

Social housing in Albania

Abstract

Housing is a particularly important example of what might be thought of as a standard function of central and local government, a consequence of the increased requests of citizens for housing and an attempt to find the best way to realise these. Clearly, it represents an issue of significant social importance. Albania has approved Law No. 22/2018 On social housing, an essential act in the fulfilment of social housing programmes. The objective of the law is to define the rules and administrative procedures as regards the means of planning, insuring, administrating and distributing social housing, with the purpose of creating opportunities for suitable and affordable housing, relying on the capacity to pay of families in need of housing with the assistance of responsible state institutions. This Law is a very important step because, within its desire to facilitate social housing programmes, one part is dedicated to women as survivors of violence, a further step towards meeting the standards of the Council of Europe Convention on preventing and combating violence against women and domestic violence.

Keywords: social housing, affordable housing, legislation, families, vulnerable people, local government

Introduction

One of the problems facing society today is housing and the need for affordable housing. The concept of social housing might be said to originate in the UN Universal Declaration of Human Rights, Article 25(1) of which refers to the right to an adequate standard of living in the context of the need for social security:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

The provision of social housing includes the construction, development, allocation and management of rented social housing schemes, as well as the ownership of social housing. Clearly, this is a service provided by the government on behalf of that part of the population who may benefit from social assistance as part of broader social policy schemes, with housing benefits also provided in order to help low-income rent-paying families (Housing Europe 2016).

Naturally, the question arises as to what is social housing. Generically, it means all the financial and economic resources involved (who invests in social housing and the amount of capital invested), as well as the techniques of construction and risk

management required by building projects of this sort of scale (who constructs those buildings and then who is responsible for their maintenance and upkeep, and for the safety and security of the families housed there).

Additionally, however, there are also questions of social justice and anti-poverty measures which reflect society's need to tackle income inequality (which also refers to the amount social housing beneficiaries can afford to pay), and it further incorporates into its concept several institutional elements (the management and allocation of social housing resources as regards the personnel and criteria involved in the identification of families who need this service, their level of prioritisation and the accountability of those making these sorts of assessments).

Social housing in Albania

In Albanian society, social housing has been part of the public debate for some time. In response, the government identified, in a major piece of strategy development taking housing policy from 2016-2025, three areas of provision: rented social housing; low-cost housing; and a land-based infrastructure programme (Ministria e Zhvillimit Urban 2016: 13). In addition, the government responded positively to ideas on housing subsidies, subsidised loans, small grants and immediate grants with specific target groups in mind (Ministria e Zhvillimit Urban 2016: 13).

However, Albania continues to face problems in terms of pursuing such a strategy. Included among these is the development of accurate statistical data on the numbers of families who need this service. Furthermore, based on the literature regarding this issue, we can confidently state that there is a problem of institutional management capacity. In fact, we also wonder whether social housing is fairly distributed among those who have applied for it: the effective management of the distribution of the available housing stock is more than just about simply identifying those who are in need.

Another problem we have to face up to is the availability of sufficient financial resources. As we identified in the Introduction, the capacity and availability of capital to help individuals and families in need is a key part of the practical implementation of social housing strategy, yet in Albania the financial resources are small compared to the scale of the demands of those in need.

Nevertheless, it is important to have regard for the vision, the policies and the strategic priorities entailed by what the government, together with the relevant institutions, is undertaking. Law No. 22/2018 *On social housing*, which seeks to implement the 2016-2025 strategy, is one of the most important acts in the realisation of social housing programmes in Albania.

The object of this Law is the definition of the administrative rules and procedures involved in planning, providing, administering and distributing social housing programmes so as to create affordable and convenient housing opportunities, based on the ability to pay of those families needing shelter and support from the responsible state institutions. The aim, put simply from the 2016-2025 strategy document, is:

To provide low and middle income households who cannot afford a house in the open market, and in particular, to households with vulnerability indicators resulting in housing exclu-

sion, with available, accessible, affordable and quality housing solutions. (Ministria e Zhvillimit Urban 2016: 5)

We should note at the outset that the Law was welcomed as an important milestone in terms of its commitment to the protection of vulnerable women (UN Women 2019); the UN Committee on the Elimination of Racial Discrimination noted the Law (and the 2016-2025 Strategy) as a ‘positive aspect’, not least in terms of its framing as regards minority groups excluded from the housing market because of vulnerability indicators (CERD, 2019); while the Centre for Civic Legal Initiatives emphasised the new Law’s importance in terms of its ‘sanctioning of housing support services for women victims of violence’ (CLCI 2018).

We look in this article at the government’s social housing law and what it is seeking to achieve, starting off with an examination of the principles under which the Law is deemed to operate, as well as examining some contextual aspects underpinning why the Law is important.

Principles of social housing policy

Home affordability

This principle – set out in Article 3 of the Act – determines home affordability based on family income. Average income families are considered those families which spend no more than 25 per cent of their monthly income on providing adequate housing; low-income families are those which do not spend more than 20 per cent of their income in this way; while very low income families are those which do not spend more than 15 per cent.

The intention is to define the criteria under which an individual or a family might qualify for inclusion in a social housing programme.

Appropriate housing

Article 4 sets down that housing is considered appropriate for an individual or a family when it guarantees privacy, and a safe, peaceful and dignified living, including the presence of sufficient living space; basic services within the residential environment; protection and security from risks arising from human actions or omissions, or natural and climatic factors; access to public services such as drinking water and electricity, waste water disposal and waste management; access to a stated series of public and community services; and which meets accessibility requirements for people with disabilities, the elderly and children.

Security of residence

Under Article 5, the right to residence, whether temporary or permanent, is regarded as inviolable, with eviction being expressly prohibited although cases of resettlement following notification and consultation are envisaged.

Relocation procedure

If it is no longer possible to remain in a residence as a result of the operation of the public interest (i.e. public investment) or the proposed demolition of the building in which the residence is located, Article 6 sets down a procedure for handling this eventuality in which the local self-governing authority (i.e. the unit of local government):

- a) gives 30 days notice in writing of the reasons for the proposed relocation
- b) provides information about alternative housing options
- c) makes a formal notice of removal 45 days prior to the relocation accompanied by a document approving alternative accommodation.

Other paragraphs in Article 6 also set down that resettlement is not to be carried out unless adequate housing for displaced individuals or families has already been identified; that there is a right of appeal; and that individuals or families affected by proposed relocation initiatives are entitled to legal aid.

Respecting the culture and traditions of communities

Article 7 expressly lays down that local self-government authorities must respect the different traditions and cultures of communities; and that housing construction should enable the expression of cultural identity and the diversity of communities, as far as this does not prejudice necessary standards of housing quality.

This Article is designed to give expression to the 2016-2025 Strategy's desire to ensure that vulnerable communities – expressly Roma and Egyptians – excluded from the housing market and frequently living informally in poor conditions, are not only not excluded from the Law but enabled to participate in its intentions to improve living conditions.

Participation

Article 8 follows on from the above principle by ensuring that any entity implementing a social housing programme involves the community affected or benefiting from the programme in a legally-backed process of consultation.

Transparency and public information

This principle – set out in Article 9 – identifies that local self-government authorities should engage in a campaign of public information about their social housing initiatives by providing complete, easily accessible, understandable and readable information for every individual or family.

Not only that, but Article 9 also specifies precisely what the information should contain, i.e:

- the type of social housing programme being implemented locally
- the conditions that interested parties must meet to be included in the programme
- the documentation required to verify the data declared by the interested party
- the procedure for the approval of the participation of interested parties
- the body and procedure to which those not selected as beneficiaries might address an appeal.

Further paragraphs in this section set out the requirement for transparency in the publication process, and for the provision of appropriate documentation, and also identify the need for assistance with form-filling for people with disabilities, the elderly and those who do not understand Albanian or who cannot read or write.

Additionally, however, the Article makes clear that this is intended to ensure that any individual or family with communication difficulties receives the information and assistance they require to participate.

Again, it is clear that the purpose is to ensure the widest possible participation and inclusion in the programme.

Non-discrimination

The final principle under which the Law operates is that of non-discrimination – that the rights are guaranteed to any individual regardless of gender; race; colour; religion; ethnicity; language; gender identity; sexual orientation; political, religious or philosophical beliefs; economic, educational or social situation; pregnancy, parental responsibility, family or marital status; civil status; health status; genetic predisposition; disability; affiliation to any particular group; and any other conditions that bring about discriminatory consequences.

Furthermore, Article 10 goes on to lay down that no-one shall be denied the right to benefit from inclusion in a social housing programme for reasons of discrimination – but also that social housing programmes may be expressly designed to assist individuals or groups who are in need. This reflects the intention set out in the 2016-2025 Strategy to provide prioritised investments in improving housing for Roma and Egyptian families, as well as a series of small grants for people from such communities to improve their living conditions.

Types of social housing programme

The Law contains many other items of interest in terms not least of the criteria for selecting the beneficiaries of the social housing programme (see Article 16), but we go on in this section of our article to examine the types of programme on offer under the Law.

Rented social housing

The rented social housing programme (*banesave sociale me qira* – BSQ) offers publicly-owned housing available for rent from a public social housing fund, as well as housing owned by other social owners.

Rented social housing includes, expressly under Article 17: social housing built or purchased by local self-government authorities via the free market with the purpose of renting it out under a social housing contract; existing social-owned residences; and buildings which are out of commission owing to the closure of an activity but which have been transferred to the ownership of local self-government authorities and approved for transfer to a rented social housing programme.

Adaptation and improvement of existing buildings and houses

This programme is set out under Article 40, which offers money out of the state budget, via a series of competitive grants, to self-government authorities to allow them to turn existing buildings into flats for the purpose of housing. The renovation of existing buildings – and, if necessary, new constructions – encompasses all the public works that must be carried out to turn accommodation into suitable housing for people, as set out in Article 4 of the Law (see above).

Low-cost housing

Low-cost housing (*banesë me kosto të ulët* – BKU) is a programme under which appropriate-quality housing might be offered on the basis that it will be owned by the beneficiary under various forms of state assistance. Article 44 identifies the main features of this programme, i.e. new low-cost houses provided locally where market values are higher than the cost of construction but which are sold at a price below market value (but not below the costs of construction).

Alternatively, where the open market value is lower than construction costs, such housing may be purchased and included in the programme as long as it meets certain conditions for inclusion.

Development of areas for the purpose of housing

Article 50 allows local self-government authorities to make appropriate plans for areas of land which may be suitable for the development of social housing. Here, the intention is to provide investment either out of the state budget or locally provided, including in partnership with the private sector, to develop areas which can be owned by the state or privately. There is a particular focus here on illegal constructions that cannot be made legal; buildings which the authority decides are unfinished; and old dysfunctional, industrial units otherwise occupied by homeless individuals without appropriate housing authorisation.

Under this programme, land which is already equipped with appropriate infrastructure and seen as part of a social housing development area may also be offered free of charge to beneficiaries who undertake to build a dwelling at their own expense (and subject to the terms and conditions prescribed by the local self-government authority).

Temporary housing

Temporary housing consists of facilities and equipment that are easily assembled and dismantled and which may serve as temporary accommodation for a period of up to two years. Those placed in temporary accommodation must immediately apply for other social housing programmes. Under Article 54, use cases for temporary accommodation are people falling into these specific categories:

- a) refugees
- b) individuals displaced from their houses as a result of natural disasters or ones of human origin

- c) individuals relocated as a result of public or private investment programmes and who do not receive compensation, in cases only where the local self-government authority is able to prove that it has no other alternative within its other social housing programmes
- d) returning migrants
- e) homeless people living in environments not classified as places of residence.

Specialised housing

Finally, Article 58 sets down types of accommodation through which local self-government units may address the specific housing needs of target groups of vulnerable people, identified as follows:

- a) the elderly and/or people with disabilities
- b) those who have been trafficked (including those who may have been trafficked)
- c) domestic violence survivors
- d) children aged 14-18 who are lacking parental care or who have been taken into the protection of state institutions and who are preparing for independent life, extendable to those aged 18-21 who have been released from criminal justice programmes
- e) young mothers.

Conclusions

The specialised housing provisions and the extensive non-discrimination clauses, accompanied by the determination to do something to improve the living conditions of the Roma and Egyptian minorities, are what has given the Law on Social Housing much of its social impetus – and which has clearly attracted the attention of international organisations. Here, we should pay particular tribute to the clear targeting of the legislation towards women who are survivors of violence: a further step on Albania's path to meeting its commitments under the standards of the Council of Europe Convention on preventing and combating violence against women and domestic violence.

At the same time, it is clear that the ability to implement these provisions is key and that, in this area, Albania is likely to require further development assistance from its international partners in the following areas:

1. effective institutional management with regard to the identification of individuals and families in need.

This needs to be achieved through an updating of the infrastructure of government institutions as well as effective training in terms of intellectual capacity (Qerimi and Sergi 2012).

2. a strengthening of financial institutions. As stated above, Albania's capital capacity is not sufficient to meet the demands of individuals and families who are in need but who are the targets of different aspects of the social housing programme.

In order better to match supply and demand, and to ensure that the social housing programme is properly driven to achieve its aims on the proviso that there is

a strengthening of Albania's financial institutions, greater co-operation will be required particularly at the following levels:

- a) institutions
- b) institution-company
- c) institution-donors
- d) effective monitoring of institution-government cooperation
- e) institution-donor monitoring to monitor funds as a means of ensuring effectiveness.

References

- CERD (2019) *Concluding Observations* CERD/C/ALB/CO9-12, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/ALB/CO/9-12&Lang=En.
- Centre for Civic Legal Initiatives (2018) *Law No. 22/2018 'On Social Housing': The most important act for the effective realization of social housing programs for victims of violence!* available at: http://www.qag-al.org/ang/publication/housing_1aw.pdf.
- Housing Europe (2016) *Social Housing in Europe* (2010) France Country Profile, Brussels, 27 March, available at: <http://www.housingeurope.eu/resource-106/social-housing-in-europe>.
- INSTAT (2012) *Censuri i popullsisë dhe banesave* Tiranë, Shqipëri: INSTAT.
- Ministria e Zhvillimit Urban (2016) *Strategjia e Strehimit Social 2016-2025* Tiranë, Shqipëri, available in English at: <https://www.al.undp.org/content/albania/en/home/library/poverty/social-housing-strategy-2016---2025.html>.
- Qerimi, Qerim and Bruno S. Sergi (2012) 'The Effects of Economic Freedom on Institutional Performance in Western Balkans Countries' *International Journal of Business Governance and Ethics* 7(1): 18-36.
- Renaud, B (1999) 'The Financing of Social Housing in Integrating Financial Markets: A View from Developing Countries' ('Financimi i strehimit social në tregjet e integruara financiare: vendet në zhvillim') *Urban Studies* 36(4): 755-773.
- UN (1948) *Universal Declaration of Human Rights* UN: Paris, available at: <https://www.un.org/en/universal-declaration-human-rights/>.
- UN Women (2019) *New law in Albania will provide low-cost housing for domestic violence survivors* available at: <https://www.unwomen.org/en/news/stories/2019/3/feature-story-new-law-in-albania-will-provide-low-cost-housing-for-domestic-violence-survivors>.
- Law No. 22/2018 'On social housing', available (in Albanian) at: <https://financa.gov.al/wp-content/uploads/2018/12/ligj-nr.-22-dt.-3.5.2018.pdf>.