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REQUEST FOR CONTRIBUTIONS: DESIGNING AND IMPLEMENTING EFFECTIVE HUMAN RIGHTS-BASED HOUSING STRATEGIES

The Danish Institute for Human Rights – Denmark’s human rights institution – is a national human rights institution in accordance with the UN Paris Principles and a National Equality Body in accordance with EU equal treatment directives.

The Special Rapporteur has asked for contributions on designing and implementing effective human rights-based housing strategies.

Denmark has not formulated an overall housing strategy, but has a well-developed public (social) housing sector. Social welfare legislation provides social benefits and housing assistance based on individual assessments for people in need and contains special provisions to prevent evictions of tenants. A long with social services as shelters, drop-in centres, alcohol and drug treatment etc. such services combined implement the right to adequate housing in Denmark.

In the following, we will introduce some key components of Danish welfare regulation related to housing.

PUBLIC HOUSING

Close to one million people or one sixth of the Danish population lives in public (social) housing.¹ The overall aim of the regulation of public housing is to provide adequate and affordable housing for everyone in need.²

¹ The Danish National Building Fund (Landsbyggefonden), (2016), *Statistik - Beboere i den almene boligsektor 2016*, Published December 2016, p. 5, available in Danish at: <https://www.lbf.dk/media/1439270/beboerstatistik-2016.pdf>.

² The Act on Public Housing, Consolidated Act No. 1103 of 15 August 2016 with amendments (*lov om almene boliger m.v., lovbekendtgørelse nr. 1103 af*

Public housing consist of three types of dwellings: Family dwellings, elderly dwellings and youth dwellings.³ Approximately 82 per cent of the public housing stock are family dwellings, while 12 per cent are elderly dwellings and 6 per cent are youth dwellings.⁴ Family dwellings are available to everyone and access is in principle granted based on seniority on waiting lists.⁵ Public housing is regulated by the Act on Public Housing and construction of new public housing is subsidised to keep the rent low.⁶ Public housing is operated by Housing organisations, which are non-profit organisations, approved by the municipalities to operate public housing.⁷

Pursuant to the Act on Public Housing, the municipalities have at their disposal one in every four vacant family and youth dwelling to solve social housing problems in the municipality through municipal housing usher.⁸ By agreement with the housing organisations, this can be increased to all public housing in the municipality.⁹

Municipal housing usher is granted an individual by administrative decision based on an assessment of the individual's need for housing

15. august 2016 med senere ændringer), section 5a, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=183636>.

³ The Act on Public Housing, Consolidated Act No. 1103 of 15 August 2016 with amendments (*lov om almene boliger m.v., lovbekendtgørelse nr. 1103 af 15. august 2016 med senere ændringer*), section 3, 4 and 5, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=183636>.

⁴ The Danish National Building Fund (Landsbyggefonden), information available in English at: <https://www.lbf.dk/om-lbf/english/>.

⁵ The Act on Public Housing, Consolidated Act No. 1103 of 15 August 2016 with amendments (*lov om almene boliger m.v., lovbekendtgørelse nr. 1103 af 15. august 2016 med senere ændringer*), section 51, subsection 1, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=183636>.

⁶ The Danish National Building Fund (Landsbyggefonden), information available in English at: <https://www.lbf.dk/om-lbf/english/>.

⁷ The Act on Public Housing, Consolidated Act No. 1103 of 15 August 2016 with amendments (*lov om almene boliger m.v., lovbekendtgørelse nr. 1103 af 15. august 2016 med senere ændringer*), section 1, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=183636>.

⁸ The Act on Public Housing, Consolidated Act No. 1103 of 15 August 2016 with amendments (*lov om almene boliger m.v., lovbekendtgørelse nr. 1103 af 15. august 2016 med senere ændringer*), section 59, subsection 1 and 3, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=183636>.

⁹ The Act on Public Housing, Consolidated Act No. 1103 of 15 August 2016 with amendments (*lov om almene boliger m.v., lovbekendtgørelse nr. 1103 af 15. august 2016 med senere ændringer*), section 59, subsection 2, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=183636>.

and the composition of tenants in the respective housing unit.¹⁰ Each municipality can set criteria for ushering public housing using the right to usher vacant dwellings. Municipalities usually prioritise refugees and families with children.¹¹ Excepted refugees, who have the right to both temporary and permanent housing, municipal usher for public housing is not an individual right and one could not claim nor remedy a refusal to be ushered public housing.

In 2016, 18.6 percent of vacant dwellings in public housing were rented out via municipal usher, while 65 percent were rented out via waiting list.¹² Municipal usher is also used to provide homeless people with housing, see further below.

HOUSING ASSISTANCE

The Act on individual housing assistance regulate access to housing assistance.¹³ The calculation of housing assistance is based on both the household's income and the rent.¹⁴ In 2010, the former Ministry of Social Affairs and Integration (*Social- og Integrationsministeriet*) informed the EU Commission that, in 2008 approximately 60 percent of households in public housing received housing assistance.¹⁵ Data

¹⁰ The Act on Public Housing, Consolidated Act No. 1103 of 15 August 2016 with amendments (*lov om almene boliger m.v., lovbekendtgørelse nr. 1103 af 15. august 2016 med senere ændringer*), section 59, subsection 1, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=183636>.

¹¹ SFI – The Danish National Centre for Social Research (2012), "Udlejningsredskaber I almene boligområder – en analyse af brugen og effekterne af udlejningsredskaber i almene boliger", report no. 12:05, p. 85, available in Danish at: https://pure.sfi.dk/ws/files/235977/1205_Udlejningsredskaber.pdf.

¹² The Danish National Building Fund (Landsbyggefonden), (2016), "Anvisninger i den almene boligsektor i 2016, temastatistik", Published January 2017, p. 1, available in Danish at: <https://www.lbf.dk/media/1439295/temastatistik-om-anvisninger-i-den-almene-boligsektor-i-2016.pdf>.

¹³ The Act on Individual Housing Assistance, Consolidated Act No. 174 of 24 February 2016 with amendments (*lov om individual boligstøtte, lovbekendtgørelse nr. 174 af 24. februar 2016 med senere ændringer*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=177442>.

¹⁴ The Act on Individual Housing Assistance, Consolidated Act No. 174 of 24 February 2016 with amendments (*lov om individual boligstøtte, lovbekendtgørelse nr. 174 af 24. februar 2016 med senere ændringer*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=177442>.

¹⁵ Ministry of Social Affairs and Integration (2010), *Presentation to the European Commission of Denmark's National Roma Inclusion Strategy*, Published December 2010, p. 11, available in English at:

provided by stakeholders to DIHR in 2016 indicates that housing assistance on average amounts to 50 percent of the rent or approximately one fourth of the total rent in public housing.¹⁶

PREVENTION OF EVICTIONS

The enforcement courts notify a citizen's municipality when they receive an eviction case.¹⁷ The public housing organisations are obliged to notify a citizen's municipality when an eviction case based on lack of rent payment is lodged.¹⁸

In accordance with section 5a of the Act on Legal Protection and Administration in Social Matters¹⁹ the municipality must immediately handle cases regarding welfare assistance when it receives notification of eviction cases involving families with children or when the municipality has information indicating a need for social support. In such situations, the municipality must, pursuant to section 5 of the Act on Legal Protection and Administration in Social Matters, look at all possibilities in social welfare laws for offering assistance. The aim is to prevent eviction if possible or to have measures in place to avoid homelessness in case of eviction and to put in place any other assistance or social interventions needed to address possible social problems in the family and in the care of children. One way to avoid eviction is to provide one-off assistance for outstanding rent to persons in risk of eviction in accordance with section 81a of the Act on Active Social Policy.²⁰

http://ec.europa.eu/justice/discrimination/files/roma_denmark_strategy_en.pdf.

¹⁶ Information provided by BL – Danmarks Almene Boliger by e-mail on 21 March 2016, DIHR's document no. 15/00210-11.

¹⁷ The Act on Legal Protection and Administration in Social Matters, Consolidated Act No. 1345 of 23 November 2016 with amendments (*lov om retssikkerhed og administration på det sociale område, lovbekendtgørelse af 23. november 2016 med senere ændringer*), section 5a, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=184120>.

¹⁸ The Act on Public Housing Lease, Consolidated Act No. 228 of 9 March 2016 (*lov om leje af almene boliger, lovbekendtgørelse nr. 228 af 9. marts 2016*), section 92, subsection 2, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=173828>.

¹⁹ The Act on Legal Protection and Administration in Social Matters, Consolidated Act No. 1345 of 23 November 2016 with amendments (*lov om retssikkerhed og administration på det sociale område, lovbekendtgørelse af 23. november 2016 med senere ændringer*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=184120>.

²⁰ The Act on Active Social Policy, Consolidated Act No. 269 of 21 March 2017 with amendments (*lov om aktiv socialpolitik, lovbekendtgørelse nr. 269 af 21. marts 2017 med senere ændringer*), section 81a, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=188312>.

In case of eviction or sudden homelessness, the municipalities are obliged to provide temporary accommodation for families in accordance with section 80 of the Act on Social Services.²¹ Temporary accommodation could be an apartment, hotel, hostel etc. and can only be used to find short-term solutions. The rent for temporary shelter must not exceed the regular level of rent for a family dwelling in the area.²² Longer-term housing solutions may be provided by using municipal usher for public housing in accordance with section 59 of the Act on Public Housing, see above. Homeless people with severe social problems and need social support has an individual right to public financed shelters in accordance with section 110 of the Act on Social Services.

STRATEGY TO COMBAT HOMELESSNESS

VIVE – The Danish Centre of Applied Social Science (*VIVE – Det nationale forsknings- og analysecenter for velfærd*) publish a biannual survey on homelessness in Denmark, latest in September 2017.²³ The survey provides a snapshot of the number of people living in a homeless situation during the week the survey is carried out. Since the biannual survey was initiated in 2009, the number of people living in homelessness has steadily increased from 4,998 in 2009 to 6.635 in 2017, equalling a 33 percent increase.

In 2008, a national strategy to combat homelessness was launched. The overall aim of the strategy was to reduce homelessness by introducing the principle of Housing First combined with social support. As part of the strategy, a number of municipalities would use three evidence-based social support methods to help former homeless tenants maintain their homes. Further, more shelters and specially designed social housing for long-term homeless people was established. The strategy was carried out from 2009-2013 and 500m DKK was allocated to fund the strategy.²⁴

²¹ The Act on Social Services, Consolidated Act No. 988 of 17 August 2017 with amendments (*Serviceoven, lovbekendtgørelse nr. 988 af 17. august 2017 om social service med senere ændringer*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=191895>.

²² The Act on Social Services, Consolidated Act No. 988 of 17 August 2017 with amendments (*Serviceoven, lovbekendtgørelse nr. 988 af 17. august om social service 2017 med senere ændringer*), section 80, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=191895>.

²³ VIVE – The Danish Centre of Applied Social Science (*VIVE – Det nationale forsknings- og analysecenter for velfærd*) (2017), “Hjemløshed i Danmark 2017 – National kortlægning, Published September 2017”, available in Danish at: https://pure.sfi.dk/ws/files/923630/Hjeml_shed_i_Danmark_2017.pdf.

²⁴ Rambøll, “Hjemløsestrategien – Afsluttende Rapport – Sammenfatning”, Published March 2013, p. 1-4, available in Danish at:

The evaluation of the strategy found the use of housing first combined with social support was effective. 9 out of 10 homeless enrolled in the program maintained their homes. However, the total number of people living as homeless increased during the period of the strategy and none of the strategy's goals was reached.²⁵

From 2014-2016, an implementation program was carried out to mainstream housing first combined with social support in further 24 municipalities. The evaluation of the implementation program points to several structural problems in implementing the methods of the first homeless strategy. Rising housing prices and lack of small affordable dwellings makes it difficult for the municipalities to find sufficient suitable housing for implementing housing first.²⁶ Data shows that only 4 percent of persons registered as homeless from 2009-2015 has received support based on the Housing First principle combined with social support.²⁷

In March 2016, the Government and the Local Government Denmark agreed to allocate 640m DKK for the establishment of small affordable dwellings in the public housing sector.²⁸

In October 2017, the Government presented a new Action plan to combat homelessness with 15 new initiatives.²⁹ This includes the establishment of a national counselling service under the National Board of Social Services, which will formulate national guidelines and

<http://hjemlosestrategien.ramboll.dk/evalueringen%20og%20monitoreringen/~media/44BEC5594E7546ECA8EAC73F872C0620.ashx>.

²⁵ Rambøll, "Hjemløsestrategien – Afsluttende Rapport – Sammenfatning", Published March 2013, p. 1-4, available in Danish at:

<http://hjemlosestrategien.ramboll.dk/evalueringen%20og%20monitoreringen/~media/44BEC5594E7546ECA8EAC73F872C0620.ashx>.

²⁶ Rambøll and SFI – the Danish National Centre for Social Research, "Housing First I Danmark – Evaluering af Implementerings- og forankringsprojektet I 24 kommuner", Published 2017, report no. 17:03, p. 9-26, available in Danish at: https://pure.sfi.dk/ws/files/677450/1703_Housing_first_i_Danmark.pdf.

²⁷ VIVE – The Danish Centre of Applied Social Science (*VIVE – Det nationale forsknings- og analysecenter for velfærd*) (2017), "Veje ind og ud af hjemløshed. En undersøgelse af hjemløshedens forløb og dynamik", Published September 2017, available in Danish at:

https://pure.sfi.dk/ws/files/960830/Veje_ind_og_ud_af_hjeml_shed.pdf.

²⁸ The Government and Local Government Denmark, "Bedre rammer for at modtage og integrere flygtninge", 18 March 2016, the agreement available in Danish at: <http://uim.dk/filer/nyheder-2016/aftaletekst-bedre-rammer-for-at-modtage-og-integrere-flygtninge.pdf/view>.

²⁹ The Ministry of Children and Social Affairs, "Handlingsplan til bekæmpelse af hjemløshed", October 2017, available in Danish at: <http://socialministeriet.dk/media/19015/handlingsplan-til-bekaempelse-af-hjemloeshed.pdf>.

assist municipalities when formulating and implementing homeless policies. The Action Plan includes initiatives on preventing evictions, new initiatives to reduce youth homelessness, outreach psychiatric services and economic support to peer organisations. In drafting the Action Plan, the Minister of Children and Social Affairs has consulted civil society organisations working with homelessness in a number of meetings.

The Government suggest allocating 250m DKK from the Social Reserve Fund for the initiatives. The allocation of funds from the Social Reserve Fund is decided by a coalition of all parties in Parliament except one, and are currently being negotiated.

HUMAN RIGHTS-BASED HOUSING STRATEGY

Reference is seldom made directly to economic and social human rights in Danish legislation and social policies.

Social welfare legislation usually formulates individual rights to receive benefits and social services based on listed criteria and administrative assessments of the individual need. As mentioned above, the overall aim of the public housing regulation and policy is to provide adequate and affordable housing for everyone in need. By using municipal housing usher, the municipalities can provide housing for vulnerable persons in advance of the waiting lists. Further, the reduction of homelessness has been on the political agenda for several Danish governments.

The Danish housing policy is not formulated as an overall strategy with clear goals and timelines. The increase in the number of people living in homelessness could be seen as an indicator of structural issues both in housing policies and in the implementation of social services. Several initiatives has however been taken to establish small dwellings that people on the lowest incomes can afford and to reduce homelessness.

Please do not hesitate to contact the Danish Institute for Human Rights if any further information is required.

Yours sincerely,

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