

GLOBAL TENANT



INTERNATIONAL UNION OF TENANTS' QUARTERLY MAGAZINE

December 2009



Emma and Jenny
will soon need housing of
their own. But will they afford it?
IUT campaigns for "a new deal for
affordable rental housing"
Welcome to the IUT congress,
Prague October 1-3!

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About tunnel vision and my Top 5

After ten years with the IUT I dare say that I have gathered some experience and some knowledge on how "others do it" in housing. It is amazing how numerous and variously countries, even with similar cultures and conditions, have chosen to solve their housing needs. Some countries and its governments have very active housing policies while others tend to use the laissez-faire strategy and get involved as little as possible.

What has also struck me is the conviction in many countries that "we have a very good and complete housing system and we really have nothing much to learn from others – but we love to teach you about our very good system!" Isn't this to have a bit of a tunnel vision? Which is sad because we have so much to learn from each other!

Throughout my ten years I have slowly chiselled out my own vision of a model country with the very best housing policies, picked up from different countries; From England, I pick "tenant participation". England has several institutions set up for this purpose; the Tenant Participation Advisory Service, the Tenant Services Authority and soon a tenant-run national council, the National Tenants Voice. Grassroots tenant participation is at premium in the UK.

From Sweden, the rent setting system; where the tenant representatives, the Swedish Union of Tenants, negotiates the rents every year, for both the public and private sector.

From Austria, Vienna, social cohesion policies; Vienna carries out a very active system of integration. Also, Vienna is my winner when it comes to social housing with an outstanding architecture.

From Germany, energy policies; Germany searches actively for new innovative measures to save energy, and for sticks and carrots to pursue and convince landlords to invest in energy saving measures.

The Netherlands, which effectively fights for its right to preserve their national policy of "social housing for, nearly, all".

All European countries? Yes, I am sorry. Maybe it's because Europe is my immediate surroundings. But please, do tell me of other good housing models in other continents!

So how to get inspiration, and learn more? By visiting other countries! Paying expensive conference fees and hotel rooms when attending national events is often ok, but when it comes to crossing borders – then things get tight. For you Europeans, try to convince your board or bosses that the cost for two or three days in Vienna or Amsterdam is well spent money and does not have to be very costly. And we rarely stay at five star hotels or travel business – do we!

Here in Stockholm we even have a guestroom ready for all, wherever you come from – so you are most welcome to Sweden anytime! And also, welcome to Prague and the IUT congress in October!



MAGNUS HAMMAR
SECRETARY GENERAL

CALENDAR 2010

January 26–29:	50 Years of Public housing in Singapore, International conference, Singapore.
March 2:	Launch of RICS European Housing Review 2010, in Brussels.
March 22–26:	UN World Urban Forum in Rio de Janeiro, Brazil.
April 10:	Annual conference of the Finnish Central Union of Tenants, Helsinki.
April 26–28:	Annual Conf. on Affordable Housing, Ann Arbor, Michigan, USA.
May 5–9:	International Collaborative Housing Conference, Stockholm Sweden.
May 28–29:	14th International Passive House Conference, in Dresden, Germany.
June 7–July 3:	Training course "Making Housing Affordable for All", by HIS.
June 12–13:	Congress of the Swedish Union of Tenants, in Uppsala.
July 4–7:	ENHR Conference 2010 in Istanbul, Turkey.
July 23–25:	TPAS England Annual Conference, Birmingham, U.K.
September 20–21:	UN ECE Committee on Housing and Land Management, Geneva.
October 1–3:	IUT Congress in Prague, Czech Republic.
October 8–10:	TPAS Scotland Annual Conference in Dundee, Scotland.
October 13–14:	International Social Housing Summit, in the Hague, NL.
October 26–29:	37 World Congress of the IAHS in Santander, Spain.

For more information on conferences: www.iut.nu/conferences.htm

The IUT and Czech Union Tenants, SON, invites all members and partners to the XVIII IUT Congress, Prague October 1–3, 2010

IUT congress 2010 in Prague will highlight the need for increased construction of rental housing; social, public as well as private. In spite of an increasing demand for rental housing in most parts of the world, most IUT members experience privatisation of rental homes, and that homeownership is favoured. Also, construction of new affordable, sound and attractive rental housing is an effective way of tackling financial recessions, and to prevent social exclusion.

The history of Prague spans over thousands of years, during which time the city grew from the Vyšehrad Castle to the multicultural modern capital of the Czech Republic. The city's abundance of ancient historic buildings and beautiful residential houses from the days of the Austro-Hungarian Empire is striking.

In 1989 the Velvet Revolution crowded the streets of Prague, and Czechoslovakia freed itself from socialism and Soviet influence. Prague benefited deeply from the new mood. After the split of Czechoslovakia in 1993, Prague became the capital of the new Czech Republic. Situated on the River Vltava the city is now home to some 1,25 million people.

Czech Republic and all other former socialist countries have in various ways carried out restitution, the return of private property to the former owners. In many countries this caused great difficulties and agony for the sitting tenants in these residential houses, when often out of country citizens regained ownership. The Czech Republic was one of the few countries in the CEE region that only allowed Czech citizens to recover property.

Contrary to most former socialist countries, the Czech Republic did not privatize all of its state, then municipal, housing stock. In 2007 home/flat ownership in Prague only represented 37 % of the total stock, 19 % were co-operatives and 40 % rentals, of which almost

90 % were private or municipal flats with regulated rents. (Source: Institute of Sociology of the Academy of Sciences, CZ)

Rent regulation, which was put into effect in the Czech Republic in the 1990's, resulted in considerable difference between the free-market rents and regulated rents. In 2006, due to growing pressure especially from private landlords, the government decided to completely remove rent regulation and bring the level of rents for previously regulated dwellings in accordance with market rents by 2010/2012, depending on region.

Many in Prague, including SON, now fear that such total and quick deregulation will cause severe problems for mid- and low income households. As there are really no alternatives, such as a supply of affordable housing, SON and others expect homelessness and evictions as a result. Also, there is a serious risk of drainage of rental housing in the Czech Republic, because who wants to remain as a tenant if rents rise to market levels, which very few can afford.

IUT and SON welcome you to experience Prague during the congress days!

/ MAGNUS HAMMAR, IUT STOCKHOLM



PHOTO: IUT

The Municipal House is the premier Art Nouveau building in Prague. It was built in 1911 on the site of the former Royal Court Palace.



PHOTO: DAVID SHANKBONE

Stuyvesant Town complexes seen from 1st Avenue, with a sign advertising luxury, incorrectly, deregulated rentals.

New York tenants celebrate

More than 25 000 Manhattan tenants in 11,227 flats of the Stuyvesant Town and Peter Cooper Village, built in the 1940's, had all the reason to celebrate on October 22. The New York court of Appeals, the state's highest court, then ruled that the owners of these complexes had improperly raised the rents, and deregulated the first 4,400 flats while receiving special tax breaks from the city.

Lawyers said that it can now take years of litigation to determine if the owners must repay tenants for years of overcharges, or simply adhere to the court's decision from now on. Also, as many as 80,000 market-rate tenants, who live in previously regulated buildings in New York, can bring lawsuits claiming improperly raised rents and deregulated flats while getting tax breaks for major renovations.

SOURCE NEW YORK TIMES

There are approximately one million rent regulated flats in New York. If a tenant pays less than \$2,000 in monthly rent and live in a building with six or more flats that was built before 1974 – the flat is probably rent regulated. Rent regulation was created because of the severe shortage of housing, and to “prevent speculative, unwarranted and abnormal rent increases”.

SOURCE TENANTS & NEIGHBORS

The homeownership rate for New York City as a whole was 33, 3 percent in 2005 – that is two in three households were rental households, of which 50 percent were rent stabilized flats. The ownership rate for Manhattan alone was only 23.6 percent.

SOURCE NYC.GOV

“A new deal for affordable housing!”

International Tenants' Day 2009, on October 5, was observed in many countries. IUT organised an afternoon seminar in Brussels, in the European Parliament, with participants from more than 20 countries. The event was in co-operation with the UN Habitat and the European Housing Forum, under the theme; “Tackling the financial crisis with a new deal for affordable housing”

IUT President **Sven Carlsson** opened the seminar by emphasizing that housing and construction are one of the largest financial sectors, and should be considered as key instruments in tackling the present financial recession.

“Investments must be directed towards the sectors that can give the best output, socially and economically”, said **Sven Carlsson**. “So, we ask our governments – why hesitate? Start investing in housing renovation and new construction now! Such initiatives will create jobs, and get the financial wheels in motion” he continued. “It has been done before in history, with success. And it can be done again!”

Michael Smyth, head of School of Economics, University of Ulster, blamed much of the financial crises on the inflated property market, particularly in the Anglo Saxon countries. **Michael Smyth** illustratively argued for how new construction of housing, and social housing in particular, has multiple direct and indirect positive socioeconomic effects; Construction multipliers are in the range of 1.7 to 1.9, meaning that for every 100 jobs created in construction another 70 to 90 jobs are sustained elsewhere in the economy.

Michael Smyth also pointed out the non-monetary social impacts of increased investment in social housing, such as decreased homelessness, less crime and improved health conditions, which all indirectly save money for state and municipality. Other social and environmental benefits are energy conservation, neighborhood renewal and greater

social cohesion and the enabling of other community developments. **Michael Smyth** argued that social housing has greater short term impact on the labour market than other construction investments – due to higher labour intensity in house building activity.

Constanze Krehl, SPD Germany, member of the European Parliament and coordinator of EU's structural funds enhanced the importance that EU member states make use of the €8 billion available for energy efficient retrofitting in existing housing now. It is unsure whether the funds will still be available after 2013. The money can also be used for purposes which will enhance social cohesion. And when applying, **Ms Krehl** said, use a combination of the two – like renovation for energy efficiency in social housing.

Mario Aymerich, from the European Investment Bank (EIB), told the participants that also the EIB is willing to increase their engagement in social housing, via mainly affordable loans and grants.

Michael Newey vice chair of RICS (Royal Institution of Chartered Surveyors) said that RICS cooperates closely with the social housing providers in the UK and that it is possible to supply good quality social housing and make profits at the same.



Sven Carlsson, IUT President.

Michael Smyth explained how housing construction has multiple effects.

J. David Lippeatt, Chief of the Economic Policy Unit at the US Mission to the EU, presented President Obama's plans and actions on how to assist tenants and how to promote affordable housing in the US. One of the reasons for the economic crisis, according to **David Lippeatt**, was the earlier Bush administration's efforts to create a society based on ownership.

“President Obama entered office in midst of this global crisis and has now launched a massive response to stabilize the economy” said **Mr. Lippeatt**. “Tens of thousands rental properties will now be built around the U.S. and they will be followed by increased investment in housing assistance. \$14 billion are dedicated to rental housing, of which 75 percent is directed towards low income tenants. A tenant in the US today often pays 50 percent of his/her income in rent. The government's objective is a maximum 30 percent.”

Tenants speak for themselves

Massimo Petterlin, National Secretary of the Italian tenant association SICET, described the serious housing situation in Italy. Some 650 000 people are currently on the waiting lists for affordable public rental housing, and with only 4 000 housing units being avail-





Constanze Krehl, MEP,
Germany.

J. David Lippeatt,
US Mission to the EU,
flanked by IUT vice Presi-
dent Richard Hewgill.



Ronald Paping, Director General of
Nederlandse Woonbond.

able. The rents in many cities are very high and unaffordable to low income households. Average rental apartments of 70 m² rent for around € 1 250/ month in cities such as Milan, Rome and Florence.

Juraj Kliment, vice president of the tenants union in Slovakia, Právo na Bývanie, described how ownership was prioritized in Slovakia. Today some 95 percent of the Slovaks own their homes, partly as a result of restitution. Also, past governments transferred municipally owned housing, often in a bad condition, to the sitting tenants. The new owners often lacked, and still lack, the financial means to maintain their flats and common parts of the house, and become “poor owners”. Contrary to the tenants in the state or municipal stock, the tenants in now privately owned and restituted houses, the “sitting tenants”, were never given the opportunity to purchase, for a low price, their flats.

Ronald Paping, Director General of the Dutch Tenants Union, Nederlandse Woonbond, reported that the Dutch government has not only reduced the VAT from 19 to 6 % for specific housing construction, but it is also introducing subsidies of € 320 million targeted to energy saving measures in housing, and another € 395 million to stimulate new housing projects. Ronald Paping criticized the fact that homeowners are favoured vis-à-vis tenants as interest rates from loans are fully deductible from income, before tax. In 2007 this added up to €26 billion in subsidies for owners, while tenants received individual housing benefits corresponding to only € 3 billion. In spite the fact that tenants outnumber owners in the Netherlands!

A panel debate, chaired by **Phil Morgan**, Executive Director of TSA England, completed the afternoon. Panelist **Claire Roumet**, Secretary General of CECODHAS, pointed out

social housing as an economic stabilizer and the need for a clear definition on social housing. **Michael MacBrien**, Director General of the European Property Federation reacted to the Green Deal, which includes investments in energy-efficiency in housing and renovation. Only problem is that it's not about additional funding, rather about reallocation. **Conny Reuter** of Solidar, International Workers Aid, stressed the importance for labour unions and tenant unions to cooperate more in the future.

Barbro Engman, President of Hyresgästföreningen – Swedish Union of Tenants, spoke of Thatcher's' Right-to-Buy vs. Obama's Right-to-Rent; “In times of financial crises and when house prices plummet, we have just listened to President Obama's spokesperson, David Lippeatt, who emphasized the demand for new and additional rental housing in the US.”

Barbara Steenbergen, IUT's Liaison Office to the EU; “We've had the breakthrough decision that Europe also finances energy efficiency in housing through the European recovery plan. For this period we have 4 percent of the European Regional Development Funds (ERDF) which can be used in the housing sector, in total € 8 billion. But it's not enough!”

“If we do not invest in social and public housing we will gradually face increased segregation in urban areas. We must urge our governments to bring back good rental housing, for all. This is the right time for a new deal for affordable housing!” concluded Barbara.

TEXT GÖRAN SCHÜSSELEDER, FREELANCE
/ MAGNUS HAMMAR, IUT
PRESENTATIONS ARE AVAILABLE ON WWW.IUT.NU





Always busy street market in Camden High Street.

CFPT speaks up for tenants

in one of Europe's most expensive cities – London!

The first suggestion of tenants' rights in English law was to prevent landowners evicting a tenant-farmer without reason while his crop was still in the ground.



Until the 20th century, people who did not own property could not vote. In the mid 1800s Christian Socialists started Building Societies – providing loans for the lower middle class to buy homes and vote for the new Labour Party.

The great majority of the British would prefer to own their home, and there remains a distrust of tenancy. But massive house price inflation fuelled by a

property investment boom, as stock markets sagged, means that more people can not buy, so must rent from those who have bought housing for profit.

Camden is a large inner London borough covering from leafy Hampstead to London's West End shopping area. In between are deprived areas with a wide mix of ethnicities. All have high house prices and steep private rents. Affordable areas have been 'gentrified' – with low rent homes in multiple occupation converted back into large homes for the rich.

Camden Federation of Private Tenants, CFPT, was founded in the early 1970's into a rather different world – of rent controlled housing, mostly built in the 19th century, and in poor condition. Slumlords bought plac-

Rent appeal tribunals became notorious as an avenue of appeal open only to landlords.

es cheap with sitting tenants and neglected repairs or illegally evicted people, then redeveloped.

Founder of CFPT, the late Carrie Harrison, decided with fellow tenants to tackle the state of their building. They knew their landlord had a substantial estate but not where it all was. So they followed the landlord's rent collector and recruited residents wherever he stopped. Carrie knew the local paralegals and when a tenant came to the Law Centre for advice CFPT would investigate the rest of a landlord's portfolio and contact his tenants.

As membership grew, CFPT pressed Camden Council to use its public health powers to improve conditions in private renting. Councillors agreed to create a local housing advice service and to fund CFPT.

My own experience of CFPT came in the mid 1990s as rent regulated tenants struggled with the results of 1988 reform by the right wing government of Margaret Thatcher. It outlawed any new regulated tenancies and encouraged the rents of existing tenants to rise by as much as 30% every two years.

Rent appeal tribunals became notorious as an avenue of appeal open only to landlords. Another formidable woman, the late Helen Holdsworth, launched a campaign of public meetings to publicise the plight of regulated tenants being attacked by a system designed to protect them.

In May 1997 Britain elected a Labour government which moved to control the maximum a regulated rent could rise, taking power away from the hated appeal tribunals. This was challenged in the highest courts by landlords backed by the billionaire Duke of Westminster who controls land in the most exclusive parts of London. Government plans looked set to fail. Members of Parliament representing areas high in rented housing were pressed by tenant groups to do something. Hampstead M.P. Glenda Jackson, spoke up in Parliament, mentioning CFPT in passing. The Government agreed to appeal the High Court decision and was successful.

That rents might become less of an issue was a cue for CFPT to broaden membership beyond a core of aging regulated tenants. We placed displays of our magazine *The Camden Private Tenant* in local supermarkets. Recruiting young tenants wasn't easy – the present generation seem apathetic about community politics and their short tenan-



Patrolling London bobbies, named after Robert Peel who set up the first organised police service in 1829.

cies mean they move frequently. We attracted some leaseholders, including corporate membership by a residents' association with 50 members. More recently we have been helping organise tenants of

social housing owned by Housing Associations.

We work with Camden Council, intervening recently when we heard of cuts to the housing advice service. We surveyed our members on how changes might work better, and had a series of meetings with elected councillors and their staff. We frequently urge Camden to act on homes left empty by developers despite an acute housing shortage.

CFPT is one of only two organisations representing private tenants in London that receives public fund-

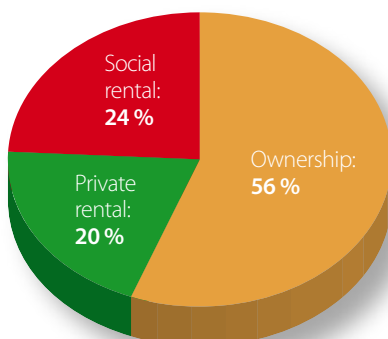
ing. We have a tiny budget and 1.5 staff members. With the probable return of a Conservative Government at the General Election next year we are likely, as the Chinese say (and not in a good way), to be living in interesting times.

TEXT JOHN MCMILLAN,
CHAIRMAN OF CFPT

PHOTO MAGNUS HAMMAR, IUT



Housing Tenure in London, 2007



SOURCE: GREATER LONDON
AUTHORITY 2009

Common types of tenancy in London

- **Assured Shorthold** – effectively, the default for new tenancies since 1988. Not very assured, as tenure can be just 6 months. Problems: undermines community cohesion, access to health, education and voting may be disrupted. Some will not complain about disrepair for fear tenancy is not renewed. Frequently landlords fail to return damage deposits when there is merely fair wear or tear.
- **Regulated Tenancies** originally date from 1977 but were discontinued after 1988 and tenants still on regulated rents suffered greater increases and more frequently. To protect tenants from eviction in 1977, tenure was generally secure for as long as they paid the rent. By 1988 most were women pensioners who had been unable to qualify for home loans when they were in paid employment. Labour Government acted in 2001 pegging rent increases to a maximum of inflation +5%.
- **Leasehold**, workable in blocks of flats with shared ownership and liability for repair. Leaseholders buy their homes, but only acquire a long lease, of often 199 years, which is saleable but diminishes in base value as years pass. Many blocks are not jointly owned by residents but by a landlord who may overcharge for repairs and services or obstruct sales or lease extensions, demanding payment. Following reforms, charges can be legally challenged and, with difficulty, the landlord can be bought out by a group of tenants.
- **Social Tenancies** were originally offered by Victorian charities which built flats for the working class when the norm in cities was the overcrowded slums of private landlords. In the 20th century local councils also started building or buying and renovating low cost housing. In many cities this remains the major part of the rented sector. Homes are allocated by need and tenancies are for life. There has been little building by councils since the 1980's and, recently, many have disposed of some stock to non-profit Housing Associations which are large, bureaucratic, private landlords.

Right to housing – a dream or reality?

...IN SCOTLAND

Scotland's target of eliminating homelessness by 2012 is often described as ambitious, unrealistic, progressive and unachievable. So, what's the truth of the matter?

Laws designed to improve access to housing and services to homeless households were introduced in 2001 and 2003 respectively. The Scottish Housing Act of 2001 and Homelessness Act of 2003 have combined to place legal duties on local government and housing associations to work together to tackle homelessness and help people faced with homelessness.

'Unintentionally' homeless people's right to a permanent home by 2012 is the most notably target in the 2003 Act. In a nutshell unintentionally homeless is a legal term that describes someone faced with homelessness due to factors out with their own control. On the other hand, you are considered intentional homeless if you are evicted for antisocial



MSP Cathy Peattie joined Housing workers and tenants groups in February to launch a campaign for a massive house building programme in the council and housing authority sector.

behaviour or you did not pay the rent or mortgage when you could have afforded to.

Homeless applications to the local councils,

in 2008, amounted to 56,609 households. The biggest football stadium in Scotland wouldn't even come close to holding this number of

...IN FRANCE

Since 1946, the Right to Housing, "le Droit au Logement", has been considered as a social and fundamental right in France.

However, this right is not literally explicit in the French Constitution, but the text in the Constitution says that the "The Nation must bring all the necessary means to the citizens to enable them to live in good and decent conditions."

In 1990 this Right was made stronger in a new law which established the "duty of means" for the State. The first article asserts that "the guaranteeing of the right to housing constitutes a duty of solidarity for the whole Nation". In practise this means that the State,



DALO: a roof is a Right

the law makers and the local authorities must provide enough financial and material means to achieve this goal, for instance, by providing enough social housing.

In 1995, the French Supreme Court confirmed the Constitutional validity of this right and stated; "the possibility to have a decent accommodation is a constitutional valid goal".

A minimum of 20 percent social housing became a law in 2000. This law forces

French municipalities to secure a minimum of 20 percent, of the total housing stock, in towns of more than 3,500 inhabitants. This to prevent poor households from being concentrated in social housing estates, in ghetto like areas. If this share is not met, the towns will have to pay fines. But a lot of towns, especially the richest ones, prefer to pay the fines instead of complying with the law.

Considering that Right to Housing was not sufficiently respected in France and that the "duty of means" was not enough, the Villepin government under President Jacques Chirac, decided to give the State new tools in order to reach results. In 2007 the so called DALO was voted through, the "Droit Au Logement Opposable" – the Law on the Statutory Right to Housing. This law confirms that accommodation must be provided for to house-

people. The facts are stark but Shelter Scotland points to a glimmer of light, as this is a 4.9 % reduction from previous year.

Shelter and the Scottish Federation of Housing Associations are campaigning for 30,000 socially rented houses to be built by 2012. But because of the economic recession the government does not seem to have the resources to meet this target. Still, positive impression on the Scottish housing sector has been made by the current Minister for Housing, Alex Neill. In particular Mr Neill has shown some creativity in helping put in place borrowing from the European Investment Bank for social housing in Scotland.

Tackling homelessness does not receive universal public support, with many people still believing that anyone finding themselves homeless, only have themselves to blame.

Access to social support services is another part of the answer. Helping people face up to debt, relationship breakdown and problems associated with drug and alcohol abuse could substantially reduce the number of people who become homeless in the first place.

Will the dream become a reality? I certainly hope so, but many in the sector seem doubtful. Even if the 2012 target is not realised in full, we can realistically anticipate improved services to homeless people, better preventative measures for homelessness and an increased supply of housing.

TEXT JAMIE BALLANTINE,
HEAD OF PROJECTS FOR TPAS, SCOTLAND

holds in emergency need, within three to six months. This means that any household which lacks accommodation, or is about to be evicted or live in dangerous or unhealthy circumstances, can ask the local authorities for new or alternative housing, in social accommodation. If the delay is not respected, the household can sue the local authorities to the Administrative Court.

That's for the theory. Reality is different. By the end of August 2009, about 100 000 households was queuing for a social dwelling due to their difficult housing situation. Half of all claims are being rejected, simply because there are not enough accommodations available for every needy household. It is estimated that 600 000 households are in need for a social dwelling today, but only 60 000 are available.

TEXT STÉPHANIE SOTISON, CNL

...IN SOUTH AFRICA

The legal right to housing in South Africa was entrenched by the introduction of the Housing Act of 1997, and the national Housing code in 2000.

The Constitution from 1996 unequivocally guarantees the right to adequate housing. Section 26 in the Constitution provides that; Everyone has the right to have access to adequate housing and that the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right. Also, no one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.

Many legal cases have decided in favour of the poor occupiers of land, and shack-dwellers. A recent case is the Constitutional Court (CC) striking down the provision of the Slums Act that primarily related to informal settlements and the right to housing and basic services.

There are several groundbreaking judgments, like the CC's Grootboom case* from 2000, placing the responsibility of providing shelter and basic services squarely on the shoulders of the state. The state has since adopted a revised housing policy, housing code and amended the Housing Act, to make the right to housing a reality.

Since 1994 to 2005 approximately 1,9 million households received full ownership rights to houses, housing about 7,86 million people, while also creating opportunities for small contractors and

women. There are valid criticisms regarding the size and quality of the houses but recent reports indicate that the state and provincial governments are taking action against shoddy and substandard work on recently constructed houses. Municipalities like the eThekweni (Durban) and Cape Town have renovated rental units, writing off arrear rentals and service charges and then handing over free ownership to municipal tenants.

Services such as water and electricity are linked to the right to housing. Every household receives monthly free 9000 litre of water and poor households are eligible for 50kWh electricity, to be increased to 70 kWh. The right to access to water is enshrined in the Constitution.

There are many challenges for the millions of poor families still living in overcrowded conditions, in informal settlements (shack dwellers) and growing homeless population, for whom the right to housing is still a dream while some members of the government and contractors are constructing strong foundations of opulence for themselves.

TEXT and PHOTO SAYED IQBAL MOHAMED,
CHAIRPERSON, ORGANISATION OF CIVIC RIGHTS

* Ms. Irene Grootboom lived in an informal squatter settlement outside Cape Town, together with another 900 squatters. When the eviction order Ms Grootboom and others started a long legal battle which they won. In spite this victory, Ms Grootboom died in 2008, still homeless and penniless.



Mother and children in a squatter settlement in Chatsworth, south of Durban, where poor African and 'Indian' families live as an integrated community.

The Right to Adequate Housing according to the UN

UN Habitat together with the Office of the UN High Commissioner for Human Rights has issued a 50 page fact sheet (no 21) that explains key aspects on the right to adequate housing. It also lists the right to housing in international rights law, and how this right apply to specific groups and what the obligations are on states. Also, it discusses misconceptions about this right, and states that; "This right does NOT require the State to build housing for the entire population."

Fact sheet available from www.iut.nu/UN/RightToHousing/AdequateHousing_Nov09.pdf



PHOTO: PIOTR UFNAL

Avoiding crowded housing conditions in one of Zagreb's many cafés.

Young families in housing stress

Maria and Leo are university-educated parents, who grew up in the town of Osijek in eastern Croatia, only 20 km from Serbia. But as work opportunities were more plentiful in the capital city they decided to leave Osijek for Zagreb.

– Eight years ago we were so happy, says Maria with a smile. We had just bought our own flat and were planning for the future. The flat was small, only 45 m², but with one big room that we diverted into almost two rooms so that our three year old daughter could have her own space.

The flat was still ok when their second daughter was born. But when their third child, a boy was born in 2008, life on the 45 square meters became difficult, not to say the least.

– Our two daughters need space to study and prepare their homework, says Maria.

Our son sleeps with us in the living-room and his sleeping and feeding times dictates availability of this space. Our little kitchen has become our living-room.

Overcrowding is not unusual in Croatian cities. Most families that managed to buy a flat in the course of the last ten years could not afford an adequate size of dwelling. Today too many families in Croatia suffer from crowded housing conditions and stress symptoms. Psychologists recommend that a minimum of 10 m² per household member is needed to avoid psychosocial dysfunctions.

Along with Maria and Leo there are another approximately 30,000 households in Zagreb who also live in crowded conditions but who are not owners, but tenants who are maybe in worse conditions because of the high rents.

There are hardly any social flats in Zagreb, so the city only provides flats with market rents

which are unaffordable to the many low and moderate income tenants. Average monthly net salary in Croatia is around €750, and a one-bedroom flat in the city of Zagreb rents for as much as € 500 / month. Overhead expenses like electricity, heating, water, garbage collection and city tax are not included. So you squeeze in together with several family members, or/and take on several jobs to make ends meet, or you go and live far outside Zagreb.

Officially only 3–4 percent of rented flats are with legally-signed contracts, with owners paying 18 percent state tax. The remaining 96 percent belongs to the “black market”, without any established standards or written contracts that lay down the rights and obligations for the tenant and landlord.

Croatian Union of Tenants, “Udruga stanara Hrvatske, UŠH” was founded in 1991, and was one of the first independent tenant associations in the former socialist east Europe, and joined IUT the same year.

– We are trying to make our members aware of potential problems, says Marijan Babic, President of the Croatian Union of Tenants. They often face difficulties when they rent flats without a legal contract which regulates the rent and increases, and without a term of notice. We give free legal advice from our office in central Zagreb. Also, we lobby our government to strengthen the rights of tenants. Our Union has the status which allows us to participate in the Parliament discussions and Parliamentary committees, when we try to improve the current situation by suggesting models for developing a renting housing stock in Croatia.



Marijan Babic,
President of UŠH.

– The Croatian housing story is a sad one. These segments of politics, equally important both for the health of the nation and for the economy, is not being properly treated, says Mr. Gojko Bezovan, Sc.D. and expert on housing policies. This situation is partly due to the fact that most of the Croatian political elite satisfied their own and their relatives' accommodation needs in numerous housing affairs, and therefore no one is interested in tackling residential problems any more, says Mr. Bezovan.

SOURCES SANJA MAHAC, MEMBER OF UŠH
AND BRANKA CRNČEVIĆ, JOURNALIST

Ending tenancies without a reason

Security of tenure continues to be an issue for private renters in New South Wales, including capital Sydney.

A new draft law, the Residential Tenancies Bill 2009, recently released for comment by the New South Wales Government unfortunately maintains existing insecurity. It does not stop landlords from ending tenancies without a reason, which makes renting unnecessarily insecure.

There are over 1.6 million people in private rental in New South Wales. These private renters can be evicted without a reason as long as they are given 60 days notice. The draft law maintains eviction with no reason and extends the notice period to 90 days.

To coincide with the release of the draft law the Tenants' Union of New South Wales held a series of meetings, which began on International Tenants Day, with Members of the New South Wales Parliament and an event in Parliament House on November 26 – see photo. The series of events ended during Australia's Social Inclusion Week. Ninety people attended the event in Parliament House including representatives from government departments, non-government organisations, tenants and Members of Parliament from all major political parties.

Security of tenure was the focus of these activities as a basis for participation in social and economic life. Tenants shared stories on how social housing had a positive impact on their lives, the insecurity of private rental and the appalling conditions in boarding houses. There was also a short presentation on the draft law.

Street Care representatives, made a compelling case for the regulation of boarding houses, which are currently not covered by tenancy law. Street Care is an advocacy group consisting entirely of people who have experienced homelessness.

Tenants spoke about how their lives were changed by having secure public housing and emphasized the insecurity of private rental. The prospect of being evicted without a reason hangs over all tenants

and diminishes their peace of mind and sense of security.

These events have raised awareness among fifteen MPs of the need for continued law reform to improve security of tenure. The Tenants' Union will continue to develop relationships and maintain discussions with lawmakers.



Overall, The Tenants' Union of New South Wales welcomes the release of draft legislation that would represent the most wide-ranging reform of the state's renting laws in more than 20 years.

Tenant databases (blacklists) run by generally for-profit private companies collect, hold and give out information about tenants who real estate agents, landlords and residential park operators say are 'bad tenants'. The proposed change regulating these databases is a

significant improvement. New rules about when a person can be listed have been proposed, as well as new rules for settling disputes about listings to be resolved by an independent tribunal.

There are some problems the draft law does not address. The law continues to leave out boarders and lodgers, who remain vulnerable to exploitation and unlawful treatment by their landlords.

The Tenants' Union urged the Government to continue reforming the law after the draft legislation is introduced. The law has to keep up with changes in the rental market and the emergence of new issues.

Security of tenure and regulation of boarding house accommodation will continue to be a focus of the Tenant Union's law reform Program. To find out more about the Program go to www.tenants.org.au

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Kevin Johnston of Tenants' Union of NSW speaks at NSW Parliament in Sydney during the Social Inclusion Week.



View of Hobart, capital of Tasmania.

Tracey Chapman of the Tenants' Union of Tasmania presents IUTs new member:

Tenant protection on the island state of Tasmania

Tasmania is one of six states, and two territories, that makes up Australia, and is separated from the mainland by the Bass Strait. The state capital is Hobart, and the whole island has some 500 000 inhabitants. Tasmania is rather sparsely populated and almost 37 percent of Tasmania lies in reserves, national parks and world heritage sites.



The Tenants' Union of Tasmania Inc (TUT) is one of the primary non-government providers of advice, information, education and referral to tenants in Tasmania.

TUT was formally founded in 1979. Before then TUT consisted merely of a collection of volunteers that answered specific requests for assistance from tenants. It is only over the past fifteen years that the TUT has evolved into a community legal serv-

ice, with the employment of two solicitors occurring in the last few years.

We provide advice five days per week, which is provided through our volunteer program that we run most years, encouraging all members of our community to join our valuable team of staff. We also offer advice through our drop in service, which operates three days per week. This is operated by our two full time solicitors who provide legal advice to tenants from our office in Hobart. Additionally there is one part time solicitor in the North West of the state. All in all, TUT presently employs six people.

In addition to the provision of legal advice we also provide advocacy for tenants. We do this



Staff of TUT in Hobart harbor. From left Sandy Duncanson, Mick Lynch, Tracey Chapman, Meredith Upchurch and Phil Hoffer.

through legal representation by negotiating with landlords and/or agents and representing clients in conciliation and court hearings. We also provide systematic advocacy for the general rights of tenants. We seek to improve conditions of rental housing in Tasmania for tenants, raise awareness within the community about tenancy issues and promote legislative change to improve outcomes for tenants. Additionally, we conduct community education seminars throughout Tasmania.

TUT is a member of NATO, the National Association of Tenant Organisations, of Australia.

TUT is currently heavily involved in the process of law reform which is being undertaken by the Tasmanian Government. This year 2009 the Tasmanian Minister for Consumer Protection announced a badly needed review of the Residential Tenancy Act 1997, which governs the relationship between landlords and tenants in Tasmania. The key areas of reform that we are seeking are restricting the size and frequency of rent increases, establishing minimum standards of properties, removing arbitrary eviction at the expiry of fixed term leases and otherwise strengthening security of tenure for tenants.

Tenancy agreement is an important strength of the Tasmanian Residential Tenancy Act, which limits the no-ground terminations during the term of a tenancy agreement. However a notice to vacate may be served at the end of a tenancy agreement due to lease expiry. After the expiry of a lease agreement, without receiving a notice to vacate, a tenant will then go on a non-fixed term lease. TUT is seeking to strengthen security of tenure by limiting arbitrary evictions at the end of a tenancy periods and by reviewing the process of termination notices and notices to vacate.

Rent increases is another important issue for TUT. An important aspect of achieving security of tenure for tenants is limiting the frequency of rent increases during the term of the tenancy. In Tasmania at present an owner can increase rent once every six months. It is our position that the owner or agent should only be able to increase the rent once every 12 months and the amount of the increase should be subject to a reasonableness test, for example to an inflation index such as the Consumer Price Index.

One of TUT's key areas of reform of Tasmanian tenancy law is the establishment of minimum standards that an owner must comply with in renting out properties. A fundamental shortfall of our legislation is that there is no requirement to maintain the premises in good repair and there are no minimum standards that an owner needs to comply with. In addition to this when a tenant signs a lease they accept the property in the condition



A picture of the last four full-blood Tasmanian Aborigines c.1860s. Tasmania was first inhabited by the Tasmanian Aborigines. At the time of British settlement in 1803, the indigenous population was estimated at between 5,000 and 10,000 people. Through the introduction of infectious diseases to which they had no immunity, war, and persecution, the population dwindled to 300 by 1833.

that existed at the beginning of the tenancy, which means that an owner is not required to maintain it above this standard. This tends to leave tenants in a position where they may be living in properties that significantly deteriorate, as an owner is not legally obligated to repair what is termed fair wear and tear.

The Rental Deposit Authority, RDA, is a result of many years of campaigning. TUT's efforts finally paid off on July 1, 2009, when the RDA was brought into place, so that a neutral body would hold security deposits of tenants rather than property owners and agents. It is also anticipated that the RDA will increase the number of disputes relating to the return of security deposits in Tasmania. It is now compulsory for all security deposits to be deposited with the RDA.

The RDA is funded from the interest accruing from tenants' security deposits. At present the authority has received 8 000 security deposits. Overall 34 000 tenancies were recorded at last census in 2006. The authority has encountered a number of administrative teething problems in recent times but we hope that many of these will be resolved. We have been advised that the RDA will only generate enough interest to cover operating costs for the next five years. TUT believes that the interest from bonds should be used for the benefit of tenants, perhaps through the creation of a tenants Tribunal.

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Macedonia – in the heart of the Balkans

Macedonia is one of the smallest states in Europe, and a successor state of the former Yugoslavia, from which it declared independence in 1991. It became a member of the UN in 1993, but as a result of a dispute with Greece over its name, it was admitted under the provisional reference of the Former Yugoslav Republic of Macedonia, or FYROM.

Its population of some 2 million people live in a landlocked, predominantly mountainous, country. Macedonia is a state with an ethnic diversity; with 65 % ethnic Macedonians and 25 % Albanians. The remaining 10 % is made up of Turkish, Roma, and Serbian groups. Unemployment is high, around 35 percent.

Maja Dilberova runs “MakeDom”, the Union for Protection of Tenants from her flat in Skopje. The inspiration to form a tenants union in 2004 came from colleagues in Zagreb, Croatia, where a tenants union had been established already in 1991. The principal reason was that the existing laws in Macedonia did not protect all those tenants living in private rentals. Additionally, there was, and there hardly still is, any social housing in Macedonia which is a serious problem.

Approximately 10 percent of the housing stock in Macedonia consists of private rentals, and less than one percent is characterised as social housing. But, as in most countries on the Balkans, there are a large number of households that rent their accommodation without registering themselves with the authorities.

World War II resulted in many homeless and displaced persons in. In Yugoslavia the state seized the power to allocate residential units to people with housing needs. This allocation applied also to private property as the state made it mandatory to private owners to accommodate families in up to the half of the surface of their home. These families had to pay a rent to the owners, determined by the state. But, the rent received had to be used for repairs and maintenance of the house. Also, for the persons allocated in multi family houses the authorities assumed the power to determine the amount of rent.

In the late 1950s, Yugoslavia decided to abandon the Soviet model of state ownership over production means and real property, and intro-



duced the new concept of social self-governance. This new model abolished state monopoly and established specific non-state institutions, social-political communities, which comprised all non-state institutions at municipal, national and federal level.

The public housing enterprises became one example of such non-state institutions. The model of social self-governance introduced “social ownership” as a new socio-economic category which



Destanov Tedfik and MakeDom vice President Maja Dilberova both live in the municipality of Gazi Babi, just near Skopje.

became the dominant form of tenure throughout the Yugoslav Federation.

The concept of social ownership did not completely set aside private ownership. For residential property, private ownership was allowed but significantly limited to a certain size of living space, like a one family house or two flats as separate residential units. Still, the land always remained in social ownership. Social ownership was further developed into the “occupancy” right, as a specific form of tenure. Until 1953 residential houses were exclusively financed by the state.

A compulsory contribution of 10 % of the employees’ salary to a newly establish housing fund was prescribed by law in 1956. This fund was managed by the respective socially owned companies, and the money was then used to build residential buildings, that became self-governing non-state institutions known as “Public Housing Enterprises”.

Once a house had been built – the company, which had funded the construction, was entitled to allocate flats to its employees. These residents became “occupancy right holders”, and the contract always contained the name of the employee, and his/her spouse.

The Dilberova family moved into Skopje in 1973, when Maja’s father, Mr Dragi Dilberov, got a job at the large metallurgical factory Zelezera, in the municipality of Gazi Baba. After fourteen years, in 1987, Mr Dilberov had acquired so many points that he was the No 1 at the list for a Zelezera company flat. The rent was reasonable, equivalent to some € 20 a month.

Also the father of Mr Destanov Teofik, a neighbour to Maja in Gazi Baba, seized the opportunity and bought his flat of 50 m². Mr Teofik’s house is from 1968 with façades covered by corrugated iron, from the Zelezera steelworks of course.

Occupancy, or tenancy, rights in the former Yugoslavia meant having nearly all rights of owner-ship: the right to forever possession, and the same forever right and unhindered use of the dwelling, as well as having the right to participate in the management of the building. The only thing that a tenant was unable to do was to sell the flat.

The “occupancy right holders” enjoyed substantial legal protection which, at least until the war broke out in 1991, amounted to a high level of secure tenure.

Privatization of housing in Macedonia began on a small scale even prior to the beginning of the economic transition in 1991, but was boosted by the “Law on Selling Social Housing Units” which became effective in 1992. Over 52,000 families acquired the right to ownership of a housing unit, and 90% of the social housing stock was sold.*

Maja’s family was one of these families. Maja’s father could either buy their flat right off for



New affordable homes. With the support from the Council of Europe Development Bank, the states’ objective is to build 856 new flats across Macedonia. The flats are intended to be rented for a period of five years, for low-income households without housing property as well as to young couples with children, and young people (18–25) without parents and presently accommodated in institutions. After five years the residents are given three choices; to either buy the flat right off, or to buy with a 20 year mortgage, or to stay as tenants. The estimated price for a 50 m² flat is estimated to €20,000.

€ 2,500, or to enter an agreement with the Public Housing Enterprises and pay instalments of about € 20 /month, for 40 years. Mr Dilberov chose the first alternative.

But, contrary to the belief of many, residential houses in former Yugoslavia under the socialist regime were predominately privately owned. Out of the total number of apartments in the Yugoslav Federation in 1984, 23 percent were socially owned. In Macedonia only 14 percent of the housing stock was socially owned. (figures supplied by S. Tsenkova).

TEXT and PHOTO MAGNUS HAMMAR, IUT

** Social Protection and Social Inclusion in the FYR Macedonia. European Commission, DG for Employment, Social Affairs and Equal Opportunities Unit E2, (2007).*

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SWEDEN



NORWAY:

UN criticism casts shadows on housing policies

The UN Committee on Economic, Social and Cultural Rights (CESCR), in a report to the Human Rights Council, Geneva, in December, criticized Norway for violating the “right to social security and to an adequate standard of living”, which is referred to in several Human Rights texts, like the Covenant on Economic, Social and Cultural Rights, article 11.

CESCR noted with concern the increasing number of evictions carried out mainly

as a consequence of unpaid rent; and that disadvantaged and marginalized groups in society are particularly affected by the privatization of municipal social housing and rising housing prices. CESCR recommended Norway to take effective measures to provide housing units in sufficient numbers to cater for the needs of low-income families and the disadvantaged and marginalized groups.

SOURCE UN GENERAL ASSEMBLY
A/HRC/WG.6/6/NOR/2

OSLO, NORWAY:

Deregulation of rents threatens tenants

On 1 January, 3 500 pre-war flats in Oslo will become deregulated, if the red-green government works its will in one of the world's most expensive cities, with already very few affordable flats. The Tenants association in Oslo, Leieboerforeningen, fears rent increases of 50 to 200 percent which will force many elderly, single person households and disabled to leave their homes.

The Health and Social Committee in Oslo met on December 2, and the Committee's final statement cut across party lines, and criticized the process.

SOURCE LEIEBOERFORENINGEN AND
THE ACTION GROUP AGAINST DEREGULATION

POLAND:

Polish Association of Tenants celebrates 20 years

The Polskie Zrzeszenie Lokatorów, PZL, established itself soon after Poland regained political freedom in 1989. Poland is the only country in the former socialist block that has not yet ended restitution, which is causing great difficulties for especially many elderly who are being evicted from their homes, due to huge rent increases by the new owners. This in combination with the lack of affordable rental housing in Poland has created a housing crisis.

Jacek Majchrowski, the Mayor of Kraków, opened a anniversary housing seminar on October 9. On behalf of



Prezes of PZL Alicja Sarzynska and Mayor of Kraków Jacek Majchrowski.

the city of Kraków, awarded members of the PZL the medal of “Honoris gratia”, in recognition of their merits in the field of social work. IUT Secretary General Magnus Hammar congratulated PZL President Ms Alicja Sarzynska and her team of devoted colleagues.

DENMARK:

More evictions, despite more affordable housing

Never before has so many Danes been forced to move out of their homes, due to rent errors. In 2008, 20,622 households were evicted. In the first six months of 2009 11,246 households have already been evicted. Several Danish non profit housing associations report 30–40 percent more evictions this year compared to 2008.

At the same time, the first affordable 650 dwellings with, mostly in terraced houses, will be ready by end of 2009. The cold monthly rent for these homes of 100 m² will be around 6,000 Danish crowns, or € 800, which is considered affordable in Denmark.

SOURCES BERLINGSKE TIDENE
AND JYLLANDS POSTEN



PHOTO: P. FORSMAN

Housing Minister Mats Odell and Barbro Engman, President of SUT, at press conference announcing the a new Swedish housing model.

SWEDEN:

A new Swedish housing Model

On November 13 the three parties, the Swedish Union of Tenants (SUT), the Swedish Property Federation and the Swedish Association of Municipal Housing (SABO) companies, reached an agreement which includes new directives for rent setting in Sweden. Until today, rents in all Swedish flats – private as well as public – has been a result of negotiations between two parties, between SUT and SABO. The result of these agreements has served as a rent cap when establishing the rents in also the private sector. From now all three parties will negotiate the rents together, under the same conditions.

SOURCE SWEDISH UNION OF TENANTS