



**LIETUVOS RESPUBLIKOS NUOLATINĖ ATSTOVYBĖ PRIE
JUNGTINIŲ TAUTŲ BIURO IR KITŲ TARPTAUTINIŲ
ORGANIZACIJŲ ŽENEVOJE**

**MISSION PERMANENTE DE LA LITUANIE AUPRÈS DE
L'OFFICE DES NATIONS UNIES ET DES AUTRES
ORGANISATIONS INTERNATIONALES À GENÈVE**

No. SN-80-128 /2014

The Permanent Mission of the Republic of Lithuania to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to submit the answer provided by the Government of the Republic of Lithuania to the questionnaire on the right to adequate housing.

The Permanent Mission of the Republic of Lithuania to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 07 November 2014



**Office of the United Nations
High Commissioner for Human Rights
Geneva**

Lithuanian contribution to the Questionnaire on the right to adequate housing

Explanatory note of the Ministry of Social Security and Labour of the Republic of Lithuania

A. Distribution of responsibilities related to the right of adequate housing

1. Please identify the levels of government (national, provincial/state, municipal) primarily responsible for income support (e.g. transfer payment to individuals, welfare, social security and/or rent subsidies/supplements)?.

Housing programme is regulated by the national law - **Law of the Republic of Lithuania on Support for the Acquisition or Rental of Housing and Support for the modernization of block of flats.**

Income support (eg: transfer payments to individuals, welfare, social security and/or rent subsidies/supplements):

- *support for the acquisition of housing* is provided through subsidising part of the housing loan, covering the housing loan interest and loan insurance premiums or part thereof. Provision of support for the acquisition of housing aims at ensuring that families and individuals meeting the requirements set out in the legislation (not exceeding the maximum amounts of income and property established by the Government) could acquire a dwelling in the market by themselves;
- *support for the rental of housing* is provided through renting social housing to low-income families and individuals. Provision of state support for the rental of housing involves increasing of the social housing stock and aims at ensuring that low-income individuals who have no dwelling and have no possibility to acquire own dwelling could rent housing from the municipality.

The Ministry of Social Security and Labour drafted the **Law of the Republic of Lithuania on Support for the Acquisition or Rental of Housing**. This Law was adopted by the Seimas of the Republic of Lithuania on 9th of October in 2014. The Law enters into force on 1st of January in 2015. The law governs a new form of provision of support for the acquisition or rental of housing, namely compensation of a part of rental or lease payments, and sets forth that families and individuals entitled to social housing and renting housing from natural or legal persons under market conditions become entitled to a compensation of part of rental or lease payments.

However, if there are possibilities, municipalities have to increase the social housing stock, using municipal budgetary resources. Unfortunately, municipalities usually don't have budgetary resources for this aim.

The **Law of the Republic of Lithuania on Cash Social Assistance for Poor Residents (Law No IX-1675 of 1 July 2003)** establishes principles of granting cash social assistance, sources of funding, rights and duties of persons receiving cash social assistance as well as types, amount

and conditions of granting of cash social assistance to poor residents when adults have used all possibilities of receiving other income.

According to the Law families (persons living together) and single residents unable to provide themselves with sufficient funds for living shall be entitled to the following financial social assistance:

- *social benefit;*
- *compensations for the costs of house heating, hot and drinking water.*

Poor residents receive social benefits in order to ensure minimum funds to meet their basic physiological needs (food and clothing expenses) as well as compensations for heating and hot and drinking water expenses (hereinafter referred to as "compensations") as partial reimbursement for dwelling maintenance. The right to cash social assistance is granted to persons who cannot earn a living due to objective reasons and have used all possibilities of receiving other sorts of income. Cash social assistance is provided taking into consideration not only the received income, but also owned property. Social benefits and compensations are granted to poor residents if the value of their property does not exceed the average property value set for their residential area. Both benefits are means-tested.

Social benefit is paid to the family (persons living together) or single resident if the value of their property does not exceed the average property value set for their residential area and the monthly income is below the level of the state supported income (hereinafter referred to as the SSI) (i.e. LTL 350 / € 101 per family (persons living together) member per month).

The monthly benefit level is 100% of the difference between the SSI (i. e. LTL 350 / € 101) per person per month and the actual income of a family (persons living together) or single resident for the first family (persons living together) member, 80 % – for the second member and 70 % – for the third and later members.

Persons additionally are able to get social benefit even when they leave social assistance and get employment, i.e. additionally social assistance benefit will be equal to the 50 % of the average of previously paid social benefit and will be paid for six months even if a family (persons living together) has no right to get social benefit after employment.

Compensations for the costs of house heating, hot and drinking water are paid in the following cases:

- a family (persons living together) or a single resident shall pay for the heating of the accommodation not more than 20 percent of the difference between the received income and the SSI provided to a family (persons living together) or a single person;
- the compensation covers the part of the cost of drinking water exceeding 2 per cent of the income gained by a family (persons living together) or a single resident;
- the compensation covers the part of the cost of hot water exceeding 5 per cent of the income gained by a family (persons living together) or a single resident.

Families (persons living together) or single residents who own a dwelling in a multi-dwelling building are entitled to support towards the cost of a loan taken out to finance the renovation of the building, provided they participate in the modernisation project and they are entitled to the compensation for heating expenses.

Furthermore, municipalities may, in accordance with their own procedure, allocate cash social assistance from the municipal budgetary resources in other cases not provided for by the Law

(to award onetime benefit or social benefit; to compensate dwelling maintenance expenses that are not specified in the Law; to compensate expenses for heating larger useful floor than the ration fixed by the Law; to cover dwelling indebtedness, etc.).

The Plan of Implementing Measures 2013–2015 of the National Programme for Social Integration of the Disabled 2013–2019 aims at ensuring protection of the rights and fundamental freedoms of the disabled with different disabilities without discrimination on the grounds of their disability and creating favourable conditions for the improvement of the social integration process. Social integration of the disabled and the quality of their life in society are ensured through measures such as adaptation of housing, payment of target compensations, support for disabled students, provision of technical aids, and promotion of tolerance.

When implementing the measure “Adaptation of housing for persons with disabilities”, housing is being adapted for the disabled. This measure aims at enabling persons with disabilities to have a higher degree of mobility, better access to educational, vocational training process, the labour market and public life.

Housing adaptation projects were implemented following the Description of the Procedure for Financing Housing Adaptation for People with Disabilities 2013–2015. When implementing the measure, works of adaptation of housing for the disabled were carried out, information on housing adaptation was collected, accumulated and disseminated, and associations of the disabled were involved in the control and supervision of the implementation of housing adaptation.

Housing adaptation expenses are covered from state and municipal budgets in parts: 80 per cent from the state budget and at least 20 per cent from the municipal budget for persons with very severe and severe movement and self-service dysfunctions; 50 per cent from the state budget and 50 per cent from the municipal budget for persons with moderate movement and self-service dysfunctions.

In 2013, works of housing adaptation for the disabled were performed in 56 municipalities. 224 pieces of housing were adapted for the needs of the disabled, including 128 pieces of housing for persons with very severe movement and self-service dysfunctions, 72 pieces of housing for persons with severe movement and self-service dysfunctions, and 24 pieces of housing for persons with moderate movement and self-service dysfunctions.

A. 4. The government representatives, the Seimas Ombudsmans.

THE ADEQUATE HOUSING COMMITMENT

Kindly bear in mind that the study does not intend to address the detailed distribution of responsibilities in each country, but aims to focus on an overview of challenges and examples of practices which will be of benefit to the Special Rapporteur in understanding the situation. Therefore, it is hoped that responses will provide a brief overview of how responsibilities are divided up and some concrete examples of challenges and how these have been addressed.

When possible, please identify links or provide copies of any law, regulation, policy or other document related to your answers. Due to limited capacity for translation, we kindly request that you submit your answers, if possible, in English, Spanish or French and, no later than Friday, 31 October 2014.

Please send your responses preferably via email to: arhousing@ohchr.org, or to:

UN Special Rapporteur on adequate housing
 Office of the High Commissioner for Human Rights
 Special Procedures Branch, Palais Wilson, Room 3-077
 CH - 1211, Geneva 10
 Switzerland

For any question, please contact the Special Rapporteur through her assistant, Ms. Juana Sotomayor, Special Procedures Branch- OHCHR: email: jsotomayor@ohchr.org; phone: +41 22 917 94 45.

THE ADEQUATE HOUSING COMMITMENT

A. Distribution of responsibilities related to the right to adequate housing:

1. Please identify the levels of government (national, provincial/state, municipal) primarily responsible for the following; (where primary responsibility is shared please check more than one):

	National	Provincial/State	Municipal	Other
Housing programme	<input checked="" type="checkbox"/>			
Income support (eg: transfer payments to individuals, welfare, social security and/or rent subsidies/supplements)	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Tenancy and security of tenure legislation			<input checked="" type="checkbox"/>	
Infrastructure (eg: Water/sanitation, electricity)				
Prohibition of discrimination in housing	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	

2. What are the primary bases for the allocation of responsibilities among different levels of government? Please identify the appropriate provision(s) and provide a copy or link if possible:

- Constitutional
- National framework legislation or housing strategy
- Sub-national level legislation or housing strategy
- Inter-governmental agreement
- Other - Please explain

3. What role does the national level government play in relation to housing and related programs? How is compliance with the right to adequate housing structured between the national and sub-national levels? If possible please kindly provide concrete examples of how these roles and compliance mechanisms are operationalized.

4. Where sub-national governments hold key responsibilities in relation to the right to adequate housing, please describe how programs and policies are co-ordinated nationally and what responsibilities remain with national level institutions.

5. Where housing and related programs are administered by sub-national level governments, by whom and how are these programs funded? Are conditions attached to the funding which seek to ensure the resources are spent in a way that protects the right to adequate housing? How is this monitored?

B. Accountability of Sub-National Governments

1. Are sub-national governments legally accountable to the right to adequate housing on the basis of any of the following?

- International human rights law? (Yes/No)
- Constitution/National Bill of Rights (Yes/No)
- National or sub-national legislation (Yes/No)
- State level or municipal level Bills of Rights/Charters (Yes/No)
- Inter-governmental agreements (Yes/No)
- Conditional financing (eg: budget transfers from national level to sub-national) (Yes/No)

2. With respect to the above and where applicable, please identify:

- i. the relevant provision.
- ii. the sub-national levels of government to which the legal provision applies.

- iii. the means of enforcement (eg: courts, tribunals, national human rights institution, including ombudsmen, administrative mechanisms, etc.) and examples of how these means have been applied. —
3. Are sub-national governments involved in State reporting to international human rights monitoring mechanisms and in implementing recommendations? (eg, UN treaty monitoring body, Universal Periodic Review). If so, how? Please kindly provide an example. NO
4. Apart from the legal and international accountability described above, what political or institutional accountability mechanisms are in place in your country through which sub-national governments are held accountable to standards or requirements linked to the implementation of the right to adequate housing (eg, Government review procedures, ombudsman/national human rights institutions, local human rights councils). Please provide any useful examples of how these have been used and, if possible, assess the outcome.
5. Please kindly identify what in your view may be the three most significant challenges in your country to effective accountability of sub-national governments to the right to adequate housing as guaranteed under international human rights law and identify key strategies or ideas for addressing these challenges. —

Thank you for your contribution