**Questionnaire**

1. **Distribution of responsibilities related to the right to adequate housing:**
2. **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/Federal** | **Provincial/state** | **Municipal** | **Explanatory notes** |
| **Housing programme** | **√** | **√** | **√** | National level – elaborates and approves the state policies in the housing field,  Provincial (so-called rational) level, municipal level - elaborates and approves the local policies in the housing field according with Law on housing no 149/2014, Law and Law no 436/2006 on local public administration |
| **Income support (eg. Transfer payments to individuals, welfare, social security and/or rent subsidies/supplements)** | **√** |  | **√** | According to the Law no 133/2008, 121/2001, local council decisions |
| **Tenancy and security of tenure legislation** | **√** |  |  | According to with Law on housing no 149/2014 |
| **Infrastructure (eg. : water/sanitation, electricity)** | **√** |  | **√** | Responsible for legislation - national level; responsible for infrastructure, communal services – according to Law no 436/2006 on local public administration, Law on housing |
| **Prohibition of discrimination in housing** | **√** |  |  | Law on housing no 149/2014 |

1. **What are 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** (<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=311496>)
* **National framework legislation or housing strategy**

1) Law on housing no 149 from 17.07.2014 not yet published in the national monitor

2) Law on local public authorities <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=321765>

3) Law on quality in construction

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=311715>

4) Law on principles of the urbanism and spatial planning

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=311517>

5) Law on cadastre of the real estate

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=311616>

6) Law on drinking water

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=311640>

7) Law on privatization of the housing stock

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=316437>

8) Law on condominium in the in the housing stock

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=311744>

9) Law on communal public services

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=312769>

10) Law on public service of water supply and sanitation

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=352073>

* **Sub-national level legislation or housing strategy**
* **Inter-governmental agreement**
* **Other-Please explain**

1. **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.**

According with the Law on housing, the Government, elaborates and approves the state housing policy, including:

* The allocation of finances resources in the state budget for the construction and acquisition by the local public authorities of social housing, service housing, maneuver housing;
* According financial assistance (unique allowances), within their limits, in case of construction, acquisition, reconstruction, of dwellings, for persons which have this right, and in case of calamities;
* Establishing a uniform manner of state registration and accounting evaluation of housing;
* Establishing rules for the administration, operation and maintenance of the housing
* mechanism regulating the registration of people at home and residence;
* Establishing the categories of people, of the method and occupancy criteria on social housing;
* Informing the public on policies, decisions, plans and actions in the field;
* Determining the housing construction conditions;
* Determining the construction and use of vacation homes.

The local public authorities have following competences:

* promoting housing policy of the state in the administrative-territorial unit;
* records of persons entitled to obtain social housing;
* construction and social housing procurement, maneuver housing, service housing and hotel-asylum, to ensure obtaining housing needs of the people who have this right;
* granting funds from the local budget or other special funds to support people who need help with the construction, purchase and maintenance of housing, according with local council criteria;
* making decisions on rebuilding or demolition of residential houses after recognized unusable plumbing, unless the buildings or houses are known as historical monuments or architectural;
* attribution land related to apartment associations in condominium buildings owners, within the boundaries set out in the project documentation;
* management of public housing fund by appointing the administrator on a competitive basis and the contract for a period not less than 1 year;
* carry out the control in the administration, operation, use correctly and to ensure the integrity of buildings intended for housing, regardless of their ownership through a special body created under conditions of free competition. Control mechanisms and procedures will be set out in a regulation framework approved by the Government;
* organization of common public services for the consumers in the houses;
* informing the public about decisions, plans and actions in the field.

Regarding the specific housing programmes, the Republic of Moldova doesn’t have approved a special housing programme like a state policy. With the adoption of the housing Law, in future we are planning to develop such state Programme.

Also, we can provide following examples which are implementing now:

*The Chisinau municipality launched in 2010 the Program called “****Prima casa****” (First home), for some categories of population that don’t have house in property.*

*Also, there is* ***the Social Housing Construction Project*** *co-financed by Council of Europe Develop Bank and local public authorities (provincial –raion level). The project implementation unit is under the Ministry of Regional Development and Construction. The first phase was implemented in 2008-2011 years– there were build 249 apartments for 777 persons. The second phase is planned for 2012-2017 –to build 700 apartments for 2500 persons. The construction process is under the implementation unit, the distribution of apartments under the local public authorities, according to the Regulation approved by the Ministry of Regional Development and Construction.*

*The objective of the proposed project is to improve and increase the stock of rental housing to benefit families from socially-vulnerable segments of the population of Moldova.*

1. **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.**

The responsibilities of the Government and of the local public authorities are establish by Laws and Governmental Decisions (in the housing field described above (point 3). National housing policies and programmes are approved by the Government, the local policies and programmes – by the local councils.

The Programme „Prima casa” is developed only at local level.

Regarding the **social housing construction project** co-financed by Council of Europe Develop Bank and local public authorities (provincial –raion level), mentioned above, the activity is regulated by a Governmental Decision.

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=346109>

1. **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?**

According to *Law on housing*, the local public administration grants funds from the local budget or other special funds to support people who need help with the construction, purchase and maintenance of housing, according with local council criteria.

According with the Law on local public finances no 397 from 16.10.2003, Ministry of Finance (Finance Inspection) and the finances divisions within the local public authorities are entitled to carry out thematic controls on administrative units budgets correctness of elaboration and execution.

1. **Accountability of Sub-National Governments**
2. **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/chapters (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:**

1. **The relevant provision**

Constitution of the Republic of Moldova, Law on housing, law on local public authorities, Governmental Decisions, Local council decisions.

1. **The sub-national levels of government to which the legal provision applies.**

Raion level (region level), municipal level (so-called secondary sub-national level)

Village (commune) level, town level (so-called primarily sub-national level).

1. **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.**

*No relevant data (according with Ministry competences)*

**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.**

*If is necessary, in the case of Ministry of Regional Development and Construction, at the request of the Ministry, the sub-national governments (Mayoralty, Regional councils) provide information , according with their activity and competences in the field of housing.*

*For example, the Ministry requests information from the mayoralties regarding the housing providing to Roma people.*

**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.**

*At the institutional level, in the field of housing we can mention following structures:*

*Local council of the village (commune) and of the region (raion), according with the responsibilities mentioned in point 3 of the questionnaire;*

*Government (the Ministry of Regional Development and Construction) according with the responsibilities mentioned in point 3 of the questionnaire;*

*State Inspection in Construction (which develops the state control of the quality in the construction field) - institution under the Ministry of Regional Development and Construction.*

*In case of violation of the right to adequate housing, the persons are addressed at the courts of law.*

**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 addressing these challenges.**

1)

* Challenge - Big natural calamities which affected a big number of the individual houses of the citizens;
* Addressing the challenge – administrative and financial support from of the national and international level.

Thus, in 2008, after floods, from the state budget were used financial resources to purchased 236 individual housing, 240 houses– repaired.

In 2010, after natural calamities, there were build 706 individual houses.

2)

* Challenge – limited financial resources from the local budget to build social housing;
* Addressing the challenge – support from International organizations, such as Council of Europe Development Bank, in providing low cost loans for build social housing.

In this way *is implementing* ***the social housing construction project*** *co-financed by Council of Europe Develop Bank and local public authorities (provincial –raion level). In the first phase of the project (total cost – 7,6 millions Euros) was implemented in 2008-2011 years– there were build 249 apartments for 777 persons in 3 cities. The second phase (total cost of the project - 20,4 millions Euros) is planned for 2012-2017 – to build 700 apartments for 2500 persons in circa 12 cities and villages.*