



THE 14TH EDITION OF THE INTERNATIONAL CONFERENCE
EUROPEAN INTEGRATION
REALITIES AND PERSPECTIVES

Social Housing

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Abstract: Housing is a very important case as a common function of central and local government, as a consequence of the increased requests of the citizens for housing and finding the best policies to achieve the best realization. Actually in Albania is approved the law no. 22/2018 “For social housing”, by the Assembly of Albania, which is a very important act for the realization of social housing programs. The object of this law is the definition of rules and administrative procedures for the ways of planning, insurance, administration and the distribution of social programs of housing, with the purpose of creating opportunities for suitable and affordable housing, relying on the paying capacity of families in need of housing and the assistance of responsible state institutions. This law is defined as a very important act because in the housing programs a part of them belongs to woman as victims of violence, as a further step towards meeting the standarts of the Council of Europe Convention “For preventing and fighting violence against woman and domestic violence”.

Keywords: housing; legislation; families; government

Introduction

Our society increasingly needs the design and implementation of Social Policies because our country, but not only, is currently facing social problems. One of the social problems facing society today is social housing. If we read about social housing, we will see that this service is provided to people in need, so in this sense it is necessary to draft and implement social housing policies. The social housing concepts originates from the human rights sanctioned in the Convention on Human Rights. Social housing is seen by many scholars as a mission of general interest, from where it is guided by certain social legislation. The provision of social housing includes the construction, development, allocation and management of social housing leasing schemes, as well as the ownership of social housing.³

Going further and deeper in the study on social housing we will come to conclusion that this service is provided by the government on behalf of the population benefiting from social assistance or individuals that are part of the Social Policy scheme. While the municipalities of the cities are responsible for the implementation of this plan. Social housing comes in the form of leasing schemes. Housing benefits are also provided in order to help the low-income rent-paying families.⁴

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³ Social Housing in Europe France, Brussels, 27 Mars 2010: <http://www.housingeurope.eu/resource-106/social-housing-in-europe>.

⁴ Social Housing in Europe France, Brussels, 27 Mars 2010: <http://www.housingeurope.eu/resource-106/social-housing-in-europe>.

Naturally, a question arises: what is social housing? The social housing provided by the law “On social schemes for the housing of urban dwellers” means all financial resources related to the economic resources (who invests in social housing and the capital invested), as well as the techniques and risk management (who constructs those buildings; we consider the criteria that need to be met, which is specific for each country). We will focus on our country and social housing within the workplace. To keep up with social elements related to social justice, anti-poverty measures, the reduction of gap in income (it means the amount a family/individual can afford to pay the monthly rent of social housing). Social housing further incorporates into its concept the institutional elements (it means the management and allocation of resources on social housing to persons who really need institutions that deal with the identification of families who need this service).

Social Housing in Albania

In the Albanian society we often hear and come up with numerous debates on social housing. The government has set up three social housing schemes: social house leasing, low-cost housing and land-based infrastructure program.¹ In addition, the government has created housing subsidies, subsidized loans, small grants and immediate grants that have specific target groups.²

The problems that our country today faces on social housing are issues related to the accurate statistical data on families who need this service. Based on the literature regarding this issue, we can convincingly state that the institutional management capacity has a major problem with regard to the identification and implementation of the SOA strategy. In fact, we wonder if social housing is fairly distributed to persons who have applied for housing in the relevant institutions? In order to have the proper management, it can be said that the proper identification of the demand for social housing provides effective distribution for the families in need.

To continue, with another problem our country is currently facing with regard to social housing, is that of the financial institutions. The financial instruments as we argued in the first paragraph of this article, are the capital capacity to help the families in need. In our country the financial resources are small compared to the demands of the families in need.

It is important to note the vision, policies and strategic priority that the government, together with the relevant institutions, has undertaken to realize. When we talk about vision, policies and strategic priorities, we consider the strategies that will be used to improve the development of social housing, taking into account the design, implementation and monitoring of laws, regulations and directives issued by the Council of Ministers and other institutions that are responsible for social housing policies.

Law No. 22/2018 “On social housing” is one of the most important acts for the realization of social housing programs in Albania. The object of this law is the definition of administrative rules and procedures for planning, providing, administering and disseminating social housing programs in order to create affordable and convenient housing opportunities based on the ability to pay of the families that need shelter and support from the responsible state institutions.³

¹ Ministry of Urban Development, “Social Housing Strategy 2016-2025”, Tirana, 2016, p. 13.

² Ministry of Urban Development, “Social Housing Strategy 2016-2025”, Tirana, 2016, p. 13.

³ Article 1 Law Nr. 22/2018 “On Social Housing”.

Principles of Social Housing

1. The principle of home affordability. This principle determines home affordability based on the family income. Average income families are considered those families which from the monthly income do not spend more than 25% to provide a suitable housing. Low-income families are considered those families which from the monthly income do not spend more than 20% to provide a suitable accommodation. Low-income families are considered those families which from the monthly income do not spend more than 15% to provide a suitable housing.¹

2. The principle of appropriate housing. Housing is considered appropriate for an individual and/or family when it guarantees privacy, a safe and proper living, which also provides sufficient living space; basic services, within the residential environment; protection and security from the risks arising from human actions or omissions or natural and climatic factors; access to public services such as drinking water and electricity, wastewater disposal and waste management; etc.²

3. The principle of residence security. The right to be sheltered in a temporary or permanent residence is inviolable.³

4. Relocation procedure. If the stay in a house or shelter becomes impossible because of investments of public interest, the destruction of the building due to the exclusion from the legalization process or other cases as defined in this law or other laws, the unit of self-government: a) notifies in writing to the individual/family the reasons for the relocation 30 days prior to the issuance of the administrative act on removal from the house; b) informs the individual/family about alternative housing options; c) Issues the administrative act for removal from the apartment 45 days prior to the relocation, also notifies the approve document for the alternative housing. 2. Relocation, according to the provisions of this article, shall not apply without first providing shelter with suitable accommodation of the individuals/families. 3. Against the decision of the local administrative unit responsible for the relocation from the apartment, an appeal may be filed with the competent administrative court, in accordance with the legislation in force for the administrative courts and the adjudication of administrative disputes. 4. Individuals/families affected by the relocation, shall benefit from legal aid in accordance with the applicable law. 5. The relocation and institutional cooperation procedures shall be determined with the decision of the Council of Ministers.⁴

5. Principle of respecting the culture and traditions of communities. Local self-administrated units, during the procedure of planning of housing areas and housing schemes, respect the different traditions and cultures of communities. Housing construction should preserve cultural identity and diversity of communities, without prejudice to the necessary standards of housing quality.⁵

6. The principle of participation. Any subject that implements a social housing scheme shall involve, during the consultation process, the community affected and/or benefiting from the program, in accordance with Law no. 146/2014 “On Public Notification and Consultation”.⁶

7. The principle of transparency and public information. The local administrative units should ensure: a) full, easily accessible, and understandable information about each individual/family. The information should include: i) the type of social housing program that applies to that local government

¹ Article 3 Law Nr. 22/2018 “On Social Housing”.

² Article 4 Law Nr. 22/2018 “On Social Housing”.

³ Article 5 Law Nr. 22/2018 “On Social Housing”.

⁴ Article 6 Law Nr. 22/2018 “On Social Housing”.

⁵ Article 7 Law Nr. 22/2018 “On Social Housing”.

⁶ Article 8 Law Nr. 22/2018 “On Social Housing”.

unit; ii) conditions to be met by the interested subjects to be included in the specific housing program; iii) the documentation required for verification of the data declared by the interested party; iv) the procedure to be followed by the local government unit for the approval of beneficiary parties; v. the appealing body for the subjects that have not been selected as beneficiaries, the deadlines and the form of appeal; b) Transparency in the selection and publication process, as well as the documentation available to the interested parties; c) assistance in filling in application forms for housing, for people with disabilities, through sign language interpreters or communication facilitators, including the elderly, for persons who do not understand the Albanian language or the illiterate ones, and to ensure that any individual/family with communication difficulties due to their health or social status receives the necessary information and assistance for this purpose.¹

8. Principle of non-discrimination. The rights deriving from this law are guaranteed without any discrimination to any individual, regardless of gender, race, color, religion, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical beliefs, economic, educational, social, pregnancy, parental responsibility, family or marital status, civil status, health status, genetic predisposition, disability, affiliation to a particular group and any conditions with discriminatory consequences. No one shall be denied the right to receive housing in one of the social housing programs for the reasons referred to in section 1 of this Article, unless a social housing program is specifically and expressly designed for to assist individuals or groups in need.²

Types of Social Housing Programs

Social housing leasing schemes.³ The program of social housing leasing is the program by which the public apartments are rented from the public social housing fund, and dwellings under the ownership of social owners. Social housing leasing includes: a) social housing that is built or purchased from the free market by the local government units in order to be provided with a social leasing contract; b) existing dwellings in the market, owned by the social owner; c) facilities out of function as a result of the closure of an activity which have been transferred to the ownership of local government units and, in accordance with the local general plan, have been approved for transfer to a social housing leasing fund, which are subsidized.

Programs for the rehabilitation of the existing housing conditions, until a new construction is made.⁴ The Facility Rehabilitation Program for State Properties implies aid granted to the local government units from the state budget, to be invested in public housing. The process of investing the apartment fund is approved by a decision of the Council of Ministers. The program for improving the conditions of existing private or state-owned housing means the assistance provided to the local government units by the state budget for this purpose, with competitive grants. The rehabilitation of the existing housing conditions and, if necessary, even the new construction, means the entirety of the works to be carried out in order for the dwellings to be converted into a suitable housing, under the conditions pursuant to Article 4 of the Law No. 22/2018 “On Social Housing”.

Housing program at low cost.⁵ Low cost housing is considered a dwelling that meets all technical conditions, building standards and housing rates in force, which is predetermined to be owned by the

¹ Article 9 Law Nr. 22/2018 “On Social Housing”.

² Article 10 Law Nr. 22/2018 “On Social Housing”.

³ Article 17 Law Nr. 22/2018 “On Social Housing”.

⁴ Article 40 Law Nr. 22/2018 “On Social Housing”.

⁵ Article 44 Law Nr. 22/2018 “On Social Housing”.

beneficiary through various aiding forms from state institutions. Low-cost housing provided through construction, in local government units, where market values are higher than the cost of construction, are sold at a price below market value, but not below the construction. 3. In cases when the value of the apartment in the free market is lower than the cost of construction, these apartments are purchased and included in the UBC program if they meet the conditions set out thereof.

Program for the development of the area for the purpose of housing.¹ Local government units, based on the designation of residential areas, central and local planning documents, social housing needs assessment, and social housing construction requirements, plan the areas of land suitable for housing development. Development of the area for the purpose of housing is done for the construction of social housing, based on central and local planning documents. Development of the area for housing purposes involves the design and approval of the construction project, until its completion. The development of the area is done by investments from the state budget, the budget of the units of local government and/or in cooperation with the private sector, according to the legislation in force. The development program of the area for the purpose of housing is realized in state or private property. The development of the area for the purpose of housing can also be implemented in the areas: a) with non-legalized buildings that cannot be legalized; b) unfinished building, identified as such by local government units; c) old industrial, dysfunctional, occupied by homeless individuals, without appropriate housing authorizations. Land equipped with infrastructure, part of the development of an area for housing, may be offered for construction free of charge from local government units and beneficiary families who undertake to build a dwelling at their own expense according to the terms and conditions prescribed by the decision of the council of the local government unit.

Temporary housing program.² Temporary shelters are facilities and equipment that are easily assembled and dismantled and serve for temporary shelter. Temporary housing means housing for up to two years. At the time of application for temporary shelter, beneficiaries of this program should apply to other social housing programs. Temporary shelters serve for the housing of: a) refugees; b) individuals removed from their houses due to natural or man-made disasters; c) individuals who are relocated because of public or private investment and do not receive compensation, only in cases when the local government unit proves that it does not have any other housing alternatives within other social housing programs; ç) returnees; d) homeless people, residing in places not classified as residential.

Specialized housing program.³ Specialized dwellings are dwellings in which local government units address a specific housing need, which includes dwellings for: a) elderly and/or persons with disabilities; b) victims of trafficking/potential victims of trafficking; c) victims of domestic violence; d) children lacking parental care or have been taken under protection from state institutions, a minor from 14 to 18 years of age or young people from 18 to 21 years old after the programs related to criminal justice; e) mother girls.

¹ Article 50 Law Nr. 22/2018 “On Social Housing”.

² Article 54 Law Nr. 22/2018 “On Social Housing”.

³ Article 58 Law Nr. 22/2018 “On Social Housing”.

Conclusions

From the above it is possible to conclude that it is necessary to implement:

1. Effective management of institutions with regard to the identification of families in need. This is achieved through the updated infrastructure of government institutions as well as the effective training of the intellectual capacity.
2. Strengthening of the financial institutions. As stated above, capital capacity does not meet the needs of families in need. In order to meet the demand-supply needs, more cooperation is required:
 - a. in the institutional level;
 - b. Institution -Company;
 - c. Institution-donors;
 - d. Effective monitoring of institution-government cooperation;
 - e. Institution-donor monitoring to monitor the funds in order to ensure effectiveness.

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