



THE RIGHT TO
HOUSING IN
CATALONIA:
URGENT
MATTERS

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SÍNDIC

EL DEFENSOR
DE LES
PERSONES

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Síndic de Greuges de Catalunya (Catalan Ombudsman)

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On February 28th, 2018, the Catalan Ombudsman submitted to the Parliament of Catalonia the report entitled *The right to housing in Catalonia: urgent matters*. The elaboration of the report is justified by the complaints received that show, on the one hand, the impossibility of many people and families to access affordable housing with their low income, in many cases with only a social benefit; and, on the other hand, the failure of the public administrations to guarantee the right to housing of all people who cannot access a home in the free market, because their income is not enough to take a private rent or because, despite having some income, they cannot comply with the payment guarantees that homeowners usually require.

MAIN SUGGESTIONS OF THE REPORT

1. Regarding bank rescission and SAREB¹

The reckless performance of financial institutions, aggravated by the lack of exercise by the Bank of Spain of its supervisory functions and the late reaction of the State in recognizing the serious crisis situation, led to a bank rescue that has cost more than 42 billion euros to citizens.

Currently, SAREB is considered one of the real estate agencies with more land properties in Spain. Among its real estate assets, there are at least 54,000 housing units, as well as land that can be urbanized and also urbanized land, and the main locations of the real estate assets of the SAREB are in Catalonia. The Catalan Ombudsman considers that it still is in time to amend the current situation and to make it possible that the generated capital also reverts to the citizens as a whole, enforcing their right to access decent and adequate housing, as set out by the Spanish Constitution and the Statute of Autonomy of Catalonia.

In order to make it possible, the Government of the State should undertake the relevant

legislative measures to ensure that SAREB grants at least 30% of its housing for social rental and to determine the requirements that must be met by the entities and the administrations to which the management of the houses is entrusted.

To this end, a draft law from the Parliament of Catalonia should be submitted to the Congress. It should establish the goals that have been pointed out with regards to the regulations that should be promoted by the Government of the State.

2. Regarding housing policies

The transversal character of the right to housing makes it necessary to approve a sectorial territorial plan of housing and implement public housing policies that provide for coordinated action of the competent public administrations, promoted by the Government of Catalonia, to achieve the following goals:

- Increase the budget for public housing policies, which should be at least 0.6% of GDP, given the inadequate current investment.
- Take measures to protect the rights of tenants and homeowners in the terms set forth in this report.
- Promote public subsidized housing.
- Formalize agreements with the major holders of empty houses to be allocated to social rental.

3. Regarding situations of social exclusion

The response to current residential exclusion situations and, especially, to emergency situations requires the following measures to be taken:

- Increase the housing stock for social rental. In order to achieve this in the short term, it is necessary to reach agreement on the assignment of houses with the major

¹ Asset Management Company from Bank Restructuring (official name of the bad bank in Spain).

holders and also improve the coordination between public administrations regarding the disposition and management of available housing.

- Speed up the current procedures for granting public housing.
- Adopt the necessary precautionary measures in the case of social and housing services to avoid situations of social emergency.

4. Regarding evictions

- A protocol of action must be established between the courts and the regional and local Administration –or, if necessary, review the effectiveness of the existing protocol with the High Court of Justice of Catalonia– that guarantees that, in the event of an eviction, the effective loss of home does not occur, at least for a period of two months during which the social and housing services can evaluate the case and guarantee the relocation of the people affected, if applicable.
- Measures must be sought for debtors of good faith immersed in a situation of over-indebtedness that allows them to emerge from this situation. The Catalan Ombudsman considers it necessary to promote the necessary legislative reforms to guarantee a second, real and effective opportunity.

5. Regarding the squatting

The Catalan Ombudsman considers that squatting cannot be accepted as a solution and it may also harm the rights of third parties who, through legally established procedures, have been granted the squatted house.

At the same time, the Catalan Ombudsman is also aware that, in some cases, the lack of a sufficient response from the Administration to housing needs has led to some people in the extreme need to squat those homes that were empty. These people are in a situation of vulnerability because they cannot access the basic supplies and they are in risky if they try do so through direct connections.

In these cases, and with the previous accreditation that it is a squatting for a housing need that has been neglected by the public Administration, the public administrations and the supply companies should sign a protocol that guarantees, on the one hand, access to the supplies, in security and provisional conditions, while the situation of residential exclusion is not resolved definitively, and on the other hand, the legal security of the supplying companies.

In order to apply the protocol, the Administration must guarantee that it is a squatting for a housing need that has been neglected by the administrations and that the security conditions established by the regulations are met.

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