving communities, decision makers and professionals in indicator selection. Stressing the ripple effect of housing affordability for the enjoyment of other human rights, in particular for vulnerable groups, the Special Rapporteur discusses various policy responses to housing affordability, highlighting that there is no one-size-fits-all approach and that States need to determine what options are most suited to their unique circumstances. The Special Rapporteur concludes with recommendations grouped into three categories: strategies for averting affordability crises, strategies for safeguarding against human rights violations stemming from housing unaffordability, and strategies for addressing the repercussions of housing unaffordability.

I. Introduction

1. The aftermath of the coronavirus disease (COVID-19) pandemic, along with geopolitical tensions and war, rampant consumption, speculation, financialization and hunger for land, have triggered an economic downturn, escalated inflation, energy shortages, surging food prices and heightened job insecurity. These intersecting economic, ecological, social and political crises have had a profound impact on millions of individuals striving to meet their basic needs, including housing expenses. In addition, the challenges of housing destruction due to conflict,¹ economic development, climate-related events² and disasters have compounded the strain on housing affordability, pushing costs even higher. Indeed, the data on rising housing costs amid stagnating incomes indicate that this is a global crisis: house prices outpace incomes.³ In Tehran, for instance, it is estimated that it would take 158 years of income to be able to afford the median house price.⁴ Amid these circumstances, 1.6 billion people globally find themselves without proper housing and residing in inadequate conditions, lacking essential services such as water, sanitation and electricity. Alarming projections indicate that this housing crisis could affect as many as 3 billion people by 2030.⁵ Furthermore, housing costs continue to outpace income growth for low- and middle-income families in various countries.⁶ This situation prevents the most vulnerable communities and individuals from accessing equal opportunities, a fundamental requirement for just societies.⁷

2. **Promoting affordable housing as a human right and global commitment.** Affordability constitutes a critical aspect of the right to adequate housing, as recognized as early as 1991 by the Committee on Economic, Social and Cultural Rights in its general comment No. 4 (1991). In the 2030 Agenda for Sustainable Development, countries pledged to ensure universal access to safe and affordable housing and basic services by 2030 (target 11.1). The New Urban Agenda has also reaffirmed the vision of inclusive cities, emphasizing affordability, resilience and sustainability to enhance the well-being of all residents.⁸

3. **Unravelling the affordability crisis.** The underlying factors driving the affordability crisis are rooted in structural shifts spanning recent decades. The following developments have affected the availability of affordable housing: a misguided belief in market self-sufficiency without responsible State intervention, a notable decline in public housing provision by national and local governments, limited State capacities to address affordability concerns, diminished public support for enabling low- and middle-income families to secure suitable housing,⁹ inadequate legal safeguards for tenants, renters and mortgage holders facing excessive housing costs, rapid urbanization expedited by the climate crisis, increased ownership concentration among a few financial entities, escalated housing and land speculation, and the financialization of housing.¹⁰ Financialization has transformed housing from

¹ See A/77/190.

² See A/HRC/52/28.

³ International Monetary Fund, Global Housing Watch database, available at www.imf.org/external/research/housing/index.htm.

⁴ Samantha Dorger, “The cost and affordability of homes around the world”, The Street, 21 March 2023.

⁵ See <https://unhabitat.org/topic/housing>.

⁶ See Mariana Mazzucato and Leilani Farha, “The right to housing: a mission-oriented and human rights-based approach”, Working paper No. 2023/01 (Council on Urban Initiatives, 2023).

⁷ A/76/177, para. 1.

⁸ Annex to General Assembly resolution 71/256, annex, para. 11.

⁹ See E/CN.4/2005/48.

¹⁰ See A/HRC/34/51.

a fundamental social necessity into an investment tool, stripping it of its intrinsic function to provide secure and dignified living spaces.

4. **Urgent call to action.** The present report is intended to serve as a clarion call to counteract and prevent the adverse repercussions of escalating housing unaffordability trends. In the report, the Special Rapporteur underscores the responsibilities and obligations of various stakeholders, including national and local governments, public institutions, financial entities and private actors, to ensure housing affordability for all. Special attention is given to individuals and groups that are particularly susceptible to housing exclusion, excessive cost burdens and discriminatory practices. The report also highlights the dire consequences of housing unaffordability on the safeguarding and enjoyment of interconnected human rights. Throughout the report, the Special Rapporteur discusses actionable steps that States and other stakeholders can take to realize the goal of affordable housing for all.

5. **Report methodology.** To draft the present report, the Special Rapporteur prepared a questionnaire and solicited input, receiving over 50 responses.¹¹ The questionnaire was complemented by an expert consultation with civil society groups and academic experts.

II. Housing affordability and international human rights law

6. **Defining and ensuring housing affordability.** While recognizing affordability as a fundamental aspect of the right to adequate housing, the examination of housing affordability remains somewhat limited within United Nations human rights mechanisms and human rights literature, as well as in national laws and jurisprudence. Clear definitions, measurement methodologies, monitoring strategies and effective policies for ensuring housing affordability have not been extensively explored. General comment no. 4 (1991) of the Committee on Economic, Social and Cultural Rights articulates specific human rights obligations of States in relation to housing affordability (para. 8 (c)). These obligations encompass ensuring that housing costs do not jeopardize other essential needs, aligning housing-related expenses with income levels, establishing housing subsidies for those without affordable options, and safeguarding tenants from unreasonable rent hikes. In situations where natural materials are crucial for housing, States should ensure the availability of such materials.

7. **Affordability across rights.** Beyond housing, the Special Rapporteur emphasizes that States have a duty to ensure affordability (economic accessibility) concerning essentials such as food, health, education, water and sanitation for all. Affordability, a key component of the rights protected under the International Covenant on Economic, Social and Cultural Rights, cannot be assessed in isolation from other rights and necessities. The interconnectedness of rights implies that housing affordability needs to be evaluated alongside other fundamental needs, considering its role within the broader context of an adequate standard of living.

8. **Economic access for dignity.** Human rights norms enshrined in the International Covenant on Economic, Social and Cultural Rights, such as the right to favourable conditions of work (article 7) and the right to social security (article 9), seek to ensure sufficient financial resources for dignified living, including access to adequate housing. Article 7, which mandates decent remuneration, indirectly underscores the importance of enabling access to housing through adequate wages.

¹¹ The questionnaire and all inputs received are available at www.ohchr.org/en/calls-for-input/2023/call-inputs-place-live-dignity-all-make-housing-affordable.

9. **Social security and access to essentials.** The Committee on Economic, Social and Cultural Rights asserts that social security benefits must be sufficient in amount and duration to safeguard rights such as an adequate standard of living and access to health care.¹² This extends to economic accessibility for affordable housing, food, clothing and other essential goods and services. Adequate social security levels are instrumental in ensuring affordability across multiple aspects of life.

10. **Affordability and civil rights.** The ability to afford housing also impacts civil and political rights. For instance, access to justice is compromised without the means to secure legal representation. The right to life (article 6) and the right not to be subjected to arbitrary or unlawful interference with one's home (article 17) under the International Covenant on Civil and Political Rights are intrinsically linked to affordable and adequate housing. Economic barriers can expose individuals to the elements and other threats and jeopardize their physical survival, infringing on the right to life, as illustrated vividly during the COVID-19 pandemic.¹³ Inability to access adequate housing solely due to economic reasons may constitute a violation of the right to life, as the right to life goes beyond ensuring the mere physical survival of the person and encompasses the wider concept of a right to a life with dignity.¹⁴

11. **Protection from arbitrary interference.** Housing affordability is essential for protecting against arbitrary interference with the home, whether by the State or other actors. Economic exclusion can lead to homelessness, stripping individuals of their right to housing and, in turn, leaving them vulnerable to arbitrary intrusion into their living conditions.

12. **Holistic perspective on adequate housing.** Affordability must be considered alongside other components of the right to adequate housing, including quality, habitability, location and access to public services. Unlike typical commodities, housing is multifaceted and varies greatly. While the ability to construct basic shelters is a step towards adequate housing, housing quality, tenure security, insulation, access to services and proximity to livelihoods and essential facilities all determine the fulfilment of the right to adequate housing.

13. **Comprehensive affordability.** Housing affordability transcends mere financial capacity to purchase, rent or construct a home. Housing policies must address upfront costs such as deposits and down payments, and encompass the affordability of essential services such as water, sanitation and energy for heating and cooking. Utility costs, including water, must be economically accessible to ensure a dignified standard of living.¹⁵ As the Committee on Economic, Social and Cultural Rights has noted with respect to access to water, "the human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses."¹⁶

¹² Committee on Economic, Social and Cultural Rights, general comment No. 19 (2007), para. 22.

¹³ On the relationship of the right to life and the right to adequate housing, see [A/71/310](#). On COVID-19 and the right to adequate housing, see [A/75/148](#).

¹⁴ On the duty of States to take measures to ensure that everyone can enjoy a life with dignity, see Human Rights Committee, general comment No. 36 (2018), paras. 3 and 26.

¹⁵ Committee on Economic, Social and Cultural Rights, General comment No. 15 (2002), paras. 2 and 12 (c) (ii).

¹⁶ General comment No. 15 (2002), para. 2. For a comprehensive treatment concerning the affordability of water and sanitation in human rights law and State policies to address it, see [A/HRC/30/39](#).

14. **Dynamic nature of affordability.** Housing affordability must account for household changes, such as aging, disability¹⁷ and family size adjustments. Affordability remains vital as needs shift over a person's life cycle. Universal affordability cannot be deduced solely from average household statistics; it requires consideration of diverse household compositions, income levels and vulnerabilities.¹⁸

15. **Climate adaptation and evictions.** Housing policies and legislation must ensure that affordability is sustained amid new regulations and requirements, such as climate adaptation measures.¹⁹ States are obligated to provide accessible and affordable housing solutions during climate-induced evictions, safeguarding affected individuals' rights.

16. **Balanced approach to State responsibility.** While States need not offer free housing for all, they must address housing costs for those unable to afford suitable accommodation. Family members may be required by law to contribute to the housing costs of their children and dependants. In the event they are unable to support their dependants or fail to respect their maintenance obligations, the State must ensure that the housing costs of the affected dependants are covered. Neglecting to provide financial support when family members cannot fulfil their obligations violates the State's duty to ensure affordable housing.

17. **Beyond financial assistance.** States must offer financial aid and facilitate social housing options, ensuring that individuals can access housing even when they lack the means for upfront costs. Accessibility extends to self-constructed housing that meets adequacy standards and tenure security.

18. **Timely access to housing benefits.** Delayed access to public or social housing, housing benefits or basic social security can violate the right to affordable and adequate housing. Such delays hinder individuals' ability to secure suitable living conditions in a timely manner.

19. **Regional perspectives.** Regional human rights frameworks, such as the revised European Social Charter, elaborate on housing affordability. Such frameworks emphasize the need to take measures to make the price of housing accessible to those lacking resources²⁰ and the importance of maintaining housing affordability for low-income households. The European Committee of Social Rights has held that assessing affordability should go beyond measures of average housing affordability and consider the cost-to-income ratio for the poorest households.²¹ States parties must ensure that the waiting time for allocation of social housing is not excessive without remedies.²² The European Social Charter also underscores the need for comprehensive housing benefit systems, to protect low-income and disadvantaged households.²³ Access to benefits and social housing must be free from discrimination,

¹⁷ Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991), para. 8. See also obligations arising out of article 2 ("reasonable accommodation") and article 28 of the Convention on the Rights of Persons with Disabilities, and reports [A/72/128](#) and [A/77/239](#) on older persons and the right to adequate housing.

¹⁸ Martha A. Fineman, "Understanding vulnerability theory", Emory University law blog, 26 August 2019.

¹⁹ See [A/HRC/52/28](#).

²⁰ European Social Charter (revised) of the Council of Europe, 1996, art. 31 (3).

²¹ European Committee of Social Rights, *Fédération européenne des Associations nationales travaillant avec les Sans-abri (FEANTSA) v. Slovenia*, Complaint No. 53/2008, Decision on the Merits, 8 September 2009, para. 72.

²² See European Committee of Social Rights, *International Movement ATD Fourth World v. France*, Complaint No. 33/2006, Decision on the Merits, 5 December 2007, paras. 89–101 and 131.

²³ See European Committee of Social Rights, Conclusions 2003, Sweden; and European Committee of Social Rights, Conclusions 2019, Greece.

and essential services must not be interrupted.²⁴ The African Commission on Human and Peoples' Rights emphasizes that States must ensure affordable housing, expand housing programmes and protect tenants' tenure, and has outlined measures to address affordability, such as subsidies and rent controls.²⁵

20. **National legal recognition.** Almost 40 per cent of the world's constitutions refer to housing or housing rights, while many States also have legislation at the central or subnational levels that grant enforceable housing rights.²⁶ Despite this, there is a paucity of jurisprudence when it comes to what affordable housing might mean or entail under law. In this regard, the best examples of national jurisprudence stem from European States such as the Kingdom of the Netherlands, or post-Cold War constitutions in States such as South Africa. There are also some subnational examples, such as the prominent *Mount Laurel* case²⁷ in the United States of America, which has not been replicated since in the rest of the country. On the whole, there is a lack of adequate national legal recognition of affordable and adequate housing.

A. Housing affordability: respecting the right

21. **Threefold obligation.** The duty to ensure affordable housing is multifaceted: States are tasked with respecting, protecting and fulfilling the right to adequate housing. The obligation to respect entails refraining from direct or indirect interference with housing rights. This is particularly pertinent during evictions due to unpaid rents, mortgages or housing-related expenses. The primary focus is on preventing such evictions, especially when social security or housing benefits could resolve payment issues.²⁸ Evictions due to mortgage foreclosure or rent arrears should be a last resort, considered only after exploring alternatives such as emergency housing benefits, debt restructuring or relocation to affordable housing meeting adequacy standards.²⁹

22. **Post-eviction measures.** In cases where eviction is inevitable, the Committee on Economic, Social and Cultural Rights has decided that individuals should not be rendered homeless or vulnerable to other rights violations. States must take necessary measures, within available resources, to provide alternative housing, resettlement or access to productive land for those affected.³⁰ A landmark case, *López Albán et al. v. Spain*, emphasized that States must offer alternative housing, regardless of whether eviction stems from State or private entity actions.³¹ The alternative accommodations

²⁴ See European Committee of Social Rights, Conclusions 2019, Turkey; and European Committee of Social Rights, Conclusions 2003, France.

²⁵ See African Commission on Human and Peoples' Rights, *Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights*, 2010.

²⁶ Arturs Kucs, Zane Sedlova and Liene Pierhurovica, "The right to housing: international, European and national perspectives", *Cuadernos Constitucionales de la Cátedra Fadrique Furió Ceriol*, vols. 64/65 (2008), p. 118.

²⁷ Supreme Court of New Jersey, *Southern Burlington County NAACP v. Township of Mount Laurel*, Case No. 92 NJ 158 (1983). On the significance of the case, see Douglas S. Massey and others, *Climbing Mount Laurel: The Struggle for Affordable Housing and Social Mobility in an American Suburb* (Princeton, New Jersey, Princeton University Press, 2013).

²⁸ Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997), para. 13.

²⁹ Guidelines for the Implementation of the Right to Adequate Housing (A/HRC/43/43), para. 38 (c).

³⁰ Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997), para. 16.

³¹ E/C.12/66/D/37/2018, para. 9.3.

should ideally be in close proximity to the original residence, enabling the community to retain access to urban amenities and opportunities.³²

23. **Economic downturn considerations.** In times of economic decline and fiscal consolidation, States must shield the marginalized and disadvantaged.³³ Despite financial challenges, States must refrain from disproportionate cuts to housing subsidies or social security benefits that render housing and essentials unaffordable for low-income households. Selling public housing without providing affordable alternatives for those unable to afford market rates, or imposing taxes on social housing residents, renters or homeowners without assessing the social impacts, contradicts the duty to respect housing rights.³⁴ Similarly, utility service providers should avoid cutting off essential services for low-income households unable to cover their bills.

24. **Macroeconomic policy impacts.** States and central banks must carefully evaluate the effects of macroeconomic policies, including interest rate adjustments, on housing financing and construction costs. Abrupt interest rate hikes can disrupt housing construction, impede land and housing acquisition, trigger rent escalation, and ultimately lead to eviction due to unaffordability.

25. **Responsibility of international financial institutions.** International financial institutions should abstain from mandating or encouraging policies that diminish social security for vulnerable individuals, thereby obstructing access to adequate housing. Instead, they should prioritize efforts that promote housing affordability. Regrettably, the housing sector often receives insufficient attention in international lending and development financing. The reform of the international financial architecture should prioritize access to affordable housing.

B. Housing affordability: ensuring protection

26. **Protective measures.** The obligation to protect requires States to adopt measures curbing third parties from encroaching upon housing rights. Private individuals, businesses, housing market actors, real estate entities, developers, construction firms, banks and housing financing institutions must all be regulated in order to uphold affordable and adequate housing. The Guiding Principles on Business and Human Rights underscore the State's role in regulating business entities to respect human rights.

27. **Accessible housing for low-income individuals.** States must regulate, monitor and enforce provisions that guarantee accessible housing for individuals with minimal or no income. Legislation should empower renters to contest significantly above-average market rents, even after the signing of a rental agreement. Moreover, regulations around tenant screening must be reviewed to prevent discriminatory exclusion based on income instability.

28. **Regulations to curb speculation.** Housing and banking regulations must safeguard consumers and combat housing speculation. Zoning legislation can enforce affordable housing integration within development projects. States should restrict eviction by private homeowners and financial institutions and require tenants to be

³² Basic principles and guidelines on development-based evictions and displacement ([A/HRC/4/18](#), annex I), para. 60. See also Constitutional Court of South Africa, *City of Johannesburg Metropolitan Municipality v. Blue Moonlight Properties 39 (Pty) Ltd*, Case No. CCT 37/11 [2011] ZACC 33, Judgment, 1 December 2011, para. 104 (iv).

³³ [E/C.12/2007/1](#), para. 4.

³⁴ See Housing Europe, "The abolition of the tax for Dutch social housing landlords results in immediate commitments to better housing", 15 July 2022.

offered reasonable payment options before eviction. Consistency in eviction proceedings and training for decision makers to apply reasonableness and proportionality are vital. In addition, regulations are essential to ensure that utility companies cannot completely cut off water and electricity supplies when households are unable to pay their bills.³⁵

29. **Affordability monitoring and information dissemination.** Regular monitoring of housing affordability and its demographic impact is crucial. States should publish statistical information on housing affordability and promote transparency and accountability.

30. **Access to legal remedies and redress.** States, in particular those in which housing is purportedly legally or constitutionally protected, must ensure access to legal aid, advice and affordable representation for remediation and redress when housing rights are violated.³⁶ Legislation or regulatory frameworks aimed at rent control or eviction prevention are insufficient if tenants are unaware or lack avenues for seeking justice to safeguard their rights.³⁷

C. Housing affordability: the fulfilment obligation

31. **Progressive realization.** The obligation to fulfil the right to adequate housing requires legislative, administrative and budgetary measures to ensure that everyone has access to affordable and adequate housing. For least developed countries, addressing full housing affordability may require investments that are not immediately feasible, although the gains already made cannot be allowed to degrade under the principle of non-retrogression. The fulfilment obligation differentiates between immediate and progressively realizable aspects. The wealthier a country gets, the less excuse it has for failure to ensure affordable housing for all. Every State must immediately secure core essentials that protect against natural elements, fostering a life of safety and dignity. Addressing homelessness, particularly for those on the streets or in severely inadequate housing, is a priority.

32. **Maximizing available resources.** While States must immediately guarantee core housing elements, they must also take progressive measures within their available resources. Article 2 (1) of the International Covenant on Economic, Social and Cultural Rights underscores the obligation of each State to realize the right to adequate housing step-by-step, to the maximum of its available resources, while avoiding retrogressive measures that weaken existing protections of that right. It thus imposes an obligation to move as expeditiously and effectively as possible towards that goal and to avoid retrogressive measures.³⁸ The Special Rapporteur advocates robust intervention in housing and land markets, social housing creation, and tax policy adjustments to enhance affordability,³⁹ in particular in relation to women, persons experiencing homelessness, Indigenous Peoples, minorities, persons with disabilities, residents of informal settlements, and middle- and low-income households.

33. **Comprehensive measures.** Immediate measures, such as developing a rights-based national housing strategy⁴⁰ and enacting regulations for fair land, property and

³⁵ For a discussion on how service providers can ensure the affordability of water and sanitation services and prevent service cuts, see [A/HRC/30/39](#), paras. 62–70.

³⁶ See, for example, [A/HRC/7/16/Add.3](#).

³⁷ See European Court of Human Rights, *Savić v. Serbia*, Application Nos. 22080/09, 56465/13, 73656/14, 75791/14, 626/15, 629/15, 634/15 and 1906/15.

³⁸ Committee on Economic, Social and Cultural Rights, general comment No. 3 (1990), para. 9.

³⁹ See [A/HRC/16/42/Add.3](#), [A/HRC/4/18/Add.2](#) and [A/HRC/7/16/Add.2](#).

⁴⁰ See [A/HRC/37/53](#).

housing taxation, can be pursued even with limited resources. These steps contribute to resource mobilization for ensuring housing affordability.

34. **Inclusive participation.** States should involve all levels of government, civil society, minority groups, Indigenous Peoples, women, children, young people, older persons and persons with disabilities, alongside the private sector, in tackling housing affordability challenges.⁴¹ Inclusive participation tailors responses to diverse needs. For instance, male-dominated decision-making in town planning can lead to urban designs in which the proximity of essential services is disregarded.⁴² Inclusive participation ensures that housing strategies align with actual needs and quality policy implementation.

III. Measuring housing affordability

35. **Importance of measurement.** Accurate measurement of housing affordability is pivotal for monitoring progress and devising responses to ensure accessible housing for all. The United Nations Habitat Assembly resolution on adequate housing for all of June 2023 reiterates the significance of measurable goals, timelines and effective monitoring mechanisms (paras. 11 and 12). The resolution emphasizes the need to take into consideration different income groups and the socioeconomic and cultural integration of marginalized communities, homeless persons and those in vulnerable situations, as well as patterns of spatial segregation.

36. **Contextual indicators.** Housing affordability cannot be captured by a single universal measure.⁴³ Perfect indicators do not exist, and common indicators possess both benefits and limitations.

37. **Key indicators.** Common housing affordability indicators include housing price-to-income ratios, housing expenditure-to-income ratios, and residual income post-housing costs. Qualitative assessments, such as surveys gauging tenants' perception of housing affordability, are also valuable.⁴⁴

38. **Components of indicators.** Most housing affordability indicators include housing costs and household income. For instance, the housing price-to-income ratio signifies the annual median salaries needed to buy a median-priced home, while the housing expenditure-to-income ratio is the annual housing cost divided by annual household income. The housing cost overburden rate, an offshoot of the housing expenditure-to-income ratio, is the proportion of households spending over 30–50 per cent of their disposable income on housing. Without disaggregation based on income levels or other social characteristics, these ratios inadequately convey who has access to affordable housing. Similarly, these indicators do not address housing adequacy.

39. **Threshold of affordability.** Many countries deem housing affordable if individuals or households spend less than 30 per cent of disposable income on housing-related expenses or less than three annual household incomes for housing acquisition.⁴⁵

40. **Limitations of ratios.** Housing expenditure-to-income ratios cannot fully capture the specific vulnerabilities of households, especially those allocating under 30 per cent of disposable income for housing. They neglect above-average

⁴¹ See [A/HRC/10/7/Add.3](#).

⁴² See [A/HRC/40/61/Add.2](#).

⁴³ See Organisation for Economic Co-operation and Development (OECD), "HC.1.5. Overview of affordable housing indicators", 27 May 2021.

⁴⁴ *Ibid.*

⁴⁵ UN-Habitat, "The global housing affordability challenge: a more comprehensive understanding of the housing sector", Urban Data Digest, version 2, May 2019, pp. 4 and 6.

expenditure for non-housing essentials due to factors such as disability, age or health. In addition, they may overlook household composition-related costs and expenditure. For instance, a two-person household spending over 30 per cent on housing might face less poverty risk than a single-parent household with similar spending, underscoring the limitations of these ratios.

41. **Residual income approach.** The residual income approach to housing affordability, which is closely aligned with the right to an adequate standard of living, evaluates whether households have sufficient income post-housing costs for essential goods and services, ensuring dignity and societal participation.⁴⁶ Instead of ratios, this approach calculates the disparity between housing costs and household income, based on a comprehensive basket of goods and services essential for dignity.⁴⁷ It closely mirrors the definition of housing affordability developed by the European Committee of Social Rights.⁴⁸

42. **Consideration of complex needs.** The residual income approach may still overlook the unique needs of individuals with disabilities or health-related requirements, who might need additional goods and services to maintain dignity within the community.

43. **Alternative indicators.** Some countries, such as Canada, have tried to classify households according to whether they have a “core housing need” or not. In Canada, a household has a core housing need if it does not meet one of the thresholds used to measure housing adequacy, affordability or suitability. In essence, this measurement combines the measurement of housing affordability with housing adequacy and housing suitability. However, critics argue this overlooks homelessness.⁴⁹

44. **Multi-indicator approach.** Measuring housing affordability invariably requires the use of multiple indicators. The Special Rapporteur highlights the importance of involving communities, decision makers and professionals in indicator selection. Considering the “lived experience” of deprived communities is vital, emphasizing participatory monitoring to improve decision-making and ensure lasting change.⁵⁰

45. **Beyond affordability measurement.** It is crucial to distinguish between measuring affordability and assessing the realization of the right to adequate housing. Evaluating the right to adequate housing encompasses not only access to affordable housing, but also process indicators such as the capacity to challenge abusive housing costs through administrative or judicial routes.

46. **Principled data collection.** Measuring progress towards affordable housing requires comprehensive data collection. Data should align with key human rights principles: equality, high quality, participation, transparency, access to information and privacy.⁵¹ Data should be collected on programme beneficiaries, housing conditions and access to justice, and disaggregated by relevant characteristics, such as race, ethnicity, disability, age and gender, with established goals and timelines.⁵²

⁴⁶ See OECD, “HC.1.5. overview of affordable housing indicators”, 27 May 2021.

⁴⁷ See Michael E. Stone, “What is housing affordability? The case for the residual income approach”, *Housing Policy Debate*, vol. 17, No. 1 (2006).

⁴⁸ European Committee of Social Rights, *European Federation of National Organisations Working with the Homeless (FEANTSA) v. France*, Case No. 39/2006, Decision on Merits, 5 December 2007, para. 122.

⁴⁹ Submission received from the Federal Housing Advocate of Canada, April 2023.

⁵⁰ See www.nlb.ie/. See also the submission received from Participation and the Practice of Rights, April 2023.

⁵¹ See International Network for Economic, Social and Cultural Rights, *Collective Position: Data for Economic, Social and Cultural Rights* (2022).

⁵² [A/HRC/37/53](https://www.unhcr.org/refugees/article/2019/04/19-04-2019-a-hrc-37-53.html), paras. 91 and 93–94.

47. **Balancing statistics and human rights values.** Housing strategies should not rely solely on statistics and risk losing sight of the human rights values that underpin the goals of such strategies.

48. **Guidelines for measuring policy compliance.** Guidelines for measuring housing policies have been set forth in relevant case law and include reasonable time frame for action, measurable progress towards realizing the right to adequate housing, and evidence of financing consistent with available resources.⁵³

IV. Impact of housing unaffordability

49. **Diminished well-being.** Individuals and communities grappling with housing unaffordability, who are mostly persons belonging to marginalized and disadvantaged groups, often lack security of tenure and are compelled into subpar, informal dwellings lacking protection from health risks such as heat, cold or damp, or structural hazards.

A. Ripple effect of housing unaffordability on rights

50. **Impact of housing unaffordability on other aspects of the right to adequate housing.** The affordability of housing-related expenses reverberates across all facets of the right to adequate housing, as outlined by the Committee on Economic, Social and Cultural Rights in general comment No. 4 (1991). This includes legal security of tenure, availability of services, materials, facilities and infrastructure, habitability, accessibility and location.⁵⁴

51. **Tenure insecurity and forced evictions.** Individuals unable to afford housing expenses experience reduced security of tenure, increasing their vulnerability to forced evictions. This may result from overdue rent, mortgage payments or other housing costs, pushing such individuals to occupy housing without legally recognized tenure. Evictions disproportionately affect lower-income and vulnerable populations. Studies indicate that over half of tenants facing eviction spend over 50 per cent of their income on rent, rising to over 60 per cent for young people, and that more than 90 per cent of evictions are due to arrears.⁵⁵ Those facing eviction or even the threat of eviction suffer health risks, work instability and compromised education. The impact of housing instability on overall well-being should be addressed holistically.

52. **Access to essential services.** Inability to cover housing costs affects access to services, materials, facilities and infrastructure essential to various economic, social and cultural rights, such as water, sanitation, energy and transportation. Studies demonstrate that low-income students miss out on academic activities due to unaffordable transportation.

53. **Inadequate housing and access to basic services.** Impoverished individuals and households often inhabit substandard housing, including informal settlements, with limited or no access to basic services. Unaffordable housing drives people into uninhabitable, unregulated housing, contributing to overcrowding, insecurity and heightened vulnerability to natural disasters or environmental hazards. States should

⁵³ European Committee of Social Rights, *Autism Europe v. France*, Case No. 13/2000, Decision on Merits, 4 November 2003.

⁵⁴ Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991), para. 8.

⁵⁵ Sarah Zell and Scott McCullough, *Evictions and Eviction Prevention in Canada* (Winnipeg, Institute of Urban Studies, University of Winnipeg, 2020), pp. 11–12.

ensure sufficient public spending on affordable housing and promote policies for accessible housing among those living in poverty.⁵⁶

54. **Role of location in affordability.** Affordable housing often lies far from city centres, workplaces, health services and schools, resulting in higher transportation costs that hinder access to other human rights such as education. Economic and social inequalities lead to unequal housing outcomes and geographical disparities.⁵⁷

55. **Impact on other economic and social rights.** Housing unaffordability invariably undermines several interconnected human rights, including the rights to food, safe drinking water, sanitation, health, education, work, employment and family life, as discussed above.

B. Housing discrimination and spatial segregation⁵⁸

56. **Combating discrimination and spatial segregation.** When legislation denies population groups access to affordable housing, States must amend or repeal such laws to align with non-discrimination principles.⁵⁹ States must guarantee the exercise of rights under the International Covenant on Economic, Social and Cultural Rights without any discrimination. This is an immediate State obligation, not subject to progressive realization. When spatial segregation – in this case between those who cannot afford adequate housing and the rest of society – results in the erosion of equal enjoyment of human rights, whether due to State or private action or inaction, States must act to end such segregation and address the negative consequences for those affected.

57. **Private and public actors.** Discrimination in housing can stem from public or private actors, be formal or substantive, direct or indirect. Discrimination is usually on multiple intersecting grounds, such as income, social class or gender, racial, caste, ethnic or religious grounds, requiring nuanced holistic policy responses. States must address discrimination from both public and private spheres and conduct regular data collection and studies to understand its disproportionate impact on groups such as women, minorities, Indigenous Peoples and persons with disabilities.

58. **Addressing marginalization.** Housing unaffordability further marginalizes individuals and groups. Groups that were previously discriminated against require special attention.⁶⁰ For instance, individuals with disabilities from minority groups face more vulnerability, necessitating tailored programmes and measures to tackle inequalities. In the Russian Federation, for example, the definition of “family” excludes almost all lesbian, gay, bisexual and transgender persons from benefiting from housing affordability programmes.⁶¹ Stateless persons, or minorities with de facto stateless status in many countries, such as Roma, also face difficulties accessing affordable housing, which leads them to informal housing.⁶²

⁵⁶ A/HRC/21/39, para. 79.

⁵⁷ See Vicente Silva, “The potential impact of the right to housing to address vertical inequalities”, in *Human Rights and Economic Inequalities*, Gillian MacNaughton, Diane Frey and Catherine Porter, eds. (Cambridge University Press, 2021).

⁵⁸ For a comprehensive assessment, see A/76/408 and A/HRC/49/48.

⁵⁹ See A/HRC/22/46/Add.1.

⁶⁰ See, for example, E/C.12/CRI/CO/5 (Costa Rica), E/C.12/ETH/CO/1-3 (Ethiopia) and E/C.12/IND/CO/5 (India).

⁶¹ Submission received from the SPHERE Foundation and Coming Out, April 2023.

⁶² See Ben Gronowski, “The right to a nationality and the right to adequate housing: an analysis of the intersection of two largely ‘invisible’ human rights violations”, *Statelessness and Citizenship Review*, vol. 1, No. 2 (2019).

59. **Equitable housing access for all, including migrants.** States must ensure that everyone enjoys the right to adequate housing without discrimination, including migrants. States that penalize housing providers for renting out housing to migrant workers with irregular status make it more likely that the affected persons will live in substandard conditions.⁶³ Programmes addressing housing unaffordability for marginalized groups should be implemented when needed, and equitable access to adequate housing resources granted to disadvantaged groups without discrimination.

C. Challenges in public life due to unaffordability

60. **Barriers to participation.** The right to partake in public affairs, vote and seek office is established in human rights law.⁶⁴ However, voting can be challenging for low-income individuals as they are often in precarious employment, making it difficult for them to find time to vote. In addition, remote housing locations and limited transportation options hinder their ability to reach polling places, affecting their political participation.⁶⁵

61. **Role of participation in addressing affordability.** Participation is pivotal in addressing housing affordability. Ensuring that individuals grappling with unaffordable housing can participate in public life is essential. The insights of those with lived experiences can inform policymakers and enhance responses to the housing affordability issue. Attention should be given to historically excluded groups and they should be offered reasonable accommodation to ensure equal participation.

D. Stigmatization of housing unaffordability

62. **Link to stigma.** Access to affordable housing can be associated with stigma and biases against low-income households and individuals. Despite housing unaffordability stemming from various structural factors, there persists a misconception that inability to afford decent housing signifies personal failure. This misbelief breeds stigma and prejudice against millions worldwide.

63. **Mutual aid and criminalization.** Low-income communities resort to mutual aid mechanisms to counter rising living costs. However, accessing necessities such as electricity, preventing evictions, or obtaining water in informal settlements can lead to criminalization. Criminalizing solidarity activities should cease. Collective solidarity measures to obtain and construct housing by those who will be dwelling in and managing such housing have included obtaining access to land, self-built housing, community land trusts, and access to water, sanitation and electricity. Such measures should be tolerated and encouraged by States. Measures to ensure safe water, sanitation and electricity access and to prohibit evictions due to arrears should be implemented. Interventions to ensure adequate access to water and sanitation also have a positive impact on housing.⁶⁶

⁶³ International Labour Organization, *Home Truths: Access to Adequate Housing for Migrant Workers in the ASEAN Region* (Geneva, 2022), p. 14. See also United Nations, “Peru: renting housing to migrants should not be penalized, say UN experts”, 22 May 2023.

⁶⁴ Human Rights Committee, general comment No. 25 (1996), para. 1.

⁶⁵ [A/72/502](#), paras. 26–29.

⁶⁶ See submissions received from Habitat International Coalition and Housing and Land Rights Network after the expert meeting held on 12 July 2023.

V. Enabling affordable housing

64. **No definitive formula.** Human rights law does not provide a definitive formula for States to ensure affordable housing for all; a one-size-fits-all approach to policy responses in this matter does not exist. Whether achieved through private actor regulation, public housing provision, incentives for private housing providers to deliver affordability, land acquisition subsidies, assistance with building materials, housing expenses, mortgages and energy costs, universal social security benefits, rent controls or freezes, or a combination of these measures, States should select the options most suited to their unique circumstances.

65. **Intergovernmental cooperation.** During the design and implementation of such measures, it is crucial to establish coordination and cooperation between various levels of government. It is crucial, for federal States in particular, to avoid the division of powers becoming a barrier or an excuse for avoiding tackling housing issues, with lack of clarity about the authority of different levels of government, or different government levels blocking or shifting the responsibility to one another.⁶⁷ For instance, the Federal Constitutional Court of Germany struck down the Berlin Rent Cap Act, which included a rent freeze for five years for most housing in Berlin. The Court ruled that, under the German Constitution, only the Federal Government of Germany had the competency to tighten federal laws relating to rent caps, not the *Land* Berlin and its own parliament.⁶⁸ In Boston, the Jim Brooks Community Stabilization Act, a law passed by the City Council to provide more rights to renters, was blocked by the Massachusetts State House.⁶⁹

66. **Non-discrimination.** Housing and social policies must maintain a non-discriminatory approach, prioritizing the most marginalized groups, and must be tailored to ensure the overarching goal of affordable housing for all. States also have a duty to allocate the maximum available resources to realize the right to housing and other economic and social rights through appropriate budget allocation, taxation and, if necessary, international cooperation, as articulated in article 2 (1) of the International Covenant on Economic, Social and Cultural Rights and elaborated in general comment No. 3 (1990) of the Committee on Economic, Social and Cultural Rights.

67. **Importance of State intervention.** States should contemplate diverse approaches to determine the most effective and efficient combination of policies, measures and benefits within their national context. As previously outlined, State interventions are necessary not only to facilitate affordable housing access by regulating third parties and business actors in the housing market, but also to potentially require State investment in housing, housing subsidies, housing-related public services, land acquisition, effective land management, social services and social protection. States are obligated to take all essential steps to ensure affordable housing for all, as mandated by their international human rights obligations.

68. In general, interventions in housing markets can be classified as supply-side or demand-side measures. Complete non-intervention or withdrawing the State from

⁶⁷ See submission received from the Canadian Centre for Housing Rights after the expert meeting held on 12 July 2023.

⁶⁸ See Federal Constitutional Court, Order of 25 March 2021 (2 BvF 1/20). English press release available at: www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2021/bvg21-028.html;jsessionid=9D67C235D7F81E4EE95CD5A93E6C9D1C.internet991.

⁶⁹ See Meghna Chakrabarti and Jamie Bologna, “How Boston’s big attempt at rental law reform failed”, WBUR, 16 May 2018. The struggle to ensure rent control has continued in Boston under Mayor Wu.

housing policies, such as drastically reducing the direct or indirect provision of public and social housing, could yield adverse outcomes.

69. For instance, the introduction of more efficient and cost-effective subsidies in the United Kingdom of Great Britain and Northern Ireland in the 1980s, along with the subsequent adoption of the 1980 Housing Act, posed significant challenges to the enjoyment of the right to adequate and affordable housing for all. The “right to buy” policy granted all tenants in public council housing who had rented for three or more years the option to purchase their homes.⁷⁰ However, this measure resulted in a reduction in the available public council housing stock, curtailing the State’s future housing market intervention opportunities and capacity to address housing affordability, altering fundamentally perceptions of State obligations regarding housing. This privatization also exacerbated social polarization, reduced construction and maintenance subsidies by 43 per cent, led to increased homelessness⁷¹ and tripled council housing rents across the country.⁷² According to the Government’s own data, over the past 25 years, housing affordability has worsened in every local authority, in particular in London and surrounding areas.⁷³

70. In a similar vein, the extensive privatization of previously State-owned housing stock in post-socialist Eastern European countries precipitated a sharp decline in publicly owned housing units, ultimately restricting the State’s ability to intervene in the housing market. The pronounced shift to homeownership as the prevailing housing provision model resulted in the State retreating from one of its core welfare functions.

71. It is worth noting that the concept of “welfarization”, characterizing social housing as a minimal, highly residual sector catering exclusively to the extremely impoverished and those with additional social vulnerabilities as a short-term “ambulance” service,⁷⁴ is not a policy that evolved naturally. The welfarization concept aligned with the World Bank’s perspective that a reform of government policies, institutions and regulations was necessary to enhance housing market efficiency and shift away from limited, project-based support from public agencies involved in housing production and financing.⁷⁵ The World Bank’s policy recommendations influenced Governments’ responses to housing and contributed to the financialization of housing in many countries, leading to a dramatic rise in individuals and families lacking access to affordable and adequate housing.

72. **Putting the market in its place.** Evidently, a shift from an entirely market-oriented approach to housing is imperative, in favour of an approach where both the State and private actors collaborate to ensure housing affordability for all. Governments should devise tailored policy responses, encompassing various interventions in housing markets, such as housing and social subsidies, energy poverty mitigation, homeownership programmes, housing savings schemes, favourable housing credit programmes, public, social, community and cooperative housing initiatives, rent control measures, enhanced tenant protection, eviction prevention, sustainability-focused building practices, maintenance and modernization of housing, reduction of vacant housing, improved accessibility of land and materials, decarbonizing electric grids and housing, anticipatory public policy interventions to ensure affordability while mandating net zero construction policies, conversion of

⁷⁰ John Boughton, *Municipal Dreams: The Rise and Fall of Council Housing* (Verso, 2018), p. 170.

⁷¹ *Ibid.*, p. 169.

⁷² *Ibid.*, p. 175.

⁷³ United Kingdom of Great Britain and Northern Ireland, Office for National Statistics, “Housing affordability in England and Wales: 2022”, Statistical Bulletin, 22 March 2023.

⁷⁴ Suzanne Fitzpatrick and Beth Watts, “Competing visions: security of tenure and the welfarization of English social housing”, *Housing Studies*, vol. 32, No. 8 (2017), pp. 3 and 20.

⁷⁵ See World Bank, *Housing Enabling Markets to Work* (Washington, D.C., 1993).

vacant buildings into housing units, informal settlement upgrades, land and service projects, support for social housing production, tax policies and incentives, adoption of national housing plans, and establishment of local and national affordable housing platforms. This list is non-exhaustive and hinges on the specific circumstances of each country.

73. Within the framework of labour and social policy, States must enact measures to ensure that wages and social security benefits are set at levels that guarantee an adequate standard of living, encompassing access to adequate housing, as stipulated in articles 7 and 9 of the International Covenant on Economic, Social and Cultural Rights.

74. **Implementation challenges.** As certain measures aimed at ensuring housing affordability require substantial resources, it is crucial for States to prioritize actions that specifically target the most vulnerable segments of the population, which presents its own set of challenges. For instance, States might face difficulties in informing and reaching these vulnerable groups; there might be a lack of trust in public institutions; housing policy implementing agencies might be resistant to involving vulnerable populations in their programmes; and procedures for accessing public housing or housing benefits might be excessively bureaucratic or costly. In addition, issues related to the non-utilization of rights are significant, in particular when individuals are unaware of their eligibility for certain benefits or when receiving subsidies is linked to stigma and prejudice against beneficiaries.⁷⁶

75. Often, public housing, rental allowances and other State-funded benefits designed to facilitate affordable housing are not free from discrimination or exclusion based on nationality, residency or other statuses, or they might be reserved for households meeting specific legal criteria. This frequently results in a situation where the majority of the most vulnerable are excluded from these benefits, pushing them into the informal housing market. Consequently, the Special Rapporteur strongly advocates for policies that allow active participation of all population groups, offering flexibility and a design tailored to diverse groups and their unique circumstances.

76. **Social and public housing provision.** Referred to as “affordable housing” in some countries, social and public housing is a prevalent approach to ensuring housing is affordable and accessible to all. Singapore is often seen as a major positive example: there are more than 1 million units spread across 24 towns and 3 estates, housing over 80 per cent of the resident population of Singapore, of which about 90 per cent own their home.⁷⁷ Although models differ from country to country, these programmes typically aim to offer suitable housing to eligible tenants at rates below market prices. If effectively executed, social housing can be a successful strategy for increasing access to affordable housing for low-income households. It can also create opportunities for reducing spatial segregation, ensure dignified living and generate employment prospects in the construction sector. States should also ensure that waiting periods for accessing social and public housing are reasonable.⁷⁸ Public housing programmes often face challenges, such as subpar construction, the use of low-quality materials, or inadequate maintenance. To cut costs, public housing is frequently situated in less desirable locations or constructed as large housing complexes that hinder social integration or reinforce the concentration and segregation of low-income households in specific areas. These issues can be mitigated or addressed through inclusive urban zoning and planning, large-scale public ownership or management of land and housing, professional management of public

⁷⁶ For more information about the non-take-up of rights, see [A/HRC/50/38](#).

⁷⁷ See www.hdb.gov.sg/about-us/our-role/public-housing-a-singapore-icon.

⁷⁸ European Committee of Social Rights, *International Movement ATD Fourth World v. France*, Complaint No. 33/2006, Decision on the Merits, 5 December 2007, para. 131.

housing inventory, and models that promote tenant involvement in housing management. In addition, consideration should be given to ensuring that social housing is not solely designed for the most vulnerable in society, but also caters to tenants with median incomes. It might be prudent to position the provision of social or public housing as one element within a spectrum of measures by local, regional or national governments to enhance living conditions for low- and middle-income households.

77. **Cooperative housing.** In certain countries, cooperative housing contributes significantly to affordable housing provision. Cooperative housing typically involves a tenant association providing an initial financial deposit to the housing cooperative as seed capital, which is then used to build, expand or acquire housing. Coupled with preferential State financing or tax incentives for managing the housing stock, housing cooperatives usually rent out housing to members at rates below the market average. Members participate actively in the management and oversight of cooperative-owned housing, enjoying secure tenure rights within the cooperative until they choose to leave. Rent may vary based on household income but is usually lower than private sector market rates. The Special Rapporteur encourages States to enact national laws that offer adequate legal protection and incentives for the formation of cooperative housing associations, along with long-term financial instruments for cooperative housing programmes. While cooperative housing has shown promise in ensuring affordability, it may not cater effectively to highly marginalized households, such as individuals experiencing or at risk of homelessness, who often face significant barriers to becoming cooperative housing association members, including difficulties affording the required membership deposit. Care must also be taken to ensure that spatial segregation does not proliferate under the garb of cooperative housing.

78. **Social and housing subsidies.** Social and housing subsidies have been widely adopted in numerous countries to address housing affordability. While such programmes might not tackle the root causes of housing affordability, they are favoured by different States and manifest in various forms, ranging from subsidies targeting specific population groups to broader housing subsidy programmes that are larger in scale but less targeted. The crucial aspect of these programmes is that subsidies should be legally mandated (at the national, regional or local level), predictable, effective, substantial, transparent, and accessible without any form of discrimination. States should also ensure that programme beneficiaries can access more than one initiative simultaneously. Additional efforts may be required to enable entitled individuals to avail themselves of these benefits, while also instituting measures to prevent corruption in accessing housing or other social benefits. In order to monitor programme implementation progress, States should collect disaggregated data. Common drawbacks of such programmes include limited accessibility, as individuals from the most vulnerable population groups might be disqualified due to lack of personal documentation, housing-related legal entitlements, illiteracy, or lack of information about these initiatives.

79. **Rental interventions.** Many Governments also extend rent assistance to tenants of private landlords, guaranteeing that they can afford their rent. Rent assistance programme designs vary significantly in eligibility criteria, distribution methods, generosity and scope. While many rent assistance programmes have notably enhanced affordability and access to adequate housing for low-income households, they may inadvertently lead to higher rents in the private rental market. A substantial portion of rent assistance may ultimately benefit corporate and private landlords, who take advantage of the rent assistance provided and thereby limit its redistributive impact. This underscores the importance of coupling such programmes with rent ceilings and

rent containment measures.⁷⁹ States should also ensure that rent assistance does not result in discrimination and that beneficiaries enjoy access on an equal footing with other applicants for rental housing.

80. Rent containment measures are widely used in many countries to address housing affordability. Nonetheless, these measures are often met with the misconception that “States should not interfere in the private market”. Rent containment measures are a divisive issue for housing policy developers,⁸⁰ who fear negative impacts on the supply side of the housing market.

81. **Rent regulation policy.** Six foundational principles should underpin any effective rent regulation policy: maintenance of a landlord and rents database with open-access records of all landlords, their properties and associated rents; implementation of property-linked rent control to govern rents between and within tenancies; establishment of a desired rent level, to which individual privately rented properties will have their rents reduced within a specified period; reliance on a private rent index to govern annual rent changes in privately rented properties once the desired rent level has been reached; establishment of an independent administrative body responsible for designing the rent control system and data collection, management and enforcement; and establishment of enforcement mechanisms that place responsibility on landlords and the State, rather than tenants.⁸¹

82. Regulation or the withdrawal of State incentives from financial entities that fuel speculation with rental housing, such as short-term rental platforms or transnational investment funds, along with specific regulations for large-scale landlords and rental companies, has proven important in addressing housing unaffordability in certain countries.⁸² Concurrently, support for organizations advocating for tenants’ rights, such as tenant unions, is another critical element in addressing affordability challenges within the rental market.⁸³ Indeed, there is an emerging need for a global declaration on renters’ rights, including those of tenant rights organizations.

83. As demonstrated, the introduction of rent containment measures should be accompanied by robust administrative and oversight institutions and the regularization of rent agreements in the private market. However, these measures may not address situations where households reach informal rent agreements with their landlords, potentially leaving the most vulnerable population groups without necessary support.

84. **Energy poverty and climate-neutral housing.** High utility costs can impose a significant financial burden on low-income individuals and households. Energy poverty and the inability to maintain comfortable indoor temperatures affect housing affordability and habitability, both core elements of the right to adequate housing. The global energy crisis has led to a substantial rise in utility charges for electricity and heating, creating a “heat or eat” predicament for many. Energy inefficiency, which contributes significantly to the climate crisis, further compounds the issue. States must therefore intensify efforts to enhance the energy efficiency of buildings, a strategy that not only has environmental benefits, but also contributes to housing affordability. Energy efficiency policies should be designed with care not to place undue financial burdens on low-income tenants and homeowners.

⁷⁹ See Economic Commission for Europe, *#Housing2030: Effective policies for affordable housing in the UNECE region* (2021).

⁸⁰ *Ibid.*, p. 66.

⁸¹ *Ibid.*, pp. 66 and 67.

⁸² Recommendations made by Habitat International Coalition and Housing and Land Rights Network, following the expert meeting held on 12 July 2023.

⁸³ *Ibid.*

85. Programmes addressing energy poverty and climate-neutral housing take various forms. They might involve subsidies for low-income families, funded by local or national governments, as seen in Poland, or direct funds allocated to real estate developers to construct new energy-efficient buildings, as in Morocco. Regardless of the approach, such programmes should incorporate the perspectives of the most vulnerable populations and ensure they are not left behind during implementation.

86. **Homeownership programmes, home savings schemes and preferential housing credit schemes.** Homeownership programmes and preferential housing credit schemes are commonly employed policy interventions in numerous countries. However, these initiatives often remain financially inaccessible to the most vulnerable population groups, as they frequently necessitate evidence of regular work-related income. The most common form involves mortgage subsidies that enable banks and financial institutions to approve mortgages, but such programmes exclude individuals who are unlikely to ever afford property ownership. Consequently, these initiatives should not be the sole housing market intervention to ensure affordability.

87. **Maintenance and modernization.** States should ensure, through adequate regulations, that costs for housing maintenance and modernization are not exploited as tools for unjustifiably increasing rents and other housing-related costs at the expense of tenants living in rented accommodation, including public or social housing. Modernization and maintenance upgrades to housing should not lead to sharp rent increases or serve as mechanisms for profit-driven house flipping.

88. **Repurposing.** Turning vacant buildings into housing units can serve as an effective policy tool for addressing shortages of public and social housing in many countries. While this measure can provide housing opportunities for families and individuals otherwise unable to access the market, its implementation must be conscientious and adhere to the requisites of adequate housing. In some countries, the feasibility of such programmes is under examination by land commissions. Their implementation can bolster public and social housing stocks, mitigating the adverse effects of privatization and counteracting reductions in public housing programmes.

89. **Upgrading of informal settlements.** Programmes for the participatory upgrading of informal settlements are an important avenue for ensuring housing affordability and housing rights in many countries. The Community Mortgage Programme in the Philippines and the Participatory Slum Upgrading Programme in Indonesia⁸⁴ demonstrate the potential of such measures to improve the living conditions of residents in informal settlements. The Community Mortgage Programme is a Government scheme that provides financing to low-income families for the acquisition of land and the construction or improvement of their homes. The Programme provides technical assistance to communities to support the development of their housing projects. The Participatory Slum Upgrading Programme is a joint initiative of the Government of Indonesia, UN-Habitat and the European Commission, aimed at improving the living conditions of residents in informal settlements in urban areas. The Programme has resulted in the upgrade of several informal settlements across the country, with access to basic services, infrastructure and housing improvements.

90. **Regulating financial actors for housing affordability.** The financialization of housing has resulted in increased housing costs, forced evictions, land-grabbing, gentrification and segregation of low- and middle-income households, all of which has also had a significant effect on access to other economic, social and cultural

⁸⁴ In general, the term “slum upgrading” belongs to the past and must be replaced with terminology that is more consistent with human rights, such as “community or integrated neighbourhood improvement” or “upgrading of informal settlements”.

rights. Declining affordability, the credit crunch of 2007, the 2008 global financial crisis and the widespread housing booms that preceded them are all closely related to financial deregulation and loose credit controls.⁸⁵ Financial actors and transnational financial flows must be regulated and taxed for public benefit, with revenue put towards ensuring affordable housing, among other things.

91. **Taxation and tax incentive programmes.** Taxation is a key measure that Governments have at their disposal to encourage or discourage certain types of housing investments, and to control the market in a way that housing is made more affordable and accessible for those in need. Taxes are also a main source of State revenue, which can be used for public investments in different services. Taxes may apply to the purchase and exchange of housing and land, the construction and maintenance of dwellings, and income derived from their sale or rent. However, tax incentives for private developers and financial corporations to build new homes in many countries show that merely relying on such incentives has its shortcomings and that tax policies should be changed to address the challenge of housing financialization, which has negative effects on housing affordability.

92. **Land banks and making access to land more affordable.** Given that in urban areas the cost of land can account for up to 70 per cent of overall housing costs, while construction costs may account for only 30 per cent of costs, one of the most fundamental barriers to ensuring that public and private housing providers can offer affordable housing is the cost of land. Accordingly, housing policies to ensure access to affordable housing for all in many countries cannot be implemented without dealing with the issue of land and ensuring that land is made available for the building of affordable housing. In this context, many Governments have resorted to public land banking – which includes acquiring, reassembling, preparing and releasing land for house building – in order to secure the desired level of new housing supply and mix of housing types, tenures and prices. Land banking is mostly conducted at the local level or by specialist agencies. It is imperative that public land banking has distinct public interest objectives: it must aim to ensure that housing can be delivered in the required numbers, location, tenure mix and cost, and that the required infrastructure and services are also provided.⁸⁶ In particular, cities that have been active for many years in systematically acquiring and managing land for future housing construction have been able to ensure that they can offer housing opportunities to many of their residents at reasonable cost, despite significantly increased demand for housing. Largely successful examples include the *Wohnfonds* of the city of Vienna, the land and housing policies of the city of Ulm in Germany, and Singapore, as mentioned above. A cautionary note: as these examples show, public ownership or public land banking will only work in States which are non-predatory, have a culture of probity in their public sector, and are accountable to their peoples. Large-scale State ownership of land can otherwise be a recipe for corrupt oligopolies.

VI. Conclusions and recommendations

93. **The world is grappling with a mounting crisis of housing unaffordability, affecting both vulnerable and middle-income populations. Amid a complex interplay of factors, it is crucial for States, intergovernmental organizations and institutions to dedicate more concerted efforts toward addressing the fundamental causes of housing unaffordability. The present report serves as a pivotal push for future dialogue on achieving affordable housing for all. The first**

⁸⁵ See Economic Commission for Europe, *#Housing2030: Effective Policies for Affordable Housing in the UNECE Region* (2021).

⁸⁶ *Ibid.*, p. 104.

step in that direction involves acknowledging housing affordability as a central tenet of the right to adequate housing and recognizing that right as fundamental to every individual.

94. In the present report, the Special Rapporteur provides a range of recommendations and shares diverse experiences from different countries on effective and ineffective approaches to housing affordability. States should interpret the report as an urgent call to action and cultivate participatory and rights-based policies and programmes to tackle housing affordability. To support efforts to ensure accessible housing for all, the Special Rapporteur offers the following recommendations, which are grouped into three categories: strategies for averting affordability crises; strategies for safeguarding against human rights violations stemming from housing unaffordability; and strategies for addressing the repercussions of housing unaffordability.

A. Prevention strategies

95. States should enshrine the affordability of housing as an element of the right to adequate housing within their national laws or constitutions. This recognition should encompass adequate resources to access essential housing-related services, including water, sanitation and energy.

96. States should invest resources in developing alternative models for affordable housing, transcending the sole paradigm of homeownership, including community land trusts and cooperative housing.

97. States should enact legislation to shield tenants from evictions due to non-payment of rent. Evictions should be a last resort, adhering to principles of reasonableness and proportionality. Laws and policies should be introduced to prevent homelessness.

98. States should implement legal and other interventions to ensure third parties uphold the right to affordable and adequate housing. This encompasses private individuals, financial institutions and business actors in the housing market.

99. States should clarify and empower local and subnational governments to act to ensure affordable housing, including through the protection of renters, land-use policies and taxation measures.

100. States should enhance the capabilities of various bodies responsible for housing delivery to consistently incorporate a housing affordability perspective into their work.

101. States must counter the reduction of public and social housing stocks designed for vulnerable individuals and households. Measures should include improved maintenance, anti-corruption initiatives and halting public housing privatization.

102. States should routinely monitor housing affordability and collect disaggregated data that account for gender, race, Indigenous identity, ability and other factors. Collaboration with communities, decision makers and professionals is vital in devising indicators for measuring housing affordability.

103. States should contemplate drafting and adopting a declaration on renters' rights that reinforces housing affordability principles in international human rights law.

B. Protection strategies

104. States should ensure that their national housing strategies adhere to the principles of the right to adequate housing and consistently account for housing affordability. Policies should prioritize non-discrimination and cater to historically excluded and marginalized groups.

105. States should guarantee the participation of all demographic groups in discussions around their national housing strategy and programmes, focusing in particular on groups that face multiple types of discrimination and individuals with personal experiences of housing affordability challenges.

106. States should allocate resources to enact policies and programmes that fully or partially cover housing costs for those unable to secure adequate housing independently, aiming in particular to include vulnerable populations and to counter the non-utilization of rights.

107. States should proactively regulate land ownership and land use, curb the role of speculation and explore the use of public land banks. Property rights must be limited, while increasing the scope of obligations and measures to ensure the social usefulness of land and housing.

108. States should implement measures to sustain affordable rents, including rent regulation, vacancy control and housing subsidies. These measures should be tailored to each country's circumstances and developed collaboratively.

109. States should ensure that waiting periods for accessing housing subsidies or social and affordable housing are reasonable and should facilitate their combined use with other measures and social protection initiatives. Addressing non-utilization of such subsidies and initiatives among certain groups is vital.

110. States should safeguard housing affordability when adapting housing policies or laws to new building regulations, including those addressing climate change and housing-related carbon emissions.

C. Strategies for addressing consequences of housing unaffordability

111. States should adopt measures to avoid no-fault evictions and ensure just cause for all individual evictions. No one must be evicted for failure to pay rent solely due to economic distress.

112. States should actively monitor the number and condition of people in homelessness situations and those who are inadequately housed, and take active measures to ensure shelter and housing for them as a priority.

113. States facing significant housing shortages should ensure an ample supply of social housing, protected from market forces and offering permanent, sustainable and income-based affordable housing.

114. State support, subsidies and tax policies for housing sector development should be contingent upon meeting affordability standards and regularly assessed, with a focus on housing affordability.

115. States must adopt and maintain an affordability perspective when addressing housing-related trends, such as urbanization, climate change, energy crises, population growth and privatization of public services.