



WEBINAR ON MODEL EMERGENCY HOUSING LEGISLATION, 23 March

On Tuesday, 23rd of March, Housing Rights Watch organised a present a comprehensive Model Emergency Housing Legislation to protect the right to housing in light of the COVID-19 pandemic and beyond. Through the presented model legislation, the authors are urging governments around the world to use the basic legal provisions outlined in it to prompt and guide the development of domestic laws to ensure access to housing for all. The panellists of this seminar were members of the steering committee that drafted the Model Legislation can be advanced.

Cecilia Forrestal from the Community Action Network (CAN) moderated the webinar. She explained that the goal of the online seminar is capacity building, to facilitate right-holders led campaigns for people at risk of losing their homes. The need for a model housing legislation stirred from the Covid 19 pandemic, that has amplified a pre-existing housing crisis.

Marguerite Angelari, Senior Legal Officer with Open Society Foundations, Justice Initiative presented the reasons for creating a Covid19 Emergency Housing Legislation and how this emergency legislation came about. Since the beginning of the Covid pandemic, many people lost the means of paying for their homes. Evictions were still taking place in most of the world. Public health concerns were used for evicting people from temporary settlements. Governments barred evictions from rental housing, but not from mortgage housing (or vice versa) or they did not bar them at all. In many countries, migrants, people with disabilities, homeless were not protected at all and governments often adopted a piecemeal approach, not giving full protection to people who needed it. There was and there is a need for a comprehensive approach to these issues.

According to Angelari, the pandemic is an unprecedented event that made the impossible possible, namely, to lay the grounds for a future where the right to housing is enshrined in legislation.

Padraic Kenna, Senior Lecturer in Law and Director of the Centre for Housing Law, Rights and Policy at the Law School NUIG presented the key features of the Model Housing Legislation. The legislation is based on UN (United Nations) Special Rapporteur Guidelines on COVID 2020. The proposed measures should be adopted effective immediately, for the duration of the pandemic and until COVID-19 related government supports are no longer being provided to any natural or legal persons, whichever occurs later.

Mr Kenna spoke in the online seminar about the sections in the model legislation> protection from eviction, rent and mortgage payments, essential housing services, migrants, asylum-seekers and refugees, public housing assets, homelessness, housing providers, real estate investors and developers. The full presentation and the legislation can be accessed in our website.

The model legislation gives responsibility for the implementation of the measures to the national housing minister but can also involve regional governments. Access to effective legal remedies for those affected is key. To guarantee effective public monitoring systems of the measures governments should present monthly public statements of progress presented to the legislature.

The overall goal is to get comprehensive legislation for the right to housing after COVID measures. In the past, it seemed impossible to have rent freeze, moratoria on evictions. Yet, many COVID emergency measures reflect what states have already accepted under UN law.



Leilani Farha, Global Director of The Shift spoke about how Governments and Legislators can use the Model Housing Legislation. According to her, the model legislation is based on a human rights framework. A human rights framework understands that to get societal change, structural issues need to be addressed. The best way to figure that out is by having mechanisms where the people concerned are directly involved in the creation of housing legislation.

Governments could do their own evaluation of the existing legislation based on the model. Most governments already know that the housing crisis and the crisis of the virus have duck tailed. Some already made attempts on solving the issues tackled in the model legislation. With these measures they can check in on if they are doing the best they can.

Furthermore, the local level can use the model legislation to encourage various levels of government to act. Cities are often trying to engage but they lack competencies. They can use this model legislation to lobby or advocate higher levels of government.

Of course, the legislation needs to be adapted to the context of the government while bearing in mind the comprehensive approach.

Maria Jose Aldanas, Policy Officer at FEANTSA and Coordinator of Housing Rights Watch, discussed how housing advocates can make practical use of the Model Housing Legislation. The key goal of the model is to support advocacy and collective complaint mechanisms by putting all human right demands for housing in one document.

While it may seem difficult to implement the model legislation as it is, it is a comprehensive piece of legislation with the goal to be fully implemented. Nevertheless, advocates may be pragmatic and take one topic at a time if needed. For FEANTSA, for instance, two main tools would be ending homelessness and preventing rental evictions.

Advocates need to identify their strategy, outline their goals and identify the stakeholders. They should get acquainted with the national legislation regulate these issues in their country, analyse it and see how it has been implemented and what would be the demands regarding the model legislation. Identifying potential allies is also key. Advocates should use all tools at their disposal as contacting political parties in the Parliament, using media and newspaper to denounce realities and make use of social media. Direct action methods as a Housing Action Day can be useful to raise awareness in the wider public. Another crucial tool is strategic litigation.

After their presentations, the panellists explained the difficulties of creating legislation that covers so many different countries such as different accountability and implementation because of the different constitutional systems.

They underlined the importance of Housing Rights activists working together to realise better rights-based housing systems in all countries around the globe.