



## **The Tenants' Charter**

*First version, adopted at the IUT Council meeting, Bergen Norway June 6, 1974.*

*This, second, version was formally adopted at the IUT Congress in Birmingham, England, August 6, 2004.*

### **I. The right to housing**

The right to adequate housing is embodied in numerous international human rights texts. The IUT and its member organisations call for the right to housing, adequate shelter and other measurements to improve the living conditions for tenants.

The right to quality, affordable and accessible housing is a universal human right which must be legally enforced in the constitutions and legislation of all countries.

Governments must commit sufficient resources to realise this right and wealthier countries should provide resources to those that are in need of such.

The IUT supports efforts to strengthen UN documents and declarations to this end.

**For reference to UN texts, see Appendix 1.**

### **II Recognition of tenant's organisations.**

The national law should give the Rights of Recognition and Involvement for Tenant's Organisations.

The national law should protect and facilitate the work of democratic Tenant's Organisations.

### **III. No discrimination**

Everybody has the right to an accommodation worthy of human habitation. The governments have the responsibility to guarantee and safeguard that there is no discrimination on the housing market, on racial, religious, national, sexual orientation or other grounds.

### **IV. Healthy and Sound Housing**

Dwellings and adherent space and outdoor grounds must be sound, healthy and free from materials and substances that can be of harm to health.

It is the responsibility of the landlord, together with the residents, to make sure that the premises are kept clean from material and substances that can harm especially children.

### **V. Rents**

As housing is a human right, with reference to the Universal Declaration of Human Rights (1948 Article 21.1) and the UN International Covenant on Economic, Social and Cultural Rights (1966 Article 11), rents have to be set at an affordable level.

Rents should be in reasonable proportion to the income.

Rents should be set in participation with the tenant or/and his/her tenant organisation. The rent should be stipulated in a legal contract. The contract should also govern and regulate the leasehold for a specific period of time.

## **VI. Participation in decision-making**

Tenants must have the right to participate in decision-making processes through their organisations.

### **a. Individual tenants should have rights:**

- to establish and operate a tenant organisation for the purpose of addressing issues related to their living environment, which includes the terms and conditions of their tenancy as well as activities related to housing and community development,
- of access to effective in-house complaints and appeals procedures,
- to mediation and arbitration services,
- to be consulted by the bodies responsible for monitoring, inspecting and auditing their housing services.

### **b. Recognised tenant's organisations should have rights at local, and where appropriate ,on national level:**

- to be involved in the negotiating rent setting process,
- to be involved in developing, monitoring and reviewing all in-house arrangements and also for relevant neighbourhood issues, for dealing with tenant's complaints,
- to be involved in any bodies set up to determine action over complaints by tenants or to provide redress for tenants.

### **c. Tenants should be given rights via recognised tenant's organisations:**

- to have their rents negotiated,
- to be involved in the bodies responsible for monitoring, inspecting and auditing the provision of their housing services,
- to request an independent inspection of their housing services,
- to be fully consulted and involved in the development and implementation of any plans for action to remedy failure to meet agreed service standards and performance targets.

### **d. Protected activities**

Owners of multifamily housing buildings, and their agents, must allow tenants and tenant organisers to conduct activities related to the establishment or operation of a tenant organisation, including, but not limited to,:

- initiating contact with tenants, and providing information to tenants,
- assisting tenants to participate in tenant organisation activities,
- convening regularly scheduled tenant organisation meetings in a space on site and accessible to tenants, in a manner that is fully independent of management representatives.

## **VII.**

### **Rent tribunals**

Legislation must be introduced, providing for special rent tribunals and/or mediation commissions, including representatives of the legitimate tenants' organisation.

The number of representative of tenants and landlords must be proportional. The chairman has to be independent.

## **VIII.**

### **Public/social and private rental housing – necessity of a differentiated housing-stock**

A well functioning society needs a variety of dwellings in regards to size and standard, for different needs and stages of a person's life.

It must be up to a person's own choice whether he or she wishes to own or rent the dwelling. Also society needs, in order to avoid segregation and social exclusion, a sufficient number of rental flats owned by the state, municipality or other institution allocated for this purpose.

Public and/or social housing should be one important part of housing in every society.

Private rental housing is a complementing and valuable form of rental housing - but needs to be regulated in legitimate agreements when it comes to , tenancy agreements and responsibility of services and repairs.

## **IX.**

### **Security of Tenure**

The issue of Secure Tenure has been consciously identified because it has a catalytic effect - it invariably leads into other processes and issues vital to sustainable shelter delivery and upgrading.

Secure Tenure describes, by the United Nations, an agreement between an individual or group to land and residential property which is governed and regulated by a legal and administrative framework. The Security derives from the fact that the right of access to, and use of land and property, is underwritten by a known set of rules, and that this right is justiciable.

- a. A person or household should have Secure Tenure so that they are protected from involuntary removal from their residence, except in exceptional circumstances, and then only by means of a known and agreed legal procedure, which must itself be objective, equally applicable, contestable and independent.
- b. Evictions on social causes can not be accepted without the tenant obtaining another adequate dwelling.
- c. Evictions from social housing dwellings based on rent arrears should be impossible, as this occurrence is often a consequence of weak social-economical circumstances in society.
- d. Giving a notice to the owner, administrator or landlord in an advance-agreed number of weeks can end a lease and the right of occupation.  
The owner, administrator or landlord can end the tenancy only for a certain number of reasons, which are listed in the tenancy agreement or lease.
- e. All tenants must be given full protection against notices to quit, which are not founded on strong facts. On social grounds it can not be accepted that a tenant is evicted without obtaining another suitable dwelling.

## **X.**

### **Quality requirements**

The right to participate in the decision-making process should also enable the representing tenant organisations the possibility to have an influence on the quality of the physical building, of collective services and of the neighbourhood.

With regards to the existing dwellings and quarters, the IUT employs a number of quality requirements.

- (a) The quality of the building.
- (b) The quality of collective services.
- (c) Measures to prevent burglary and to realise a safe neighbourhood.

- (d) To separate the traffic from the living quarters, to have sufficient sidewalks, playgrounds and adequate green spaces.
- (e) Good hygienic conditions with regard to ventilation, noise reduction and access to fresh water in the immediate vicinity of the dwelling.

**a. The quality of the building**

The landlord is responsible for the maintenance.

If the landlord fails this responsibility the tenants must have the legal possibilities to force the landlord to maintain his property in an acceptable way.

The tenant must be allowed, under certain rules and agreements with the landlord, to make interior alteration of his rented dwelling.

The landlord should be able to refuse interior alterations if he has reason to believe that the tenant is not capable of the proposed alterations, and that such would lower the value of his property or would need professional and certified craftsmanship.

It is in the interest of both the landlord and the tenant that long lasting and environmental sound materials are used for the maintenance of existing buildings, renovation activities and the building of new houses/dwellings.

Houses must be built for the convenience and access of all citizens, including the disabled.

**b. The quality of collective services**

It is the responsibility of the public authorities to guarantee the access to collective services such as health service, schools, shops, garbage collection and public transport.

**c. Measures to prevent burglary and to realise a safe neighbourhood.**

It is the responsibility of both the landlord and the public authorities to create a safe neighbourhood. This involves measures, such as streetlighting, to prevent burglary and adaptations of the social environment to prevent violence and other undesirable behaviour. .

**d. To separate the traffic from the living quarters, to have sufficient sidewalks, playgrounds and adequate green spaces**

Priorities must be given to public transportation in the home area. Car traffic must be avoided within the housing area. Pedestrians and cyclists must be given priority.

The home area should contain abundant open spaces and green areas and playgrounds.

There should be a possibility to satisfy the needs for both exercise and recreation.

**e. Adequate hygienic conditions with regard to ventilation, noise reduction and access to fresh water in the immediate vicinity of the dwelling.**

All dwellings should have immediate access to adequate hygienic facilities, such as water closet or other satisfying arrangements, drains and washing facilities. Access to fresh water should be installed in the dwelling, or otherwise in the immediate vicinity

The kitchen area should have sufficient ventilation. The dwelling should be constructed with such quality that noise, from the outside or from other flats, is reduced to acceptable levels.



## UN texts regarding right to housing and adequate shelter

- A. Universal Declaration of Human rights** (UN Assembly 1948)  
 "Everyone has their right to a standard of living adequate for the health and well-being for himself and his family, including food, clothing, **housing**, and the medical care and necessary social services... (Article 21.1)
- B. International Covenant on Economic, Social and Cultural Rights** (1966)  
 "...the right of everyone to an adequate standard of living for himself and his family, including food, clothing and **housing**, and to the continuous improvement of living conditions. The states..." (Article 11)  
 Ratified by 106 states, including all EU countries.
- B. International Convention on the Elimination of All Forms of racial Discrimination** (1965)
- D. Convention on the Elimination of All Forms of Discrimination against Women** (1979)
- E. Convention on the Rights of the Child**, (1989)
- F. Convention relating to the Status of Refugees**, (1951)
- G. The Vancouver Declaration on Human Settlements**, 1976  
 This declaration reiterates the principles of the Universal Declaration of Human Rights and calls for human settlement policies to be in conformity with universal human rights.  
 "Adequate shelter and services are a basic human right, which places an obligation to ensure their attainment by all people...  
 Of special importance is the elimination of social and racial segregation, inter alia, through the creation of better balanced communities which blend different social groups, occupations, **housing**, and amenities." (Section III, 8)
- H. The Habitat Agenda, Istanbul 1996.**  
 Chapter IV.  
**§ 8 Adequate shelter for all**  
 "Since the adoption of the Universal Declaration of Human Rights in 1948, the right to adequate **housing** has been recognised as an important component of the right to an adequate standard of living. All Governments without exception have a responsibility in the shelter sector..."  
**§ 68 g** "Promote the supply of affordable **rental houses** and the legal rights and obligations of both tenants and owners."  
**§ 72 h** "Develop, as appropriate, flexible instruments for the regulation of housing markets, including the **rental** market, taking into account the special needs of vulnerable groups."  
**§ 81 f** "Encourage the private sector to mobilise resources to meet varying housing demands, including **rental housing**, maintenance and rehabilitation

---

### The Council of Europe and the Right to Housing

**Article 31:** The members of the Council should undertake measures

- to promote access to housing of an adequate standard
- to prevent and reduce homelessness...
- to make the price of housing accessible...