

# Targeting Roma in Housing Policies of the Western Balkans:

## **A legal overview**



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A Legal Overview

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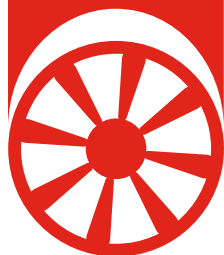
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*\* This designation is without prejudice to positions on status and is in line with UNSCR 1244 and the International Court of Justice (ICJ) Opinion on the Kosovo declaration of independence.*



*The right to housing is one of the basic human rights and is defined as such under the Universal Declaration of Human Rights (Article 25), the European Social Charter (articles 30 and 31) and the International Covenant on Economic, Social and Cultural Rights (Article 11 as well as General Comment No. 4 and No. 7 to Article 11 of the International Covenant).*

# Introduction

Within the Western Balkans (WB), the housing and overall social and economic situation of Roma<sup>1</sup> remains dire, evident from the 2017 Regional Roma Survey<sup>2</sup>. Among the surveyed Roma households across the region, 23 per cent are not connected to piped water, 30 per cent do not have sanitary facilities and 30 per cent are not connected to sewerage, necessary for ensuring decent living conditions. In addition to the grave housing situation, data indicate severe material deprivation<sup>3</sup> among 83-94 per cent of vulnerable Roma families across the region, further indicating that Roma are not in the position to change their housing situation without proper support by the authorities (see Table 1). Unfortunately, the 2017 Regional Roma Survey lacks data on the subject matter of this analysis, including property ownership or security of tenure.

The 2016 and 2017 annual reports of the governments<sup>4</sup> in the region on the implementation of the Roma integration Strategies and Action Plans indicate that the efforts to resolve the housing situation of Roma are limited, insufficient to resolve in a sustainable way, mainly funded through donors and not properly linked to the mainstream policies in housing, such as the legalization of illegal objects or social housing discussed in this analysis.

Based on these inputs, the Roma Integration 2020 organized a regional conference on the topic of **'Holistic Approach to Housing of Roma in the Enlargement**

**Region'**<sup>5</sup>. The conference was organized in May 2018 and gathered more than 80 government officials in charge of Roma Integration from the Western Balkans and Turkey, and other relevant stakeholders. The conference aimed to inform on the prevailing situation of Roma housing and the current approaches to change it. The focus of the conference was legalization and social housing, through holistic approach for creating sustainable living conditions.

The information included in this publication is based on the results of the aforementioned regional conference and the comparative legal analysis with the purpose to encourage urgent action and prioritisation of housing for Roma in government policies in the region.

The general conclusion from the conference is that housing efforts disconnected from overall socio-economic integration efforts may further exacerbate the situation. Providing only a housing unit, without urban and social infrastructure, access to employment and other public services, cultural and identity considerations, put Roma at the risk of losing the obtained housing and may further contribute to exclusion and segregation.

A new approach to the housing needs of Roma is required, taking into account the whole reality of their situation and ensuring measures designed to achieve sustainable living conditions with the international

<sup>1</sup> In line with the terminology of European institutions and international organisations, the term 'Roma' is used here to refer to a number of different groups (e.g. Roma, Sinti, Kale, Gypsies, Romanichel, Boyash, Ashkali, Egyptians, Yenish, Dom, Lom, Rom and Abdal) and includes 'travellers' or 'itinerants', without denying the specificities of these groups.

<sup>2</sup> Implemented by the UNDP and the World Bank and funded by the European Commission; available at: <http://www.eurasia.undp.org/content/rbec/en/home/library/roma/regional-roma-survey-2017-country-fact-sheets.html>

<sup>3</sup> The material deprivation rate is an EU-SILC indicator that expresses the inability to afford some items considered by most people to be desirable or even necessary to lead an adequate life. The indicator distinguishes between individuals who cannot afford a certain good or service, and those who do not have this good or service for another reason, e.g. because they do not want or do not need it. The Social Protection Committee adopted an indicator that measures the percentage of the population unable to afford at least three of nine items. These items are the ability to 1) pay their rent, mortgage or utility bills, 2) to keep their home adequately warm, 3) the ability to face unexpected expenses, 4) to eat meat or protein regularly, 5) to go on holiday, 6) own a television, 7) own a washing machine, 8) own a car and 9) have a telephone. The severe material deprivation rate is defined as the enforced inability to pay for at least four of the aforementioned items. Additional information available at: [https://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:Material\\_deprivation](https://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:Material_deprivation)

<sup>4</sup> The 2016 and 2017 annual reports of the governments in the region on the implementation of their Roma integration policies can be found on the Roma Integration 2020 website at: [https://www.rcc.int/romaintegration2020/docs\\_archive?search\\_type=3#page1](https://www.rcc.int/romaintegration2020/docs_archive?search_type=3#page1)

<sup>5</sup> <https://www.rcc.int/romaintegration2020/news/291/usein-housing-remains-the-most-challenging-issue-for-roma-integration-in-the-region>. Report from the regional conference and practitioners' presentations are available on the link.



documents that guarantee the human right to housing, particularly the Vienna Declaration on Informal Settlements in South Eastern Europe<sup>6</sup> that outlines government obligations in relation to informal settlements. On a procedural and practical note, the enlargement region should consider the document ‘Basic Principles and Guidelines on Development-based Evictions and Displacement’<sup>7</sup> issued by the United Nations Special Rapporteur on adequate housing and the OSCE recommendations outlined in the document ‘Roma Housing Settlements in South-Eastern Europe: Summary and recommendations and best practices for Roma integration’<sup>8</sup>.

The adoption of a holistic approach, meaning providing a full social integration package along housing, would allow for a more efficient response to some of the common challenges within the enlargement region. The issues of increased homelessness and insecurity of tenure, problems related to legalisation, poverty affecting the sustainability of housing units and the lack of accompanying infrastructure should be tackled through more vigorous holistic action based on horizon-

tal cross-institutional cooperation between local and other levels of governance. It also requires measures to ensure that housing policies do not perpetuate exclusion and ghettoization of Roma and efforts aimed at addressing the wider issue of prejudice within society across the region.

The following chapters present an overview of common as well as economy-specific legal solutions to the legalisation of housing and the issues of eviction and social housing.

Legalisation of settlements and individual housing units should be primarily pursued because it is the least costly solution for the governments and most sustainable for the beneficiaries. Only when legalisation is impossible, subsequent implementation of eviction and relocation procedures should be implemented with provision of social housing for those in need.

**Table 1. Results from the 2017 Regional Roma Survey**

	<i>Albania</i>	<i>Bosnia and Herzegovina</i>	<i>Kosovo*</i>	<i>Montenegro</i>	<i>Serbia</i>	<i>The Former Yugoslav Republic of Macedonia</i>
<b>Piped water of Roma households</b>	48%	87%	85%	72%	79%	90%
<b>Toilet in Roma households</b>	50%	84%	79%	61%	69%	74%
<b>Public sewerage of Roma households</b>	74%	70%	75%	55%	62%	84%
<b>Roma Severe material deprivation</b>	93%	85%	84%	94%	83%	87%
<b>Roma NEET<sup>10</sup> rate (18-24)</b>	78%	86%	78%	82%	73%	74%
<b>Roma employment</b>	18%	11%	13%	14%	21%	22%
<b>Female employment</b>	11%	4%	4%	3%	9%	13%

<sup>6</sup> [http://library.tee.gr/digital/m2267/m2267\\_demeti.pdf](http://library.tee.gr/digital/m2267/m2267_demeti.pdf). Albania, Kosovo\*, Montenegro, Serbia, and The Former Yugoslav Republic of Macedonia are signatories of the Vienna Declaration.

<sup>7</sup> [https://www.ohchr.org/Documents/Issues/Housing/Guidelines\\_en.pdf](https://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf)

<sup>8</sup> <https://www.osce.org/odihr/23336?download=true>

<sup>9</sup> NEET: Not in employment, education or training.









# 1. Basic concepts

The basic concepts are provided in order to allow for easier reading of the analysis.

**Roma settlement:**

This refers to a settlement where a significant part of the population is Roma.

**Legalisation:**

Ultimate legal regulation of previously illegally constructed structures or parts of structures, including entire settlement or an individual structure, regardless of its private or public purpose of use, and with the goal to include it into the social, economic and spatial system of the city.

**Illegal construction/object/structure:**

A construction/object/structure built without a building permit required at the time of building or built with a building permit, but not in compliance with it.

**Informal settlement:**

A settlement where both housing units and other structures, such as streets and infrastructure, are fully or partially illegally constructed. Most often informal settlements are also segregated settlements. Segregated settlements are those most often neglected by the responsible institutions, with inadequate infrastructure, poor access to public utilities, limited or no connection to public services, often built on environmentally hazardous or unsuitable locations, inhabited mainly by persons belonging to vulnerable groups suffering exclusion and discrimination in the society, such as Roma.

**Social Housing:**

There is no accepted definition of social housing, including within the legislation regulating social housing in the region. Instead, the term is used as a collective term for various measures providing or facilitating access to adequate housing for different social groups outside housing market conditions. The content of social housing packages differs across the region, but generally includes rent support, purchasing houses, improvement/reconstruction of houses, and support in legalisation.

**Alternative housing/accommodation:**

Potential residential facility replacing the main residence of a household in case of need for relocation (because of eviction, unsuccessful legalisation, emergency, etc.) either secured by the household or provided by a relevant authority.

**Integral approach to housing:**

An approach linking housing measures to existing measures in other areas, such as education, employment and health.

**Holistic approach to housing:**

An approach by which housing measures are planned and delivered taking into consideration the full socio-economic situation of the beneficiaries and deliberately providing a comprehensive package of services and measures in housing, employment, education, health, non-discrimination, equal access to services, etc. aimed at ensuring full and sustainable integration. The holistic approach is also participatory and individually tailored.









## 2. Legalisation - regional overview

The least costly solution for the difficult situation in housing of many Roma is legalisation.

All the economies in the region have adopted legalisation legislation and the procedures are similar in principle. The legalisation process starts with a request, most often by the beneficiary, containing proof of ownership over the land and the object. Eligible for legalisation are only those objects built prior to a certain date specified within the law. Authorities gradually accept alternative documents proving ownership of an object and the time of its construction, such as evidence of utility bills.

Usually, the documentation for the legalisation of a residential object is submitted to the relevant local government authority. The authority then examines it against the set criteria and provides either a positive or a negative decision on the legalisation of the object. In most of the economies legalisation is followed by automatically registering the object in the public registry of immovable properties, allowing beneficiaries to enjoy their ownership rights immediately.

In the event of a negative decision on legalisation, the object is subject to demolition, but in general this procedure is not regulated well with the legalisation legislation and its social impact is not duly considered. Furthermore, in cases of negative legalisation decision the legislation across the region does not always regulate evictions and relocations, nor explicitly activates the social housing legislation.

### 2.1. The need for a targeted approach

The legalisation legislation generally applies to the entire population and there are only a few considerations for vulnerable groups and the socioeconomic position of the applicants. The legalisation process is complicated and costly and requires considerable technical documentation. Consequently, many Roma and other vulnerable groups are unable to legalise their housing, even in the cases when the objects are the only possession of the families. Therefore, the legislation needs to formulate specific conditions and exemptions from the burdening requirements for such populations.

In certain cases, support to specific categories of applicants is possible by activating the legislation on social housing; however, the laws on legalisation fail to

refer explicitly to such opportunities. Legislation in the region lacks comprehensive considerations in relation to illegal objects that represent the sole residential object that a family possesses.

Technical, financial and legal aid and information outreach are required throughout the legalisation process for the vulnerable sections of the population, including the need for assistance in resolving land ownership rights. The latter remains the main deciding factor on the success of each application for legalisation.

### 2.2. Rights to construction land

An aggravating factor in pursuing legalisation in the region is the fact that there is lack of certainty on the legal continuity of the transfer and/or use of the land on which objects are built.<sup>10</sup> Many of the vulnerable families face this particular problem. On the other hand, one of the most significant costs of the legalisation is the cost of purchasing the land when the applicant does not own it. The expense of buying the land is considerable even for a medium-income family, and even more so for the vulnerable Roma families. The legislation generally describes various ownership scenarios to a great extent, allowing for purchasing the land. However, this is not resolving the problem of persons unable to purchase the land, at once or in instalments, as reduction or subsidising the costs is not envisaged.

### 2.3. Legalisation of entire settlement

Roma in the region usually live together in small concentrated communities, or so-called 'mahalas', providing social and economic interaction within the group and enabling preservation of the culture, language and identity. Most of these settlements are informal and/or substandard. The legalisation of Roma settlements is a common goal within the Roma integration strategies in the enlargement region.

The legislation generally does not and cannot regulate legalisation of entire settlements. However, traditional informal settlements which are part of a city tradition and its urban culture, such as the "Roma mahalas", should be considered as specific urban parts of interest to be preserved, specifically legalised and upgraded. This needs to be addressed on a case-by-case basis. Specific targeted legislative programme should be developed for such cases, including the possibility

<sup>10</sup> This is a consequence of the problematic de-nationalisation and privatisation processes in the region.



for a *Lex specialis*<sup>11</sup> for legalising traditional culturally significant settlements.

The legalisation process of such settlements should allow for Roma participation when deciding how to re-configure the existing settlement in order to bring it into line with the urban standards.

Some of the economies in the WB have mapped and/or included Roma settlements in the local urban plans. This is a promising practice that may be considered by the other economies in the region and needs to be followed up by actual reconstruction, reconfiguration and legislation.

#### **2.4. Adequate housing within the context of legalisation**

The legalisation legislation usually requires an object to be constructed to the full in order to be legalised. Often, this is not the case with the housing units of Roma. There are two key issues related. First, in some of the laws the legalisation is conditioned with the full construction, while further construction works are conditioned with the legalisation, creating a legal loop and thus inability for many deprived families to legalise their housing units. Second, support for construction works provided by the government or donors is provided only for objects that are already legal, thus vulnerable groups cannot access such support.

Providing for possibility for legalisation of incomplete residential objects, with the condition to be completed after the legalisation would allow poor families with incomplete housing units both to legalise them and access construction support where such support exists. Furthermore, technical and/or financial assistance, where such assistance does not exist, should be introduced in order to ensure housing units of vulnerable families reach adequate housing and legalisation standards.

The authorities should also commit to providing utility connections and infrastructure works either during or immediately after the legalisation process. Vulnerable groups should either be exempt from the cost of connecting to utilities or supported in another way to connect to utilities.

#### **2.5. Fees exemptions and free legal and technical aid**

The governments of the WB are attempting to facilitate the legalisation process by accepting a range of proofs on the existence and ownership of the illegal objects and by exempting certain categories of per-

sons from the legalisation fee. Yet, the legalisation fee is only a small part of the total cost of legalisation.

The authorities tend to have additional fees and require technical documents issued by experts who require reimbursement for their services (please see *Annex 1* for additional fees and costs related to legalization by economy). Sometimes it is left entirely to the municipalities to set these fees, without even the provision of ranges at the central level. Such solutions are not welcome as they may result in unaffordable legalisation costs in some municipalities.

Facilitating the legalisation process for vulnerable groups may be done by exempting, lowering or limiting the total legalisation related fees and by covering or subsidising the cost for preparing the required documentation. Applicants should also be given the option to cover the legalisation related fees and costs through instalments.

Free legal aid should be available during the course of the legalisation process, which is not always the case. Free legal aid is welcome both in order to understand the requirements of the legalisation process and in cases when courts are involved to determine land ownership.

Some economies prescribe financial penalties related to legalisation, including fines for delayed applying for legalisation and for owning an illegal object after the legalisation process is completed in the economy. These fines should not apply to the vulnerable groups because of their situation and because of the fact that illegal housing units were generally tolerated over the last few decades by the governments as a form of 'informal housing policy' instead of an adequate formal one.

#### **2.6. Lack of data and comprehensive long-term legalisation strategy**

Municipalities and central authorities tend to lack or have insufficient information on the family situation of legalisation applicants, the number and type of illegal objects, and sizes and locations of informal settlements. While some of the economies recently performed mappings, others operate with an approximation of the number of illegal structures at best. Collection of such information is a general obligation of the municipalities.

Without the data on applicants, including their ethnic background, it is impossible to assess the success ratio of applications made by vulnerable groups and whether vulnerable and minority groups benefit from

<sup>11</sup> Similar solutions were implemented throughout the WB during the 1990s, by which publicly owned housing was transferred to private ownership.





legalisation on an equal basis to the mainstream population.

Nevertheless, as the region continues to struggle with illegal structures, governments continue to (re) adopt laws on legalisation, effectively prolonging the deadlines for legalisation. This indicates the lack of achieving the expected results from legalisation and the need for a comprehensive and long-term approach to legalisation throughout the region.

### 2.7. Providing minimum decent housing in cases of prolonged or denied legalisation

Closing the legalisation process always implies demolition of non-legalised housing units and settlements, sometimes even burdening the affected families with the costs for such demolition. Applying these provisions effectively leaves socially deprived families homeless. The legislation directly or indirectly stipulates evictions, disconnection from public utilities, and demolishing of the objects. Families living in sub-standard conditions are thus further aggravated and their housing rights are effectively further disrespected.

Regardless of the success in the legalisation process, the authorities need to respect the housing rights of the affected persons and provide for decent living conditions, including legal certainty, access to utilities and services and other types of socio-economic support until the situation is resolved either by legalisation or by providing adequate accommodation.

### 2.8. Recommendations

Legalisation should be considered before other solutions whenever possible, as this option is the most feasible, least expensive and in line with the human rights standards and the principle of minimizing evictions.

The following recommendations are a result of the discussions during the regional conference on *'Holistic Approach to Housing of Roma in the Enlargement Region'*:

- Adopt a comprehensive targeted approach in legislation, including:
  - Tailored informational outreach on legalisation, urban and reconfiguration plans under consideration.
  - Provide financial aid for meeting the requirements for legalisation, including fees and other related costs. Such aid may include: price reduction, price exemption, covering the cost of land purchase or donating the land in case it is publicly owned; limiting the maximum level of legalisation related expenses, including
- when municipalities have the power to decide on the fees; exemption from or reducing the fees; allowing for payment in instalments; etc.
- Establish a stronger connection between legalisation and social housing programmes for the reconstruction of housing units up to the standard required for legalisation.
- Adopt specific evidence based legalisation provisions for vulnerable groups, including Roma, to ensure holistic approach to housing and activation of social housing and social protection legislation.
- Where existing, revoke legalisation-related fines for vulnerable households.
- Ensure authorities provide utility connections and infrastructure works either during or immediately after the legalisation process.
- Exempt from covering costs of demolition of objects which could not be legalised.
- Ensure the objectives of the Roma integration Strategies and Action Plans on housing are reflected in the legalisation process, including the legalisation of entire traditional settlements and their upgrading to the minimum housing and urban standards, through participatory process involving inhabitants in the planning, decision and implementation. Use the existing promising practices of mapping and/or urban planning for such settlements and follow up with reconstruction, reconfiguration and legalisation of the settlements.
- Where it exists, remove the legal loop mutually conditioning legalisation with full construction of the illegal building and vice versa.
- Collect data on housing including socio-economic situation and ethnic background of (potential) applicants for legalisation and assess the success rate of legalisation of vulnerable groups, the equality of benefits from the legalisation process, and allow for assessing the implementation results of the Roma integration policies.
- As long as families inhabit the illegal object of substandard housing and before reaching a long-term solution, which can either be legalisation or relocation, consider providing minimum of necessary works and connection to utilities as a transitional measure. The legalisation throughout the region needs to be planned based on evidence and apply long-term approach, including the period after the legalisation deadlines expire.
- Where a mapping of informal settlements has not been performed, the legislation should provide clear but realistic deadlines for the municipalities to complete the comprehensive mapping exercise.





## 3. Economy-specific analysis of the legislation on legalisation

This chapter provides an economy-specific analysis for the WB in relation to the housing legalisation. *Annex 1* presents an overview of relevant legal provisions in the WB.

### 3.1. Albania

In Albania, the Law on Territorial Planning and Development and the Law on Legalisation, Urban Planning and Integration of Unauthorised Buildings regulate the legalisation process. The latter Law covers the legalisation of objects built without or not in accordance with building permits; it also covers the transfer of ownership of parcels of land where illegal constructions exist.

The legalisation Law allowed for the legalisation of objects built before 27 June 2014. It provided a four-month period for the acceptance of self-declarations on the possession of unauthorised constructions, commencing from the day of its entry into force. Considering the legalisation deadline expired some four years ago and the issue of illegal housing and settlements remains, Albania should consider reopening the legalisation process and specifically targeting vulnerable groups and their settlements.

The application for legalisation requires numerous documents: the general plan of the object and blueprints for each floor, the Family Composition Certificate, proof of compliance with the Infrastructure Impact Tax, certificate of ownership of the parcel of land on which the construction stands, a personal declaration on accepting responsibility for any consequences that may arise from natural causes or use of the object, a request by the applicant on the manner of payment for the construction land (if not owned by the applicant) and a notarised agreement on part ownership (when an object is owned by more than one natural or legal person).

Given the required documentation, legal, financial and technical aid would benefit vulnerable families owning illegal housing in the application process for legalisation and in obtaining the required documents. Although objects used as a place of residence are exempt from the legalisation fee, additional support should be considered within the legalisation process. This applies in particular to cases where the legalisation process cen-

tres on objects owned and used as the primary place of residence by families and when unsuccessful legalisation leads to the subsequent instigation of the eviction process.

The Albanian legislation foresees some similar mitigation measures, such as price reductions and exemptions from paying for the construction land in the process of legalisation. As per the Law, the Council of Ministers will decide on the relevant procedures and categories of beneficiaries. This decision was not yet adopted at the time of writing this analysis.

The legislation process also provides for social responsibility among investors when constructing residential objects above six floors on construction land where illegal residential objects exist. In this instance, the investor either needs to reach a mutual agreement with the family that own the illegal object or offer the family acceptable alternative accommodation. This positive provision increases security of tenure for vulnerable families in Albania.

The information from the Family Composition Certificate should be augmented through the collection of socioeconomic indicators that will allow for a better assessment of the overall needs of vulnerable families and in the creation of tailor-made programmes aimed at their social integration and empowerment. In relation to this, the Law on Legalisation, Urban Planning and Integration of Unauthorised Buildings should be amended in order to allow for specific considerations for the legalisation of objects owned by families that would be rendered homeless in the event of an unsuccessful application for legalisation and the subsequent demolition of the housing unit. Explicit reference to the relevant programmes on social housing<sup>12</sup> and eviction procedures included in the Law on Social Housing should be made in the legalisation Law in order to create synergy and ensure their application. It must be noted, however, that Albania included the provision that the owners of illegal object who do not benefit from successful legalisation will be offered alternative accommodation.

The Law on Legalisation, Urban Planning and Integration of Unauthorised Buildings contains several positive provisions in relation to opportunities for lowering

<sup>12</sup> One of the relevant programmes which could be used in the context of legalisation is housing reconstruction assistance.





the purchase price of construction land or exempting certain categories from paying for the land. It also promotes social responsibility among investors constructing large residential objects and allows for the legalisation and urbanisation of informal Roma settlements. However, it remains unclear as to how the legalisation of Roma and informal settlements is to be implemented (the rules will be decided by the Council of Ministers) and whether the legalisation process for individual housing will be reopened. Albania should consider reopening the legalisation process and adopting a specific approach to vulnerable Roma wherein legalisation combined with measures in other areas would allow for their social integration and socioeconomic empowerment. Therefore, the authorities should consider performing such initiatives in close cooperation with the resident communities in order to account for their overall needs and reach a solution that is acceptable to the affected parties.

Lastly, the Law does not refer to the minimum construction standards for objects subject to legalisation. It should clearly state that objects need to meet the minimum housing requirements in terms of net surface area, minimum construction and other technical standards and the requirement to connect to public infrastructure during or immediately after the legalisation process.

In other words, the facilitation of legalisation should not come at the expense of the human right to housing. In cases where housing units do not meet the minimum standard for adequate housing but are the primary place of residence of the owner families, the authorities should provide support for the reconstruction and finalisation of these objects. In relation to this, the Albanian Law on Social Housing outlines a programme of housing reconstruction up to a new construction wherein Roma families are able to benefit from a 5 per cent affirmative quota. This programme should run parallel to the legalisation initiatives in order to ensure the successful legalisation of a large number of objects that will be in line with the minimum standards for adequate housing.

Clearly, the Law on Legalisation, Urban Planning and Integration of Unauthorised Buildings should activate the relevant provisions of the Law on Social Housing as well as other appropriate legislation in order to be able to offer tailor-made programmes to vulnerable families in need of social and other support. Activation of the social protection legislation should be based on an assessment of the socioeconomic data of the owner families, which could be collected during the legalisation process.

Albania has recently finalised a mapping of informal Roma settlements. Considering that the legislation cov-

ers the issue of urbanisation of informal areas, this sets the grounds for initiating the process of legalisation of Roma informal settlements in the near future.

### 3.2. Bosnia and Herzegovina

In Bosnia and Herzegovina, spatial planning is regulated at the entity level. In the Federation of Bosnia and Herzegovina, the Law on Spatial Planning and Land Utilisation regulates spatial planning. In Republika Srpska, the Law on Spatial Planning and Construction applies.

The Law on Spatial Planning and Land Utilisation in the Federation of Bosnia and Herzegovina defines land use and specifies protected areas. The Law regulates spatial planning, the procedures for developing and adopting planning documents and the respective implementation, the type and content of documents, supervision of planning implementation, and similar matters. In Republika Srpska, the Law on Spatial Planning and Construction regulates matters related to spatial planning and development, the type and content of planning documents and their implementation, the type and content of technical documents, the approval process for the use or removal of objects, and such like. In addition, The Law on Construction Land is in force in both autonomous entities. These laws cover the manner in which the right to the construction land is obtained and exercised as well as the issue of compensation for the use of the construction land.

Republika Srpska adopted the Law on the Legalisation of Illegally Built Objects in June 2018. In accordance with this Law, the owners of illegal housing must pay the construction land development fee and rent, as well as fees owed in accordance with other laws. In the event that an application for legalisation is not submitted within six months of the Law entering into force, the legalisation fee will apply. The construction land development fee and rent are calculated during the process of deciding on the issuance of the building permit (the decision on legalisation) and are defined at the municipal level. The fact that the municipalities decide on the construction fee and the rent could result in significant differences in the cost of legalisation in different parts of the entity. The Law does not define a maximum construction fee and does not refer to possible exemptions from payment of the construction fee for vulnerable categories. No other considerations for vulnerable groups or low-income families exist in the Law.

Yet the Law does allow the municipalities to issue special decisions on the legalisation of individual residential housing up to a net surface area of 400 square metres as well as partial or total subsidising of the legalisation related fees for applicants, which is a provi-



sion that can benefit Roma and other vulnerable families who are at the same time beneficiaries of social welfare or are refugees, internally displaced persons or returnees.

The application for legalisation forms the basis for connecting the object in question to the communal infrastructure during the period prior to completion of the legalisation process.

The application of a systematic approach to the legalisation of Roma settlements and housing units in the Federation of Bosnia and Herzegovina requires the introduction of specific laws and regulations. It should be noted that in the Federation of Bosnia and Herzegovina the legislation on legalisation also exists at the cantonal level wherein the cantons adopt special decisions on legalisation; unfortunately, this is out of the scope of the current analysis.

Prior to undertaking any systematic legislative initiative in Bosnia and Herzegovina, a comprehensive situational analysis of Roma housing and their settlements throughout the entire territory is required. In the case of legalising informal Roma settlements, the participation of the Roma inhabitants is suggested in order to account for their needs. Any proposed solution in relation to the legalisation and urbanisation of these settlements should protect and promote the right to adequate housing.

### 3.3. Kosovo\*

The legalisation process in Kosovo\* is regulated by the Law on Treatment of Constructions without Permit, which allows for the legislation of constructions identified in the digital orthophoto map from 30 August 2013 (objects which are completed or their construction has started). An unpermitted construction is defined as an existing construction built without a building permit at the time when the Law entered into force. The National Registry of Unpermitted Constructions was established as a list of all unpermitted constructions in Kosovo\*. The Demolition List is a list of all constructions listed in the National Registry of Unpermitted Constructions that did not file for legalisation, constructions for which there is no documentation in support of the submission for legalisation, and constructions denied legalisation.

The application for legalisation offers the opportunity to connect to the water and electric systems, based on a separate request submitted to the utility providers. However, this application does not guarantee that such services will be approved and no specific considerations for vulnerable groups in this respect are included in the Law. Similarly, the cost of connection to the public infrastructure is the responsibility of the applicant.

An illegal object can be legalised if it is included in the National Registry of Unpermitted Constructions, is completed and meets the basic health and safety requirements, is connected to the public utilities and if the applicant has covered all applicable fees. Considerations exist in relation to the legalisation of an object not fully completed, but these do not take into account the economic capacity of the owner. The Kosovo\* law is a single law in the WB that does not specifically refer to proof of legal right of ownership over land as a requirement for legalisation.

The Law also stipulates that all buildings that are not actively proceeding toward finalisation are liable to demolition. The Law does not include any considerations in relation to objects that require reconstruction in order to meet the minimum standards for adequate housing. Support for applicants in cases where an object requires finalisation works or reconstruction in order to be legalised and is the only object the applicant uses as his/her family's primary place of residence would be welcome.

The Law makes no specific provision for resolving the issue of land ownership titles or for illegal housing and settlements built on public land. Considering the housing situation of Roma in Kosovo\* and their general economic capacity, the authorities are invited to make increased efforts to legalise as many homes as possible. Eviction procedures and provisions on the activation of social protection legislation are also lacking in the Law. The Law should stipulate these provisions clearly in order to protect people from being rendered homeless through the demolition of their housing. The demolition of housing units that serve as the primary place of residence for families that do not possess alternative accommodation should be performed only as a last resort and when all other solutions are either not possible or have been exhausted. Alternative accommodation must be provided in such cases. It is particularly important to adopt a targeted approach to households at risk of becoming homeless.

It should be noted that after realising the enormous extent of objects that were not legalised under the current Law, Kosovo\* drafted a new Law on legalisation. It aims to simplify the procedures and envisages a one-stop-shop for legalisation. The new Law means that in the case of constructions used for living purposes once the application for legalisation is submitted the remaining procedures come under the responsibility of the municipal departments. One-stop-shop is relevant for vulnerable categories because it can reduce the administrative barriers.

Another difference is that those objects included in what was previously the Pending List (Demolition List, under the current version of the Law) will have a sec-



and chance to apply for legalisation. Namely, specific programmes for the legalisation of the remaining objects will be adopted and pursued once the first phase of legalisation is completed. Hence, Kosovo\* aims to adopt a more long-term approach to the legalisation.

Another innovation to be introduced by the draft Law is that large information campaigns will be pursued in the economy as well as abroad in cooperation with partners in order to gain better outreach during the legalisation process.

### 3.4. Montenegro

In Montenegro, the Law on Spatial Planning and Construction of Structures adopted in September 2017 regulates legalisation. Illegal objects are classified as objects or their parts built contrary to the legal provisions required for obtaining the building permit at the time of construction. Illegal objects can also be objects with only rough construction works performed.

The Law further defines an illegal object serving as the primary place of residence. This is an object of a net construction area of up to 200 square metres serving as the primary place of residence of the owner and members of his/her household. In order to be classified under this category, the owner of the object and his/her household must have permanent residence in the same municipality as the object and cannot own another residential structure within the territory of Montenegro.

An illegal object serving as the primary place of residence is most relevant to the legalisation of housing of vulnerable Roma in Montenegro. In order to prove that the housing unit belongs to this category, the applicant must submit information on the number of household members, proof of residence and proof that the applicant and his/her household do not possess another habitable object within the territory of Montenegro. In the event that an illegal object serving as the primary place of residence is not legalised then the municipality will provide the owner and his/her family with alternative accommodation. The local authorities regulate the manner in which alternative accommodation is provided.

An illegal object can only be legalised if it complies with the current planning documents. However, legalisation is possible if the structure in question exists in the orthophoto plan of Montenegro (which is under preparation). On this basis and if the object is constructed in accordance with the General Regulation

Plan of Montenegro it will be identified in the cadastre. The General Regulation Plan is yet to be prepared, while all other planning documents (with the exception of the Spatial Plan of Montenegro) will be void once the General Regulation Plan is adopted.

The legalisation application initiates the legalisation procedure and the applicant is liable for all costs associated with the legalisation. The application must provide evidence that the object is identified in the cadastre and a geodetic elaborate. Proof of ownership of the parcel of land where the object is constructed is also required together with proof of complying with the required fee for the communal equipping of the construction land;<sup>13</sup> a special fee for the legalisation of objects applies in the coastal zone.<sup>14</sup> In cases where the object is not constructed in accordance with the existing planning documents, the legalisation procedure is suspended until the new planning documents (referred to in articles 217 and 218 of the Law) are in place or the General Regulation Plan is adopted.

The legalisation procedure is suspended if the parcel of land where the illegal object is located is on land owned by the central or local level government. In this case, the applicant has an opportunity to apply to purchase the land from the government based on a direct agreement with payment in up to 240 instalments. The Law contains no specific considerations for households in a vulnerable socioeconomic position.

Once an object is legalised, the owner has up to three years to adjust the external appearance of the structure. This is done in accordance with the planning document or if the external appearance is not covered by the planning document then in accordance with guidelines provided by the chief city architect. The deadline for applying for legalisation passed on 15 July 2018.

The municipalities had to make a list of those objects denied legalisation or for which no application was submitted (which amounts to the same, considering that the failure to apply removes the possibility of later legalisation) by 15 July 2018. The owners of these objects have to pay an annual 'space utilisation fee'<sup>15</sup> during the time prior to their object being demolished. The owners can demolish their object themselves or the government can demolish it at the owner's expense.

The Law on Spatial Planning and Construction of Structures effectively plans the legalisation process in two phases. The first phase relates to objects built in accordance with current planning documents, which can

<sup>13</sup> The fee is defined by the respective municipality and is payable based on the total square metre net surface area of the object, which is established in the geodetic elaborate. This fee is payable in up to 240 instalments, but with a 20% increase in the price.

<sup>14</sup> Additional proofs are required for objects above 200 square metres in size.

<sup>15</sup> The owner of the object will have to pay from 0.5% to 2.0% of the average price for constructing one square metre of a new residential facility in Montenegro for the entire net surface area of the illegal object.





be legalised first, while the second concerns the remaining applications. The latter will be dealt with after the adoption of the General Regulation Plan.

The Law also obliges all municipalities to map illegal housing units. This gives Montenegro the possibility to include informal housing and settlements under the General Regulation Plan (especially as it is not feasible to remove entire settlements) and consequently to legalise them. This would require the reopening of the legalisation process.

The cost of legalisation is very high and the entire burden of proof and the related costs as well as several additional fees are borne by the applicant. The space utilisation fee is most problematic, because it is very high and the only fee for which a concrete range is defined. This fee can represent a large financial burden for Roma as well as the rest of the population. The municipalities decide on the size of some of the fees and therefore this varies per municipality. Specific considerations such as defining maximum fees for vulnerable groups and families at the national level or fee waivers would help legalise more housing units. In order to avoid eviction and relocation, priority within the legalisation process should be on illegal structures that serve as the primary place of residence.

Minimum standards for adequate housing are not a requirement for the legalisation of illegal objects serving as a primary place of residence. While the document proving the static and seismic stability of an object is generally required, the owners of objects that serve as their primary place of residence can instead submit a notarised statement confirming that they take upon themselves full responsibility for any potential damage inflicted on third parties as a result of their utilisation of the object. While this provision might facilitate legalisation, it requires revision in order to guarantee the safety of the families living in such housing units.

The Law should also ensure standards for eviction procedures that are in accordance with human rights. This should include the obligation for the authorities to propose comprehensive resettlement plans to those evicted. Furthermore, Montenegro should assess the differential impact that eviction can have on vulnerable groups, as outlined by the United Nations Special Rapporteur on adequate housing under the section on the basic principles of eviction. While the Law stipulates that the municipalities must provide alternative accommodation, it is unlikely that the municipalities will be able to provide sufficient services and relocation programmes aimed at empowering the most vulnerable. The Law on Spatial Planning and Construction of Structures should make clear reference to the Law

on Social Housing concerning Roma as a priority group as well as to other social protection legislation.

Considering the cost of legalisation, it seems highly unlikely that Roma families in informal settlements have or will apply for legalisation in significant numbers. If the Law on Spatial Planning and Construction of Structures is implemented as planned, Roma and other vulnerable categories will face an increased risk of eviction. It is highly unlikely that Montenegrin municipalities would have the possibility to offer alternative accommodation in sufficient numbers to the affected population. This situation, as well as the fact that municipalities do not have sufficient information on the housing at their disposal was also observed in the Social Housing Programme 2017-2020.

### 3.5. Serbia

The Law on Legalisation of Objects adopted in November 2015 regulates the legalisation process in Serbia.

Illegally built objects are defined as objects or their parts constructed without a building permit or construction approval. The latter document applies to specific types of objects, including auxiliary and other objects used for agricultural purposes.<sup>16</sup> An object for which a building permit was issued at the time of construction but that does not conform to the requirements of the issued permit can also be the subject of legalisation. Only those objects for which an application was submitted under the previous Law on legalisation (before 29 January 2014) or which are visible on the satellite image of Serbia from 2015 can be the subject of legalisation.

Objects with only rough finished construction works (not fully completed) can also be the subject of legalisation. After their legalisation, the owner submits a request to conduct works on completion of the object.

Objects built on land unsuitable for building and objects built from materials that do not guarantee durability and security cannot be legalised. In the first case, it is however possible to legalise an object after submitting additional proof that the object is indeed stable.

Objects built on public land allocated for public purposes and in the public interest can only be legalised with the special consent of the body managing the public land in question. While the concept of public interest is defined in the Law of Expropriation, the Law on Legalisation of Objects also stipulates legalisation as being in the public interest of the Republic of Serbia. However, in the Law it remains unclear how to reconcile legalisation as being in the public interest when it comes into conflict with or opposition to other matters of the public interest.

<sup>16</sup> A detailed list is included in Article 145 of the Law on Legalisation of Objects.



Only those objects that are or can be brought into compliance with the actual planning document can be legalised. It should be noted that Serbia has developed and is continuing to develop local planning documents that include Roma settlements, primarily through IPA funds.

If all of the abovementioned required conditions are met, then an object can be legalised if the owner can demonstrate proof of ownership of the object and the land where the object is constructed. The Law enumerates various accepted forms of proof of ownership, but also refers to all legal affairs that can demonstrate without doubt the legal continuity of the transfer of both the land and the object. The legalisation application further includes a report on the current state of the object. The report consists of a geodetic elaborate and a description of the status of completion of the object in question.

Once all of the conditions for legalisation have been met, the applicant pays the legalisation fee set at a minimum of RSD 5,000. However, single parents, families with disabled family members, and beneficiaries of social welfare are exempt from this fee. Likewise, if the applicant family lives in the legalised object as their primary place of residence, the legalisation fee is waived.

Municipalities are assigned the obligation to map all illegal objects and maintain a record on these objects. Once the mapping process is completed, the decision on the demolition of objects is issued; however, this decision cannot be enforced until the legalisation procedure has been completed. Upon receipt of the list of objects designated for demolition, the body in charge initiates legalisation procedures *ex officio*. In other words, the procedure for legalisation can be initiated both by the object owner and by an official body. The second case is an unusual provision, because the body in charge initiates the procedure for legalisation but the decision is directed to the owner of the object. Likewise, the burden of proof remains (proof of ownership and the geodetic elaborate) with the object owner. It is hard to imagine how this provision can be implemented in practice and how such a decision on legalisation can be legally binding.

Once the decision on legalisation has been reached, it is not possible to apply for legalisation again in the event that the application is denied. This is problematic as it effectively prevents the object owner from applying for legalisation if a government body applied beforehand and received a negative decision. It is therefore advisable to reconsider or improve the initiation of such legalisation procedures in an official capacity.

In relation to the mapping of illegal objects, the Law does not provide for the collection of data on the so-

cioeconomic situation of the owners of the objects in question during the mapping exercise. While the Law on Housing and Maintenance of Apartment Buildings comprehensively covers the issue of evictions, the Law on Legalisation of Objects does not refer to evictions. Reference to eviction and relocation procedures would be welcome as it would increase legal security and allow the owners of demolished objects to gain a better understanding of their rights.

In the case of families in a vulnerable socioeconomic position, it would also be welcome to foresee affirmative action toward the reconstruction/completion of objects subject to legalisation when these are not fully completed. Similar action is being implemented in Serbia through the non-governmental sector. One example is the Ecumenical Humanitarian Organization, which reconstructs Roma housing with the participation of the Roma community and at the same time develops the construction skills of the Roma beneficiaries.

The Law on Legalisation of Objects is technical and covers a variety of possible legalisation situations; however, this Law should be interpreted together with the eviction and relocation provisions from the Law on Housing and Maintenance of Apartment Buildings. Considering that legalisation is in the public interest of Serbia, the Law would also benefit from more consideration of vulnerable groups and families. This could include offering free legal and technical aid, covering the cost of the geodetic elaborate and other requested documentation, and assisting in the reconstruction/completion of objects subject to legalisation when these objects are used as the primary place of residence by the applicant and his/her family and in order to reach the minimum adequate standard of housing.

Clearly, the Law on legalisation should activate relevant aspects of other laws on social protection when relevant situations occur (for example, during the mapping of illegal objects). Provisions on the collection of socioeconomic data on the owners of illegal housing during mapping exercises would help identify persons/families belonging to vulnerable categories and provide information on existing informal Roma settlements. It would also help in devising an appropriate and specific approach to legalisation, especially when illegal objects and informal settlements are located on public property.

Where possible, options for legalising partly built objects constructed of lower quality material should be sought through the reconstruction of such objects. Yet experience from the field shows that a legal gap prevents implementation of reconstruction works: at times the object cannot be legalised because it does not comply with the minimum standards for construc-



tion while the assistance with reconstruction works is prohibited because the object is illegal. Therefore, a more comprehensive legal solution for such situations should be sought.

Serbia would benefit from a long-term strategy for legalisation that not only allows for the legalisation of individual housing units but entire settlements, which could be included in municipal urban plans. This would require continuous and comprehensive mapping of the status of informal settlements and of individual illegal objects. The participation of inhabitants in the legalisation of their settlements is also necessary in order to decide together on the reconfiguration of their settlements and to ensure that the demolition of objects is both agreed and kept to a minimum. Similar activities are being pursued mostly through donor support and therefore the methodology can be mirrored and adapted for such initiatives.

### 3.6. The Former Yugoslav Republic of Macedonia

The Law on Treatment of Illegally Built Objects, which was last amended in 2017, regulates legalisation in The Former Yugoslav Republic of Macedonia. The most recent version of the Law has been in effect since 1 January 2018. The deadline for applications for owners of illegal objects who are applying for the first time is 31 December 2018, while the deadline for owners of illegal objects whose application for legalisation was rejected under previous versions of the Law because of incomplete documentation is six months from the date the new version of the Law came into effect. Only objects built prior to 3 March 2011 can be legalised.

The definition of an illegal object is an object built without building permission or not built in accordance with the building permission. Different types of objects are subject to legalisation, depending on whether the legalisation process falls under the authority of central or local government. The Law on Construction defines the different types of objects considered for legalisation. Objects relevant for habitation by Roma families come under the scope of 'objects of local significance'. These include privately owned objects used as places of residence as well as auxiliary facilities, local roads, local sewerage systems and similar. The legalisation of 'objects of local significance' comes under the jurisdiction of the local authorities.

In order to be considered a potential subject for legalisation, a housing unit must be completely finished in terms of the construction and form a functional entirety. The parts of an object not deemed part of the functional entirety are not eligible for legalisation until a building permit covering these additional parts that is in accordance with the provisions of the Law on Construction is obtained.

The legalisation process begins with an application by the owner of the illegal object. The applicant can be a natural person who is a Macedonian citizen, while foreign natural persons can apply if they fulfil the conditions for acquiring the right to property. The latter is determined in accordance with the Law on Ownership and Other Property Rights.

The application includes proof of citizenship/copy of ID (in the case of Macedonian citizens) or a copy of a valid passport for a foreigner, proof of connection to the communal infrastructure or utility bills, a notarised statement of full criminal and material responsibility stating that the housing unit was built prior to 3 March 2011, a geodetic elaborate and proof of ownership of the construction land.

When an object is located in a specific protected area, such as a national park, cultural site or a mining area, in addition to the previously stated requirements the opinion of the competent authority (stipulated under the Law on Treatment of Illegally Built Objects) is also required for such an object to be legalised. When an object is located in a potentially unstable area, the applicant is required to submit additional proof that the object in question complies with the set geomechanic standards.

In cases where the purpose of an illegal object does not comply with the purpose foreseen in the urban planning documentation or if the illegal object is not built in accordance with the current urban plan then the legalisation procedure is immediately terminated. The competent authority then sends a request to the municipal council and the council decides whether the object as it stands is eligible for inclusion in the proposed future urban planning documentation (pending adoption). The ministry dealing with urban planning defines the standards on the inclusion of illegal objects into the urban planning documentation.

If an application is complete and submitted on time and all potential issues are resolved then the object is legalised. The decision on legalisation ex officio leads to the inclusion of the object in the public Book of Rights on Immovable Property (cadastre). In the case where an object cannot be included in the urban planning document and/or the legalisation application is rejected then the object is designated for demolition in accordance with the Law on Construction.

In cases where the applicant does not own the land, he/she has to submit additional documents together with the request. These additional documents generally amount to proof of right over the land in the form of a long-term lease or written consent of the land owner/co-owner on the application to legalise the object in question. The Law covers related cases, such as





when an applicant cannot obtain the aforementioned documents. When The Former Yugoslav Republic of Macedonia owns the construction land, the applicant has the opportunity either to purchase the land or enter into a long-term lease agreement with the relevant government authority.

In cases where another natural or legal person owns the land on which the object stands and the object is already legalised, the owner of the land can request compensation based on the current market value of the land. However, if the owner of the land fails to submit a request for compensation within twenty years of the decision on legalisation then the owner of the legalised object can obtain ownership of the parcel of land on which the object stands by applying to the courts.

It is important to note that the legalisation Law in The Former Yugoslav Republic of Macedonia foresees and aims to regulate real life situations. In general, it provides opportunities for owners of objects built prior to 3 March 2011 to legalise their property even when the land is owned by a separate entity.

In order to better connect legalisation and social protection, the legislation should be clear on activating the legislation on social protection in cases of unsuccessful legalisation. If, for example, during fieldwork a commission working on legalisation realises that the family lives in very poor housing it could automatically refer this to social services with respect to the possible provision of social housing. As long as social services are not informed on the housing situation of a family, they will not be able to act and provide services.

The Law makes no mention of free legal aid, which considering the complicated legalisation procedures is essential. The lack of a provision on free legal aid is crucial given that a rejected application for inclusion of an object into the urban planning document or a rejected application for legalisation activates the provisions of the Law on Construction concerning the demolition of objects. According to the current legislation, those households whose applications for legalisation are rejected are at risk of eviction. Similarly, not one of the mentioned laws addresses the issue of eviction procedures and there is no specific provision that applies to an object used as the primary place of residence of the owner family. Eviction procedures that are in accordance with human rights standards should be adopted, clearly prescribed and referred to in all relevant legislation.

The Law on Treatment of Illegally Built Objects established a register on applications for legalisation. The best way to answer whether the Law accommodates the specific housing and socioeconomic situation of Roma in The Former Yugoslav Republic of Macedonia is to collect data on the number of illegal Roma households and on the number of applications for legalisation by Roma families. The resulting ratio of successful and unsuccessful applications would help answer this question. Currently this type of data is not collected and therefore it is impossible to ascertain the number and the ratio of successful applications for legalisation by Roma families.







## 4. Evictions

Many Roma households are at risk of (forced) eviction for different reasons. The main reasons include one or a combination of factors:

- housing units are located on land not owned by the household,
- housing units can be but are not included in the urban plan,
- housing units are built on unsuitable land and it may not be possible to include them in the urban plan,
- housing units do not conform to the legally building standards and/or are of poor construction.

Evictions have a great impact on the life of any person, most notably because of insecurity of tenure and risk from homelessness. These phenomena are also costly for the social care system.

Therefore the procedures, reasons and the conditions under which an eviction can take place must be stipulated clearly in the housing legislation and it is advisable to avoid evictions as much as possible, and even include this as a goal within the relevant legislation.

The legislation on legalisation should refer to the provisions on evictions from the housing legislation, as unsuccessful legalisation applications tend to be followed by evictions.

It is not feasible in this regard to cover eviction related mechanisms and methodologies solely through bylaws or leave it to the municipalities to define the procedures and standards. At least minimum standards and guideline criteria need to be included in the housing legislation.

The principles included under the following documents need to be transposed into the legislation and adhered thereafter: 'Basic Principles and Guidelines on Development-Based Evictions and Displacement' issued by the United Nations Special Rapporteur on adequate housing and General Comment No. 4<sup>17</sup> and General Comment No. 7<sup>18</sup> to Article 11 of the International Covenant on Economic, Social and Cultural Rights.

It is noteworthy that Albania and Serbia refer clearly to evictions in their laws on social housing and Serbia

comprehensively covers the procedures for evictions in line with the mentioned international standards.

The legislation regulating evictions should also adopt a clear and targeted approach to vulnerable groups by providing housing and social services in the form of appropriate and tailor-made relocation packages aiming at permanent adequate and affordable housing for the evicted persons.

It should be necessary to perform an in-depth eviction impact assessment prior to implementing any eviction. Such an assessment would comprehensively assess the impact of the eviction by looking at the long-term cost to the public budget and at the socioeconomic indicators for the household in question. The eviction impact assessment should immediately activate social laws in order to provide integrated services together with a comprehensive and suitable relocation package. This information would help qualify the decision on performing the eviction and lead to a reduction in evictions in the long run.<sup>19</sup>

The relocation package should offer alternative housing complying with the minimum standards of adequate housing and a clear relocation plan. The relocation plan needs to take into account the circumstances of the household and must be defined through close consultation with the household. The alternative housing should consider the proximity of public services, employment opportunities, and desegregation.

In accordance with the international principle, wherever possible, evicted persons should be relocated as closely as possible to their previous place of residence. When taken into account, this principle is interpreted as relocating evicted persons to the municipality where they last had a registered address, which may not coincide with the actual place of residence. In the case of Roma, some are internally displaced persons (IDPs) and some have registered residence in a place where they have not lived for a long time, while others are at risk of eviction from the place where they perform their economic activity and spend most of the time throughout the year. Thus, affected persons must be consulted on the location of the alternative housing.

<sup>17</sup> <http://www.refworld.org/docid/47a7079a1.html>

<sup>18</sup> <http://www.refworld.org/docid/47a70799d.html>

<sup>19</sup> There is no data on the financial implications that evictions have on the public budget for social services in the region. The data from developed countries, such as the UK, USA and Australia, suggest that the long-term cost of eviction is very high. Hence, the recommendation to seek out solutions that are alternative to evictions.





It is of paramount importance to pay specific attention to evictions performed in the name of a 'public interest'. The vague concept of 'public interest' is usually understood as large-scale public or private infrastructure projects. Besides the need to have a more precise legal definition of 'infrastructure projects of public interest', the legal provisions should ensure that such projects do not interfere with the application of fundamental human rights, including the right to housing. In the event that an infrastructure project is proven to be of public interest and evictions are inevitable then affected households should have legal guarantees on the respect of their fundamental right to housing.

It is for this reason that consultation with the affected parties, the possibility to propose alternative solutions, and mechanism for deciding on alternative solutions need to be legally prescribed. A realistic possibility should exist that any urban development decision/project leading to eviction could be changed or amended through proposed alternative solutions that avoid evictions. In cases where evictions are deemed inevitable for reasons that are well justified, the same procedures on consultation and participation in deciding on alternative housing need to be provided within the relevant laws.

In the case of construction projects that are not considered of public interest, even stricter rules on evictions should apply. Authorities may also negotiate and mediate between investors/land owners and the owners of informal housing in order to ensure that an alternative housing solution is agreed and provided. The conditions for investment could be negotiated with the developer and include subsidies provided by the central and/or local government conditioned by providing social housing. Construction permits for land on which Roma or other vulnerable groups live should not be issued without first resolving their housing issues in the long term.

The Albanian Law on Social Housing has to be singled out as it defines concrete measures that result both in less evictions and increased social housing stock. One social housing measure allows people living in informal settlements to be directly eligible to benefit from social housing projects planned in or nearby their settlement. Another measure provides that investors building residential objects above six floors need to reach an agreement with or resolve the housing issues of the owners of the illegal objects on the construction land.

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## 5. Social housing - regional overview

For many vulnerable Roma families social housing is the only opportunity to live in decent conditions. At the same time, the enlargement region needs to respond better to the increasing need for a broader scope of social services and offer them to a larger number of beneficiaries. In order to achieve this, the sustainability of the social housing systems and the efficiency and effectiveness of budgetary spending will need to improve. Offering a holistic approach to social housing might come at an increased economic cost in the short term but will yield both social and economic benefits in the longer term. The success of the holistic approach will lead to cost reductions by strengthening the socio-economic position of beneficiaries.

With the exception of Bosnia and Herzegovina,<sup>20</sup> the economies in the WB have legislation on social housing at central level, regulating the issue to a different extent. Roma are generally not prioritised as a beneficiary group of social housing. The social housing legislation in the region sometimes refers to anti-discrimination, but it remains unclear as to how the relevant provisions will be activated.

The following sections present some of the best practices in the region together with suggestions on how to continue to improve social housing programmes, provide sufficient services and guarantees to beneficiary populations, prioritise vulnerable groups including Roma, and increase the social housing stock.

### 5.1. Increasing legal guarantees and outreach

There are various modalities to increase legal guarantees for social housing that the economies of the enlargement region may consider to adopt.

The most convenient in terms of implementation would be the so called “rent support” which subsidises rent and utilities to low-income households. In principle this is done by defining a maximum amount or portion of income that such households are expected to spend on housing. For households with low income that cannot cover even the minimum housing expenditures, social housing free of charge needs to be provided.

One of the eligibility criteria for both types of support is the income level of the household. The eligible in-

come levels need to be inclusive in order to provide sufficient coverage and support.<sup>21</sup> The procedures proving eligibility should not be overly complex for the beneficiaries to prove their income level. Households without any earnings or social welfare might face the most difficulties in presenting sufficient documentation in support of their case, and thus need additional support.

Generally, annual rents for social housing are defined according to the cost of their construction or their purchase price. In addition, in some cases the economic capacity of the targeted household is taken into account. This should be the case across the region.

Beneficiaries of any housing support enter into leasing contract with the (public or private) supplier. In both cases, and particularly when the supplier is private and the government is providing social housing support, the leasing contract needs to contain certain legal guarantees for the beneficiaries of the social housing. Some overall aspects of the contract content are mentioned in the legislation. However, it is important to stipulate clearly some of the main rights and obligations of the contracting parties. The contracts need to protect beneficiaries from evictions or homelessness in situations such as loss of employment, health conditions and outstanding debts that affect their ability to comply with their contractual obligations.

Albania and The Former Yugoslav Republic of Macedonia are particularly clear in this respect. The legislation in both economies defines unforeseen circumstances that can lead to a situation where beneficiaries are unable to pay their rent but are not automatically liable to having their contract terminated. In such cases, beneficiaries are offered temporary support or, if their inability to make payment is long term, they are transferred to another social housing programme. All economies of the enlargement region are therefore invited to include exemptions from automatic termination of lease within these contracts.

The legislation should have clearer rules and guidelines on the prioritisation of specific groups for social housing in the region. Where the current laws do define priority groups, it is sometimes unclear how prioritisation applies in practice. The most beneficial solution for Roma

<sup>20</sup> At central level Bosnia and Herzegovina has Guidelines on Non-Profit Social Housing.

<sup>21</sup> The Albanian Law on Social Housing states that 80% of those benefiting from rented social housing will be households earning from 0 to 100 per cent of the average household income in the respective local self-government unit. The remaining 20% of beneficiaries will be households earning 100 to 120 per cent of the average income. Similarly, Albania clearly stipulates the level of total household income that qualifies it for housing support. It also clearly defines the maximum portion of total income that a household should spend on housing, while the Government covers all the costs above this maximum.





would be to define affirmative quotas, at the national or at the local level, proportional or even higher than the percentage of Roma in the overall population. Another solution would be giving additional points to Roma in the scoring system for various forms of social housing.

The only economy in the region that currently and effectively prioritises Roma is Albania, through its legal provision that Roma will benefit from 5 per cent of all social housing programmes during the first two years of implementation of the Law on Social Housing.

The second important guarantee relates to minimum standards of adequate housing in terms of size and quality, affordability as well as proximity to services and employment opportunities. It is not advisable that only marginal reference is made to the required criteria or that it is left to the municipalities to decide on the most important details, without defining at least the minimum standards. Another risk is that such an approach could provoke internal migrations and cause further segregation as well as place too much of a financial burden on a single or a number of municipalities.

Thirdly, there is a need to increase the scope of services by adopting a holistic approach to this issue. Targeted and holistic social housing programmes are particularly relevant to Roma. A holistic approach is necessary if the economies of the enlargement region are to move toward lowering the number of beneficiaries in the long run. This approach requires inter-institutional cooperation.

The economies in the enlargement region should take into account that many Roma remain invisible to the system of social services and that the number is most probably increasing due to the readmission process of returnees from Western Europe. The social care system, including social housing, needs to design outreach methods to identify and properly support these people.

## 5.2. Increasing the social housing stock and widening the scope of services

There is a significant need for more social housing for Roma and other vulnerable groups. This calls for increased funding, which invariably is the most problematic aspect of ensuring implementation. There is a tendency for the laws on social housing to increase the financial burden to local governments, while local governments seem unable to provide sufficient housing and social services to all in need.

Likewise, budgeting guarantees from the central level are not always strong and clear. There are demands for funding guarantees from the central level for long-

term investment aimed at achieving a sustainable social housing system. The economies in the region will need to be able to ensure more funding from own resources for this purpose and therefore innovative funding mechanisms should be sought. The municipalities seem unable to finance capital projects themselves and strong support from the central level and donor or investment funds is required for their implementation.

The legalisation discussed in the second chapter is strongly linked with social housing. Almost all assistance in legalisation can be provided as a form of social housing. This may include support for reconstruction required for legalisation. Assistance in obtaining land ownership rights via donations, purchases, assistance in purchasing or through reduced or exempted costs is another example. This is already being done through social housing projects at the local level, including IPA or donor funded. For this purpose there is a need for strong involvement and flexibility of the cadastre and urban planning institutions.

At present, Roma integration policies are not sufficiently linked to the general housing and social housing policies and are not harmonised in terms of duration, planning and implementing measures, and budgeting. There is a need to ensure Roma integration policies are aligned and benefit from the more general housing policies, including in provision of housing solutions, support to legalisation, additional housing support, etc.

When it comes to increasing the housing stock, one of the solutions should be to make use of empty housing stock. The laws in the region recognise the need for municipalities to map their properties. When the mapping process is over, a certain part of the total housing fund of a municipality should be allocated for social housing and this should include guarantees for Roma. The housing stock could be further increased through the rehabilitation of vacant homes and increased taxation of unused housing units and/or luxury objects.

Albania is attempting to increase its social housing stock by promoting social responsibility within large private investments in the housing market. It prescribes that investors must allocate 3 per cent for social housing from objects above 2,000 square metres. Investors in objects above six floors also need to resolve the housing situation of people who have housing units on the investors' construction land. It can be expected that in order to comply with this requirement in practice investors will choose to donate some of the built apartments to the families in need, which is advisable option.

A UN report on adequate housing<sup>22</sup> explains that governments should seek to provide supply-side housing op-

<sup>22</sup> Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context, url: <http://cltnetwork.org/wp-content/uploads/2013/12/2013-Report-of-Special-Rapporteur.pdf>



tions and not merely react upon demand and constantly be late in providing the required level of services. Supply-side housing policies focus on increasing the social housing stock regardless of the current demands, and as such can benefit the whole of society or at least low and middle-income groups. Collecting funds from higher-earning social housing beneficiaries may result in increased sustainability of publicly offered housing. The Member States of the EU that implement successful housing policies have certain things in common, which are not present in the enlargement region. Firstly, a much larger section of the population lives in social or public housing. Secondly, various forms of support and types of tenure are provided in accordance with the needs of the beneficiaries. Subsidised rent is available to a range of households and not just to low-income households.

Yet while there are signs of increased variety in the type of housing support offered, the economies of the WB (with the exception of Albania and Serbia) remain far from adopting supply-side housing policies. Governments in the region at present react to the housing demand on a case-by-case basis. One of the main reasons for such a situation is the limited social housing stock and therefore a long-term orientation should target supply-side policies. Considering that the privatisation of housing has increased the housing problems in the WB and increased the housing debt among the populations, a strong housing fund implemented by effective central and municipal bodies with sufficient expert capacities is essential.

The governments in the WB are generally inclined to having advisory bodies at the central level that meet infrequently. A clearly defined composition of housing governing structures which includes experts and also provides mechanisms for the voice of local level and community representatives to be heard (especially when important housing issues arise) would strengthen the inter-institutional and central-local level communication and increase responsiveness of the structures in question.

Public-private partnerships can be another way to increase the housing stock. In this sense, public-private partnership may be achieved through cooperating with the rental market in providing social housing. Additionally, a portion of the rental market taxes may be used to fund social housing. The closest to public-private partnership in the current legislative solutions across the region is when housing support is provided for privately owned rented housing.

Private-public cooperation in combination with supply-side policies also represents a means of indirect rent control, which in turn should lower the housing debt of poor, marginalized and middle-income sections of the population.

### 5.3. Improving vertical and horizontal cooperation

The issue of central-local level (vertical) cooperation is problematic. The laws require better regulation in view of the transition period when the municipalities begin to implement new responsibilities in relation to housing as well as the provisions on accountability. Clear solutions on alternatives for cases where the municipalities cannot meet the needs of all eligible beneficiaries are also required. Assessment of local capacities and capacity building (for example, through a legally guaranteed technical assistance fund) needs to go hand-in-hand with the increased responsibilities given to the municipalities.

In general, municipalities receive funds for social housing through public calls. The laws should therefore include minimum guidelines on the content and criteria for public calls. When less developed municipalities are not sufficiently competitive to participate in such calls then mandatory financial and technical support through the central housing programmes should be ensured and support for capacity building provided.

In order for social housing programmes at the municipal level to work, the municipalities need to maintain a continuous overview on the needs of the population, especially vulnerable groups, and the quantity and quality of the available housing stock. The municipalities should systematically record such data and have responsive IT systems capable of following the situation in the social housing stock, the housing units' conditions, priority requirements and such like. This would allow for better planning and improved cost effectiveness.

### 5.4. Summary recommendations

Long-term holistic approach to social housing is necessary in order to ensure full integration, equality and sustainability of the housing solution of the beneficiaries. The policy should be formulated based on evidence, while ensuring horizontal coordination among institutions in order to apply a holistic approach. The housing laws should comprehensively guarantee minimum standards of adequate housing. Municipalities should have the opportunity to offer standards that exceed the legally defined minimum.

The following recommendations are a result of the discussions during the regional conference on '*Holistic Approach to Housing of Roma in the Enlargement Region*':

- Strengthen the link between Roma integration policies and public budgets and use programme budgeting to promote the inter-institutional implementation of housing programmes.



- Prioritise Roma in government housing programmes and ensure participation in the entire process.
- Tackle the issue of discrimination and prejudice among the majority population in relation to social housing efforts targeting Roma.
- Widen the scope, amount and adequacy of social housing services.
- Increase the social housing stock by ensuring long-term diversified funding schemes, including through private-public partnerships and regulation of the rental market. Establish strong housing fund implemented by effective central and municipal bodies with sufficient expert capacities.
- Improve central-local level (vertical) coordination, provide capacity building to municipalities to assume their responsibilities in housing, provide mandatory financial and technical support from central to municipal level to ensure full compliance with the law on social housing.
- Collect sufficient information on the needs of beneficiaries, along with details on their socio-economic situation and ethnic background at municipal and central level.
- Establish a strong connection between legalisation, urban development and social housing policies, including using social housing services of reconstruction support and assistance in purchasing construction land to facilitate legalisation.
- Simplify the social housing application procedures for the beneficiaries, ensure outreach to those invisible to the social system, and in general lower administrative barriers to obtaining social housing. Introducing a one-stop-shop for access to housing services may facilitate these efforts.
- Waive the requirement of proof of residence as a formal condition for applying for participation in a social housing programme in order to allow people without such documentation to be included.
- Base the annual price of social housing rent on the economic capacity of the beneficiaries, besides on the cost of purchase or construction of the social housing, including by completely covering the rental costs for the most deprived beneficiaries.
- Ensure social housing policies are culturally adequate for the beneficiaries, at the same time preventing the risk from social exclusion.









## 6. Economy-specific analysis of the legislation on social housing

This chapter contains an economy-specific analysis of the social housing legislation. *Annex 2* presents an overview of relevant legal provisions in the WB.

### 6.1. Albania

Albania has recently adopted the Law on Social Housing, which should enter in force by the end of 2018. The Law refers to social housing as the totality of housing assigned under the social programmes in accordance with the Law. The new Law envisages different programmes for social housing that people can qualify for based on their socioeconomic situation. For example, the new Law expresses ‘affordable housing’ as a percentage of total family income spent on providing housing (utilities excluded): 25 per cent for average income families, 20 per cent for low-income families and 15 per cent for very low-income families. In Albania, income levels are defined as a percentage of the average income in a local self-government unit. A combination of these two factors can therefore qualify a family for social housing based on economic criteria. In this manner, the new Law is clear on who qualifies for social housing and it even gives average income families the opportunity to obtain assistance with the increasing cost of housing.

Albania stipulates the principle of adequate housing as defined through standards for construction, access to employment and public services, access to public utilities and security from risks stemming from human actions or omissions and natural and climatic factors. When planning housing areas and programmes, local self-government units should maintain the quality standards for housing but also consider the cultural identities of different communities.

The principle of security of tenure is inviolable except when it comes into conflict with constitutional or other legal principles not referred to in the Law. Yet considering that the provision on the relocation procedure first points out that relocation could result from an investment in the public interest, the chances are that the provision might not always protect affected households. The principle of participation is to be implemented in accordance with the Law on Notification and Public Consultation. The Law in question does give the affected parties an opportunity to submit comments and recommendations before a decision of high public interest is reached but offers little guarantee that such comments will be taken into account. The relevant au-

thority makes the final decision. Relocation cannot be performed without first providing alternative adequate housing to the affected household or households. The Law on Social Housing should also include procedural definitions on how to implement eviction procedures, in accordance with the suggestions of the United Nations Special Rapporteur on adequate housing and General Comments No. 4 and No. 7 on Article 11 of the International Covenant on Economic, Social and Cultural Rights.

Albania has also introduced other principles that largely comply with human rights standards. However, these principles remain generic and the Law does not provide practical guidance on their implementation. Albania should seek to operationalize these principles further in order to increase guarantees for beneficiaries under the Law. In particular, it needs to define the minimum standard for adequate housing as well as to develop further the principle of security of tenure.

The Law protects social housing tenants insofar as they cannot be evicted from rented housing in the event of sudden yet justifiable reasons, such as unemployment or health expenses, and therefore find themselves in a situation where they cannot pay their rent. In such cases, the Law provides that after a certain period beneficiaries switch to another social housing programme. The local self-government unit will cover any overlap during this period.

The Law prioritises Roma in several ways, but with varying levels of guarantee. When it comes to the general rules on the scoring system for the selection of social housing beneficiaries, the Law stipulates that housing conditions, family conditions, social conditions and economic conditions must be taken into account. Roma are mentioned explicitly as a priority category under social conditions. However, the local self-government unit is competent for adopting the scoring system but there are no further instructions on how the above stated conditions are to be introduced or on their relevance. On a more positive note, the Albanian Social Housing Strategy 2016-2025 stipulates the need to include Roma in the scoring criteria.

Social housing programmes under the new Law consist of rented social housing, rent subsidy, temporary housing, improving the condition of existing housing up to a new construction, low cost housing, area devel-



opment for housing purposes, specialised housing and some forms of assistance through grants and credits. Roma are prioritised explicitly in the rent subsidies programme, housing improvement up to a new construction programme and in the immediate grants programme. The immediate grants programme covers only 10 per cent of the cost of low cost housing and therefore it is unlikely that economically disadvantaged families will benefit from this programme in large numbers.

There is a guarantee that those in most economic need will benefit from rented social housing, wherein the local self-government unit will rent 80 per cent of social housing to people below or on the average household income. Those most in need, such as vulnerable Roma, can claim rent subsidies that can cover up to 100 per cent of social rent. A chapter on the verification of the economic and social situation of the family exists in the Law. However, the Law does not provide for the possibility to verify informal income. Rented social housing and rent subsidies are to be financed predominantly by local government with the possibility of funding at the central level.

As previously mentioned, the Law protects social housing tenants insofar as they cannot be evicted from rented housing if for justifiable reasons they cannot pay their rent.

The strongest guarantee for Roma is given under the transitional provision that during the first two years from the time the Law enters into force they will benefit from a 5 per cent quota of all social housing programmes. The provision will be re-evaluated at the end of the two years.

The affirmative targeting of Roma is a strong move toward their integration. The positive effect of this could be even stronger considering that the Law also clearly refers to the combining of housing programmes with social services and that the ministry responsible for housing together with the line ministries will develop common instructions to determine how housing and social programmes will interact. The Government of Albania is currently in the process of defining these instructions as well as funding mechanisms. The Government should continue to develop such measures aimed at the introduction of a holistic tailor-made approach to Roma. It should also take into account the measures stipulated under the Roma Integration Action Plan.

The Law includes the programme for area development for housing purposes. Local government authorities are required to identify land appropriate for the construction of social housing, financed mainly through the central budget. Areas could be on public or private land, including places where there are existing illegal housing units that cannot be legalised, unfinished construc-

tions or old industrial buildings occupied by homeless people. The beneficiaries of the programme would be homeless people, people living in objects that cannot be legalised and people living in abandoned industrial zones. This programme would be very beneficial to Roma, because when areas already occupied by Roma are to be urbanised this accounts for what can be regarded as the legalisation of settlements. Successful initiatives would require the participation of Roma and other households when devising the measures for implementation and adoption of a holistic approach that would help prevent segregation.

The National Housing Council, chaired by the Prime Minister, will serve as an advisory body that will meet twice a year. Implementation of the Law will also require strong operational support at the central and local level. The sources of finance and the division of funds for different housing programmes and purposes are clear, with contributions from both the central and local level. However, considering the scope of the Law, it is obvious that increased financing from the central budget will be necessary for its successful implementation. The Law does not define the rules for administering funding requests submitted by local self-government units to the central level because the Council of Ministers is responsible for their adoption. It would be better to have guideline criteria included in the Law, because this would help secure central level funding.

Because of limited funds and limited housing stock, Albania is also seeking to increase the social housing fund by promoting public-private partnerships and social responsibility among investors in construction. For example, the Law refers to public and private 'social owners' who can provide housing based on calls for applications. Housing is to be provided through construction, purchases through the market, adaptation of objects and such like. The authorities would support the social owner to the amount of the rental subsidy liable to the beneficiary family. Social owners must treat all tenants equally and in accordance with the prescribed standards. The Law invites social owners to provide opportunities for tenants to engage in the management of their dwellings. As previously mentioned in relation to promoting social responsibility, all private investors building a residential construction over 2,000 square metres must allocate 3 per cent of the total surface area to the social housing fund for rental programmes. By following this approach, Albania is on the road to providing supply-side housing options.

Local-central level relations are well defined. There is a fund for technical assistance and studies in the field of the design of social housing programmes. Local authorities are given time to perform capacity building and one year to develop local housing programmes. The latter might prove too short a period for such a





demanding task considering the number and complexity of programmes stipulated under the Law. There are clear conditions that qualify local authorities for obtaining funds from the central budget. Most importantly, the municipalities have to assess their housing needs, adopt a five-year local housing programme and establish a body or define the distribution of responsibility for housing management. The adopted National Housing Programme will last for ten years. It would be advisable for both local and national housing programmes to be harmonised with the Roma integration documents in relation to housing and other thematic priorities.

## 6.2. Kosovo\*

Social Housing in Kosovo\* is regulated by the Law on Housing Financing Specific Programs, which aims to offer sustainable housing to families and individuals that cannot secure this through the free market.

The coordinating body in social housing is the Central Housing Board. The current Law does not define its membership in terms of composition and numbers. Clearly defining the composition of the Board could help to strengthen its coordination role.

The Law stipulates a number of programmes for renting social housing to beneficiaries: rented dwellings constructed by the municipalities, the Government and donors, existing dwellings rented to families benefiting from housing bonus, and other dwellings owned by the municipalities and used to provide specific housing programmes. The municipalities administer requests for social housing. Potential beneficiaries are families<sup>23</sup> who do not own a house or apartment, are homeless as a result of the 1999 conflict in Kosovo\* or are in possession of housing that does not conform to the set minimum standards. The criteria for prioritising housing allocation refer to the housing status, level of income, health status and disability and the family structure of applicants. The Administrative Instruction contains more detail on the considerations related to the criteria for prioritisation but does not provide any information on the scoring for priority categories. Thus, it is not possible to assess whether the prioritisation system is implemented properly. While the Law does not make specific reference to Roma as prioritised beneficiaries, it appears possible that Roma can benefit from certain programmes based on other priority criteria such as housing status, level of income, etc.

The housing provided through social housing programmes must qualify as both suitable and affordable. The concept of the 'housing standard' is described in

the Administrative Instruction on Minimum Housing Standards on Apartments of Special Housing Programs. In order to increase the legal security of beneficiaries, it would be both feasible and advisable to define the general minimum housing standards in the Law. The Administrative Instruction provides the minimum standards to which an apartment (size and the different types of space included) and buildings for social housing must comply. The details provided include the minimum surface area for one person and each additional person (according to age), the minimum room sizes for different types of apartments, and technical standards such as the size of the windows, doors, etc. An appendix to the Instruction defines in detail the relevant minimum net surface areas. A studio apartment, for example, for one to two persons should be 20 to 25 square metres whereas the maximum size of housing is between 72 and 90 square metres (to accommodate nine or more persons).

Dwellings owned by the municipalities given for rent are allocated on the basis of defined maximum and minimum income limits, with a formula provided. Yet there is no further information on who profits the most from this form of allocation based on the set calculation and how the formula is applied in practice. The Law states that a family should not spend more than 25 per cent of its earnings on rent, while rent subvention (in cases where the family cannot cover the full rent) cannot exceed 50 per cent of the rent. The municipality generally covers rent subvention, but if the municipality lacks the necessary resources then it could also be financed through the central budget. However, no guarantee is given that the central budget will cover this cost. It is also unclear what happens when there is a gap between the two provisions. The Law presents a formula for calculating the annual rent but it is in no way linked to the calculated income of the beneficiary family. This can lead to a situation where low-income or no-income families cannot benefit from the programme because they are not able to cover the calculated annual rent.

The Administrative Instruction covering income limits that qualify applicants for social housing raises further concerns over those at greatest social and economic risk. The document states that the category of families earning below the set minimum income level of EUR 150 per month can only benefit from social housing support if the local authority decides to subsidise it. In such cases, the local government has the right to define the rent on a case-by-case basis and lower the cost of the rental. Although the possibility to lower the cost of the rental is welcome, the provision itself is problematic in that it leaves the possibility to exclude this category from social housing support when there

<sup>23</sup> The Law alternately refers to families and individuals as potential beneficiaries in its introduction, but only to families when explaining specific housing programmes. However, when interpreting Administrative Instruction No. 20/2014 it becomes clear that individuals/single families can also benefit from social housing.



are no subsidies at the local level. Roma often come under this category because of their low employment rate and insufficient earnings.

The Law does not explicitly protect beneficiaries who due to their changed situation (such as sudden job loss or illness) cannot comply with their rental obligations. However, the provision covering the reasons for contract termination does not explicitly state this as a reason for termination of contract. Such a situation, which is a realistic possibility, requires further clarification. Likewise, the Law does not cover the procedures for eviction and relocation or the participation of affected households.

Lastly, the Law does provide for the opportunity to benefit from the housing bonus programme; this bonus refers to rent subsidy for housing rented through the market. Housing bonus cannot cover more than 50 per cent of the rent, while the difference paid by the beneficiary family cannot exceed 30 per cent of their total income. The Law does provide for the possibility to cover more than 50 per cent of the cost of the rent for families with members with disabilities or chronic illness as well as other relevant categories. In theory, Roma could benefit from increased subsidies when in a state of social need. The decision remains at the discretion of the municipal assembly and depends on the available funds.

The housing programmes can be financed through the central budget of Kosovo\* via the Ministry of Environment and Spatial Planning, municipal income dedicated for housing and through contributions from different donors. The Ministry plans the annual budget for social housing to which the municipalities present requests for financing.

### 6.3. Montenegro

Montenegro adopted the Law on Social Housing in 2013. The Law defines social housing as housing of appropriate standard granted to individuals or households who due to social, economic or other circumstances cannot resolve their housing situation. The latter is understood as persons not having a housing unit or possessing one that is not up to the minimum quality standards. In addition to Montenegrin citizens, foreign citizens can also benefit from social housing when their legal status is resolved in accordance with Montenegrin legislation or international agreements.

When referring to minimum quality standards of housing, the Law describes the technical standards the housing should meet but without elaborating in detail. It is understandable that the Law cannot go into overly elaborate or specific details, but it should provide minimum provisions or guidelines in order to increase

the guarantee of decent housing conditions for beneficiaries, especially given the importance of the issue in relation to the most vulnerable. Also lacking are provisions on desegregation, such as proximity to employment opportunities and public services and utilities.

The maximum size of a social housing unit defined by the Law is 25 square metres for a single member household with a maximum addition of 7 square metres for each additional household member up to a limit of 85 square metres. There are no provisions on the minimum net surface areas guaranteed. Consequently, there is no guarantee that the size of a housing unit will be close or equal to the maximum size stipulated.

The Law defines priority groups as vulnerable groups that include single parents or guardians, persons with disabilities, elderly persons older than 67 years of age, youth who were children without parental care, families with children with disabilities, members of the Roma population, internally displaced persons (IDPs) from Kosovo\* residing in Montenegro, foreigners with permanent or temporary residence who have the recognised status of displaced persons or IDPs, and victims of domestic violence.

Priority groups can exercise their right to social housing based on criteria that include their housing situation, level of income and property status, the length of their unresolved housing situation, the number of household members, disability, health status and age. Both the government and the local level should also further operationalize the aforementioned criteria for benefitting from social housing.

In relation to prioritisation, the Law provides that the social housing programme 'especially contains' priority groups, approximated funds for a three-year period and closer criteria under which the funds can be obtained. This was interpreted as also providing more details on the prioritization mechanisms and allocations for priority groups in the social housing programme. The Social Housing Programme 2017-2020 simply reiterates which are the priority groups and that special attention should be paid to a number of them, including Roma and Egyptians. No further details are provided. As per the Law, municipalities should adopt local annual social housing programmes that define the categories of potential beneficiaries, criteria for benefitting from social housing, and the criteria for defining local rents based on the national social housing programme.

The types of social housing programmes include the purchase or construction of social housing units (for rental purposes), the provision of land for constructing social housing units, the provision of material for building new or reconstructing existing housing units, the



provision of subventions for social housing and long-term loans for providing residential objects for social housing, and the allocation of funds for establishing public, private and non-profit sector partnerships on social housing.

Local authorities manage social housing within their territory and rent it to beneficiaries for a maximum of ten years, while priority groups can benefit for a longer period. Social housing is awarded through public calls that define the criteria and the required documentation as well as the basic elements of the social rental contract. The Law would benefit from the inclusion of provisions that guarantee awareness raising, information campaigns and free legal and technical aid for those in need. Montenegro has established the institutional framework for managing social housing policy which includes the respective ministry and the local government unit. This is different from the rest of the WB as it does not include a central council or board which would serve as a coordinating body.

It is forbidden for beneficiaries to sell or sublet a rental unit to any other individual or group of people. The rent is set in accordance with the income of the beneficiary or beneficiaries, the size of the housing unit and the cost of maintenance. The minimum rent cannot go below the cost of maintenance, while the maximum rent can be up to ten times the cost of maintenance of the residential object. In specific cases, the local authority can bring the decision to exempt persons who are in receipt of family support benefits from the rental fee. In the event that the criteria for calculating the fee change for any reason, the beneficiary will pay the new fee without amendment to the contract. No considerations are included for beneficiaries who are unable to comply with the new rental fee.

If a beneficiary fails to pay the rent, does not comply with the provisions of the contract or gives false information, the authorities terminate the social housing contract. No considerations are included when a beneficiary is suddenly unable to comply with the contract obligations due to changes in circumstance, such as sudden job loss.

The Social Housing Programme 2017-2020 recognises the effect that the lack of housing or inadequate housing has on vulnerable and socially excluded sections of the population and states that resolving their situation is of the highest priority. The document also refers to the exacerbated housing problems of people with the lowest level of qualifications and states the issue of informal settlements in bolded letters. Yet besides referring to these problems, there is little mention of how to resolve these issues and how to target the sections of the population at greatest social need.

Montenegro should include clear provisions guaranteeing that priority groups are in fact prioritised when implementing the Law on Social Housing and the national Social Housing Programme. It should have provisions that guarantee that the beneficiaries of social housing benefit are selected based on the social and economic reasons that inhibit their access to housing. Additionally, the Law on Social Housing would benefit from provisions that guarantee financing from the central level, minimum standard of adequate housing, and the provision of free legal and technical aid to potential beneficiaries as well as the definition of eviction, participation and relocation procedures and guarantees related to desegregation.

There are commendable initiatives at the municipal level that include Roma, with around 306 out of the estimated 1,965 available housing units allocated to Roma. However, the Strategy acknowledges that the number of available housing units is not precise and therefore the municipalities are invited over the forthcoming period to conduct a mapping exercise aimed at defining and registering the actual number.

#### 6.4. Serbia

In Serbia, social housing is covered by the Law on Housing and Building Maintenance under the chapter defining housing support, which is interpreted as social housing. Eligible beneficiaries of social housing can be Serbian citizens who do not own a housing unit or do not own a housing unit of adequate standard and who are unable to resolve their housing issue under market conditions.

Potential eligible beneficiaries also need to fulfil the economic conditions for benefiting from housing support. The Law provides specifics on which levels of income qualify people for housing support. The Law defines the maximum income above which a household does not qualify for housing support together with different standards for single member households, households with more than one member, and households with family members with disabilities.

The minimum standard of adequate housing is defined through the spatial conditions, construction security and stability, protection from climatic conditions, basic hygiene standards and the minimum net surface area elaborated in the Law. The minimum net surface area for a single member household is 22 square metres and goes up to a maximum of 86 square metres for families of six and more persons.

The types of housing support include housing rental (non-profit rental of public housing or rent subsidy), purchasing and other manners of acquisition of housing ownership, improvement of housing conditions (by





providing construction material and technical support), assistance with housing legalisation, and housing provision (temporary housing).

As per the Law, non-profit rent for publicly owned housing includes the cost of maintenance of the apartment building and amortisation as well as the cost of constructing the apartment or building and the construction land. Including the cost of construction in the price could significantly increase the amount of non-profit rent and therefore the provision requires revision or further clarification. The Rulebook on Unique Methodology for Calculating Non-Profit Rent states that non-profit rent only considers the value of an apartment by multiplying it with the coefficients expressing the cost of obtaining, using and maintaining the apartment. The method of calculation is included in the Rulebook. The Rulebook also states that the maximum price of non-profit rent cannot exceed 2.904 per cent of the value of the apartment for the year in question. In the case of housing built with donor funds it is possible to lower the rent in relation to the portion of donor contribution.

Besides non-profit rental, it is also possible to subsidise the rental of publicly or privately owned housing; however, the subsidy cannot exceed the price of non-profit rent calculated in accordance with the abovementioned methodology.

In the case of non-profit rental of public housing, the beneficiary signs a contract for a period of up to five years and this is renewable. The elements of the contract content are provided in general terms. Tenants would benefit from a more precise definition of the rights and obligations of the contracting parties as well as the reasons for termination of contract. Specific considerations should be included to address situations where a tenant is unable to conform with the contract obligations because of an unexpected change in circumstances that objectively prevents him/her from fulfilling his/her obligations.

Housing support can also be provided by allowing the beneficiary to purchase housing under non-profit conditions or by granting housing units to beneficiaries without any contribution. The granting of housing is predominantly planned for rural areas. This is because the price of housing in such areas is usually less than 50 per cent of the average price of housing considered adequate for the beneficiary in question. The further sale of such housing by the beneficiary is prohibited for a period of ten years after acquisition.

Support with the legalisation of housing can be provided for beneficiaries who comply with the provisions relating to maximum income as defined under the Law. The owners of illegal housing must also own the con-

struction land. In the event that the owner of an object built on third party land can reach agreement with the owner of the parcel of land on the use of the land then it is possible to provide assistance in this respect. The beneficiary cannot own another housing unit. The assistance relates to the preparation of the technical and geodetic documentation, but there is also the possibility of exemption from the legalisation fee. The categories considered for exemption from the legalisation fee are the elderly, single parents with children, families with members with disabilities, and households where all members are unemployed.

Roma in particular could benefit through non-profit rental and rent subsidy, granting housing in rural areas (based on their volition for living in rural areas) and support for legalisation. Serbia should also consider assisting Roma in resolving, where possible, the issue of land ownership, especially for objects built on public or on third party land.

The guideline criteria for establishing the order of priority for benefiting from social housing gives precedence to housing status and living conditions followed by the number of family members, health status and disability. Preference is given to persons who have been vulnerable in terms of place of residence for a longer period and persons who have more years of employment, families with a lower number of employed persons and higher number of children or members with disabilities as well as the beneficiaries of social welfare. Such provisions do not explicitly target Roma, but they do refer to housing, socioeconomic, family, health and other vulnerabilities that Roma predominantly face. Hence, Roma could benefit from such criteria if appropriately applied.

With regard to programming and implementation of housing support, the Government of Serbia adopted the National Housing Strategy and Action Plan that provide the basis for the adoption of the Housing Support Programme. Budget allocations come primarily from the central budget, but can also stem from loans, donations, EU and other funds as well as other sources. The municipalities are also required to allocate funds for the provision of housing support within their budgets. The central level allocates funds to the municipalities on the basis of a public call.

The Housing Council was established to support implementation of the National Housing Strategy. The Council also suggests priority programmes as well as projects for their realisation. It receives horizontal support from the Ministry of Construction, Transport and Infrastructure. The Ministry is also tasked with preparing and implementing the Housing Support Programme and with allocating implementation funds. The municipalities adopt and implement local housing strategies and



housing support programmes, allocate funds for their implementation and allocate and prepare land for the realisation of housing support programmes.

The housing obligations stipulated under the Roma integration strategy and action plan should be integrated into the above-mentioned national and local housing documents. On a similar note, the action plan for Roma integration and the national and local housing action plans should be harmonised; the former are adopted for two years and the latter for three to five years. The Ministry should also consider developing long-term integral and holistic housing programmes that will specifically target Roma and result in their socioeconomic strengthening and full integration into society.

The allocation of housing support is based on a public call implemented by the housing commission established at the local level. In light of this, increased capacity building at the local level is required in order to appropriately enforce housing support and apply pre-defined criteria.

Furthermore, stronger provisions regarding outreach and free legal, technical and financial aid for the preparation of applications for housing support programmes would be beneficial for Roma and other vulnerable groups. The documentation required to establish the order of priority of beneficiaries is numerous and it is likely that some parts of vulnerable population will not be able to present all of the required documentation, such as proof of the length of residential vulnerability, proof of unemployment or proof of receipt of social welfare benefits (for those not included in the system).

Finally, implementation of such a comprehensive Law will require increased social housing stock, increased funding and significant human resources, which need to be allocated in the long term.

Serbia is the only economy in the region to cover eviction, participation and relocation procedures comprehensively in its legislation. The decision on eviction includes consultation with the affected households and this can influence the decision on eviction. The eviction decision includes the relocation plan and the content for this decision is provided for under the Law. Upon request, the affected households can receive free legal aid during this process. Eviction procedures are in line with standards for human rights as defined by the report of the United Nations Special Rapporteur on adequate housing, which covers the principles and guidelines for eviction. Households involved in the eviction process are given access to health and social protection, employment options and inclusive education as well as short-term support in terms of food and water.

In cases where the household under threat of eviction is not in possession of another housing unit and lacks the resources to obtain alternative housing, the municipality performing the eviction should provide them with a relocation package and suitable accommodation. Suitable accommodation must fulfil a number of standards, which are sufficiently elaborated in the Law.

The Law makes general reference to the content of the contract that defines the rights and obligations of the users of suitable allocated accommodation. The contract covers both spouses, which is an example of gender responsible policy. However, in cases where the individual or family does not have a registered place of residence in the municipality performing the eviction then the individual or family is liable for relocation to the municipality where he/she/they last had a registered address. In the case of Roma, it would be advisable to reach the decision on the place of relocation through agreement, because vulnerable Roma are often without a registered place of residence or their last residence was in a municipality where effectively they no longer live.

The Law states that evictions are only to be performed in the public interest, which relates primarily to situations where it is necessary for the protection of life, health and property or in order to comply with urban planning documents that promote the public interest. The Law further states that other solutions should be sought and that evictions will not be performed unless it is proven that no alternative exists. In cooperation with United Nations agencies, Serbia continues to explore strategies aimed at minimising eviction and developing meaningful consultation mechanisms aimed at finding solutions to please all parties involved and to decide on alternative measures.

It would be advisable to introduce Eviction Impact Assessment in practice. Eviction impact assessments look into the impact that an eviction has on the affected household and compares the social cost and benefit of eviction with alternative strategies. This approach further accounts for the needs of families following their eviction. When considering eviction in the name of development and the public interest, it should be made clear that integration and the right to housing are also a public interest.

## 6.5 The Former Yugoslav Republic of Macedonia

The Law on Housing in The Former Yugoslav Republic of Macedonia contains a chapter dedicated to non-profit housing. The Law defines non-profit housing as housing units that comply with the minimum standards for adequate housing. This type of housing is designated for people at social risk who in percentage terms are most common, such as low-income families, young people,



young couples, single parents, pensioners older than 60 years not owning an apartment as well as other categories at social risk. The Law does not refer to Roma specifically as a priority group.

Non-profit housing is allocated on the basis of a public call, with scoring criteria defined through a governmental decree. A specific call can decide to prioritise certain groups and select the criteria that will apply. The official documentation required for applications is extensive and might prevent vulnerable Roma from applying for non-profit housing. An incomplete application is automatically rejected and there are no provisions on legal or technical aid. It is also possible to allocate housing to people at social risk without a public call; this applies primarily to emergency situations and when providing temporary housing.

The Law defines the maximum level of income that qualifies applicants for participation in public calls, with additional scoring for those well below the stipulated level of income. The scoring criteria are generally appropriate, because persons who are de facto homeless qualify for more scores. There are additional scores for poor quality housing, more dependants and deteriorated health condition as well as other relevant social and economic factors. Scoring de facto prioritises young people and couples, and families with members with disabilities.

Non-profit housing rent should only cover ongoing maintenance costs. The maximum annual rent is expressed as a percentage of the total value of the apartment. It is set at 1.8 per cent of the assessed value in ac-

cordance with criteria defined through a governmental decree. The scoring system for defining housing unit values uses a formula that scores its size, proximity to the city/community centre, access to various services, the number of floors, the materials used for its construction, when it was built and other aspects. However, the formula does not take the economic capacities of beneficiaries into consideration.

A very important legal guarantee is that it is not possible to terminate the social contract in the event of unforeseen circumstances that the beneficiary cannot influence and that affect the beneficiary's ability to comply with the contractual obligations. The beneficiary should submit an application for rent subsidy if such a situation arises. If resolved positively, the beneficiary may receive temporary assistance. The beneficiary will be offered alternative non-profit housing in the event that the inability to comply with the social contract is long term.

In terms of funding, the Law does not provide any explicit guarantees in relation to central level funding. When viewed from the perspective of the obligations of both local and central government it becomes clear that both sources are expected to provide funding. As annual housing programmes are adopted at both levels, the authorities in charge of the programmes are expected to allocate funds for their implementation. The Former Yugoslav Republic of Macedonia does not foresee the provision of legal and technical aid in relation to applications for social housing nor targeted awareness raising campaigns.







# Annex 1.

## Overview of the Legislation on Legalisation<sup>1</sup>

	Albania	Kosovo*	Montenegro	Serbia	The Former Yugoslav Republic of Macedonia
The Law covering legalisation	Law on Legalisation, Urban Planning and Integration of Unauthorised Buildings	Law for Treatment of Constructions without Permit	Law on Spatial Planning and Construction of Structures	The Law on the Legalisation of Objects	Law on Treatment of Illegally Built Objects
What issues are covered?	<ul style="list-style-type: none"> <li>• Legalisation of objects.</li> <li>• Transfer of ownership of the construction land (publicly or privately owned).</li> <li>• Urbanisation of informal zones, blocks and buildings.</li> </ul>	<ul style="list-style-type: none"> <li>• Legalisation of objects.</li> </ul>	<ul style="list-style-type: none"> <li>• Legalisation of objects.</li> <li>• Transfer of ownership of the construction land (publicly owned).</li> </ul>	<ul style="list-style-type: none"> <li>• Legalisation of objects.</li> </ul>	<ul style="list-style-type: none"> <li>• Legalisation of objects.</li> <li>• Transfer of ownership of the construction land (publicly or privately owned).</li> <li>• Modes of rental of the construction land.</li> </ul>
Does the legislation stipulate a targeted approach to Roma or does it apply in the same way to the whole population?	It applies to Roma in the same way as to the whole population.	It applies to Roma in the same way as to the whole population.	It applies to Roma in the same way as to the whole population.	It applies to Roma in the same way as to the whole population.	It applies to Roma in the same way as to the whole population.
Are there specific considerations for Roma and Roma settlements or for specific types of residential objects?	There are no special considerations for Roma or Roma settlements.	There are no special considerations for Roma or Roma settlements.	There are no special considerations for Roma or Roma settlements.	There are no special considerations for Roma or Roma settlements.	There are no special considerations for Roma or Roma settlements.
Are there any other specific considerations on the socioeconomic position of applicants?	<ul style="list-style-type: none"> <li>• Residential objects are exempt from the legalisation fee.</li> <li>• The Law provides for assistance in the purchasing of construction land. More detailed criteria should be defined through a decision of the Council of Ministers which is not yet adopted.</li> </ul>	<ul style="list-style-type: none"> <li>• Houses are categorised into 3 categories. Category I houses<sup>2</sup> (up to 100 m<sup>2</sup>) require less documentation for legalisation.</li> <li>• Beneficiaries of social welfare are exempt from the legalisation fee.</li> </ul>	<ul style="list-style-type: none"> <li>• The municipality guarantees the owners of illegal structures serving as their primary place of residence alternative accommodation in the event that their application for legalisation is unsuccessful.</li> </ul>	<ul style="list-style-type: none"> <li>• Applicants for legalisation who are single parents, in receipt of social welfare through disability, have family members with disabilities or live in the objects subject to legalisation are exempt from the legalisation fee.</li> </ul>	<ul style="list-style-type: none"> <li>• There is the option to pay the legalisation fee in instalments or in the case of social welfare beneficiaries to be exempt.</li> </ul>

<sup>1</sup> Bosnia and Herzegovina regulated the issue at the entity level as well as lower levels of government; the analysis of these regulations has not been included in the annex.

<sup>2</sup> Housing of economically deprived and vulnerable households covered by legalisation is most likely to fit into Category I of low risk constructions.



	Albania	Kosovo*	Montenegro	Serbia	The Former Yugoslav Republic of Macedonia
What are the preconditions for legalisation and which documents are required?	<ul style="list-style-type: none"> <li>• Preconditions and required documents:               <ul style="list-style-type: none"> <li>- general plan of the object (scale 1:500),</li> <li>- blueprints for each floor and surfaces (scale 1:100),</li> <li>- family composition certificate,</li> <li>- proof of payment of the tax on infrastructure impact,</li> <li>- certificate of ownership of the construction land,</li> <li>- a personal declaration stating that the applicant is responsible for any consequences that may arise from natural causes and/or the use of the residential building,</li> <li>- an expert must issue a certificate on the stability of the construction for buildings over four floors,</li> <li>- the applicant's request on the manner of payment for the construction land on which the illegal object stands,</li> <li>- a notarised agreement among the owners is required when more than one natural or legal person have rights on the construction,</li> <li>- proof that the owner of the unauthorised object has paid the application fee.</li> </ul> </li> <li>• The economy budget covers the application fee in the case of residential properties.</li> </ul>	<ul style="list-style-type: none"> <li>• Category I houses up to 100 m2 and agricultural objects up to 400 m2 required documents:               <ul style="list-style-type: none"> <li>- location plan,</li> <li>- site plan,</li> <li>- technical prescription including data on the construction surface, number of floors, the height (compiled by the construction architect or engineer),</li> <li>- at least four photographs showing all views of the object.</li> </ul> </li> <li>• The remaining types of objects require additional documentation.</li> </ul>	<ul style="list-style-type: none"> <li>• Preconditions and required documents:               <ul style="list-style-type: none"> <li>- the application and the geodetic elaborate,</li> <li>- evidence of resolved property relations over the construction land,</li> <li>- proof of payment of the fee for the communal equipping of the construction land,</li> <li>- proof of payment of the special fee for legalisation in the coastal zone,</li> <li>- analysis proving the static and seismic stability of the illegal object up to 500 m2 (The owners of illegal objects that serve as their primary place of residence can be exempted from this requirement),</li> </ul> </li> <li>• Additional documents are required for larger objects (above 200m2).</li> </ul>	<ul style="list-style-type: none"> <li>• Preconditions:               <ul style="list-style-type: none"> <li>- completion of the object,</li> <li>- suitability of the construction land,</li> <li>- adequacy of the construction material,</li> <li>- the object is not built in an area where construction is forbidden,</li> <li>- the application was submitted prior to 29 January 2014 or the object is visible on the satellite photograph of Serbia dating from 2015.</li> </ul> </li> <li>• Required documents:               <ul style="list-style-type: none"> <li>- proof of right over the construction land and object,</li> <li>- the geodetic elaborate,</li> <li>- the certificate of the possibility of legalisation, issued by the urban authority,</li> <li>- proof of payment of the application fee.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Preconditions and required documents:               <ul style="list-style-type: none"> <li>- certificate of citizenship or for domestic individuals a copy of his/her ID,</li> <li>- proof of connection to the utilities infrastructure or utility bills (If not connected, then a notarised statement confirming that the applicant built the illegal object before to 3 March 2011),</li> <li>- the geodetic elaborate together with proof of ownership of the construction land.</li> </ul> </li> <li>• Additional proof required for specific cases:               <ul style="list-style-type: none"> <li>- If an object is built in a specific protected area then the opinion of the competent authorities is required.</li> <li>- Proof of compliance with the geomechanic standards is required if the object is built in a potentially unstable area.</li> </ul> </li> </ul>





	Albania	Kosovo*	Montenegro	Serbia	The Former Yugoslav Republic of Macedonia
What is the financial cost of legalisation?	<ul style="list-style-type: none"> <li>The cost of obtaining the required documentation (some documents have to be notarised),</li> <li>the tax on infrastructure impact is 0.5% of the total investment value,</li> <li>the cost of purchasing the land (where applicable),</li> <li>the central government covers the legalisation fee for residential objects.</li> </ul>	<ul style="list-style-type: none"> <li>The cost of obtaining the required documentation,</li> <li>the fee for obtaining the legalisation permit based on the actual construction permit fee,</li> <li>the cost of the taxes owed,</li> <li>EUR 100 application fee (deducted from the above-mentioned fees).</li> </ul>	<ul style="list-style-type: none"> <li>The cost of obtaining the required documentation,</li> <li>the fee for the communal equipping of the construction land,</li> <li>a special fee for legalisation in the coastal zone,</li> <li>the cost of purchasing the land if the object is built on publicly owned land,</li> <li>the cost of adjusting the external appearance of the object (if applicable).</li> </ul>	<ul style="list-style-type: none"> <li>The cost of obtaining the required documentation,</li> <li>the legalisation fee (minimum RSD 5,000, exemptions can apply).</li> </ul>	<ul style="list-style-type: none"> <li>The cost of obtaining the required documentation (some documents have to be notarised),</li> <li>the compensation fee for residential homes is MKD 61.00 per square metre,</li> <li>the cost of purchasing the land or the land rental cost.</li> </ul>
What are the minimum standards for adequate housing and the infrastructure connection requirements?	<ul style="list-style-type: none"> <li>No such explicit stipulations apply to this as a condition for legalisation.</li> </ul>	<ul style="list-style-type: none"> <li>The object must meet the basic health and safety requirements, as defined under the sub-normative Act issued by the Ministry of Environment and Spatial Planning.</li> <li>Utility connections must be approved or an exception granted by the relevant bodies.</li> <li>Unfinished constructions will be evaluated in accordance with the Law on Construction. A conditional construction permit and certificate of occupancy can be awarded for such an object so that it can be legalised upon completion.</li> </ul>	<ul style="list-style-type: none"> <li>Effectively, these are not conditions for legalisation; however, there are certain related requirements: <ul style="list-style-type: none"> <li>Analysis proving the static and seismic stability of the illegal object is generally required.</li> </ul> </li> <li>Illegal objects serving as the primary place of residence can be exempt from these standards. In this case, the owner of the illegal object can submit a notarised statement by which he/she takes full responsibility for any potential damage inflicted on third parties through utilisation of the object.</li> </ul>	<ul style="list-style-type: none"> <li>Some conditions are stipulated as a condition for legalisation: <ul style="list-style-type: none"> <li>The object must be built on suitable land.</li> <li>The object must be built from appropriate and durable material.</li> <li>Rough construction works must be completed.</li> </ul> </li> <li>The object can be connected temporarily to the public infrastructure during the legalisation process, but if the application for legalisation is unsuccessful then it will automatically be disconnected from the public infrastructure.</li> </ul>	<ul style="list-style-type: none"> <li>These are not explicitly stipulated as conditions for legalisation; however, there are certain related requirements: <ul style="list-style-type: none"> <li>The object must be completed and form a functional entirety.</li> <li>If built on unstable land, the object must comply with geomechanic standards.</li> </ul> </li> </ul>
Do applicants who live in or own illegal objects incur fines?	<ul style="list-style-type: none"> <li>Fines apply after the first two months of self-declaration.</li> </ul>	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>There is an annual space utilisation fee for objects that are not legalised</li> </ul>	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>No</li> </ul>



	Albania	Kosovo*	Montenegro	Serbia	The Former Yugoslav Republic of Macedonia
Are there provisions on financial support?	<ul style="list-style-type: none"> <li>The economy covers the legalisation fee for residential objects.</li> <li>Options such as alternative ways and procedures to comply with the cost of purchasing the construction land, selling parcels of land at favourable prices, defining categories of subjects who benefit from payment exemptions apply. The Law contains such stipulations, which are more clearly determined in the Decision of the Council of Ministers.</li> </ul>	<ul style="list-style-type: none"> <li>Exemptions from the legalisation fee exist for individual objects up to 100 m<sup>2</sup>, for the beneficiaries of social welfare, for agriculture buildings up to 400 m<sup>2</sup>.</li> </ul>	No	<ul style="list-style-type: none"> <li>Exemptions from the legalisation fee exist for single parents, families with members with disabilities, beneficiaries of social welfare, and applicants living in the object subject to legalisation.</li> </ul>	<ul style="list-style-type: none"> <li>Exemptions from the legalisation fee exist for beneficiaries of social welfare.</li> </ul>
Is there a possibility for applicants for legalisation to rent construction land not owned by them?	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>It is possible to have a lease agreement.</li> </ul>
Are there any provisions on technical or legal aid?	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>No</li> </ul>
Upon successful legalisation, is the object automatically registered in the real estate registry?	<ul style="list-style-type: none"> <li>Yes, the legalised object is registered ex officio.</li> </ul>	<ul style="list-style-type: none"> <li>No, the legalised object is not registered ex officio.</li> </ul>	<ul style="list-style-type: none"> <li>Yes, the legalised object is registered ex officio.</li> </ul>	<ul style="list-style-type: none"> <li>Yes, the legalised object is registered ex officio.</li> </ul>	<ul style="list-style-type: none"> <li>Yes, the legalised object is registered ex officio.</li> </ul>
What is the status of the legalisation process?	<ul style="list-style-type: none"> <li>The application process is closed.</li> </ul>	<ul style="list-style-type: none"> <li>The application process is closed.</li> </ul>	<ul style="list-style-type: none"> <li>The application process is closed.</li> </ul>	<ul style="list-style-type: none"> <li>The application process is closed.</li> </ul>	<ul style="list-style-type: none"> <li>The application process is open until 31 December 2018.</li> </ul>
Central compared to local government responsibilities	<ul style="list-style-type: none"> <li>Council of Ministers issues relevant sub-legal acts for the implementation of the Law. Numerous issues to be defined by such sub-legal acts are explicitly stipulated.</li> </ul>	<ul style="list-style-type: none"> <li>The responsibilities are divided between the Ministry, municipalities and utility providers.</li> </ul>	<ul style="list-style-type: none"> <li>Legalisation procedure of illegal structures shall be conducted by the competent local administrative authority.</li> </ul>	<ul style="list-style-type: none"> <li>Decision on legalisation is issued by the ministry in charge of construction, or body in charge of the autonomous region or that of the local authority (body in charge), upon the conducted procedure, when it establishes that the illegal object fulfils conditions for its use and other conditions stipulated in the Law.</li> </ul>	<ul style="list-style-type: none"> <li>Procedure for establishing the legal status of an illegally built object is conducted by the public administration body in charge of spatial planning and local government units.</li> </ul>



	Albania	Kosovo*	Montenegro	Serbia	The Former Yugoslav Republic of Macedonia
Central compared to local government responsibilities	<ul style="list-style-type: none"> <li>The Agency for Legalisation, Urbanisation and Integration of Informal Areas and Buildings (ALUIZNI) is responsible for:               <ol style="list-style-type: none"> <li>designing and approving urban planning studies.</li> <li>cooperation and unification of procedures with central bodies and local government units relevant for the process of legalisation, urbanization and integration of areas with legalised constructions;</li> <li>programming of funds from the central budget for the legalisation and urbanisation of informal areas;</li> <li>programming of funds from the central budget for the legalisation and urbanisation of informal areas and necessary arrangements or, where appropriate, formal settlements;</li> <li>issuing a legalisation permit</li> <li>the information and awareness campaign by means of public information, at the national level;</li> <li>establishing a database of unauthorized constructions and the progress of legalisation;</li> <li>preparation of manuals of procedures, instructions and forms.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>Significant number of responsibilities depended on time expired from the adoption of the Law and cannot be presented here because they are very specific.</li> <li>Responsibilities are covered in articles 4, 5 and 7 of the Law for Treatment of Constructions without Permit.</li> </ul>	<ul style="list-style-type: none"> <li>Legalisation decisions shall be issued by the competent local administrative authority.</li> <li>The legalisation procedure shall be funded by the local self-government unit from funds collected during the legalisation process.</li> <li>The creation of an orthophoto shall be ensured by the Ministry.</li> </ul>	<ul style="list-style-type: none"> <li>The body in charge issues decision on legalisation of objects for which it is authorized to issue construction permit in regular procedure according to the Law on construction of objects, or other body of the local authority which was by its statute authorized for issuing construction or use permit in the legalisation procedure.</li> <li>The body in charge can initiate the legalisation procedure.</li> </ul>	<ul style="list-style-type: none"> <li>The public administration body in charge of spatial planning conducts procedure for establishing the legal status of objects of national significance in accordance with the Law on Construction and other laws, objects of health institutions for tertiary healthcare and for networks and other means of electronic communication;</li> <li>The local government units conduct procedure for establishing the legal status of objects of local significance in accordance to the Law on Construction and objects of health institutions of primary and secondary healthcare.</li> </ul>





	Albania	Kosovo*	Montenegro	Serbia	The Former Yugoslav Republic of Macedonia
Central compared to local government responsibilities	<ul style="list-style-type: none"> <li>The local government unit performs the following duties:               <ol style="list-style-type: none"> <li>establishes the necessary structures for receiving, treatment and control of self-declarations of unauthorized objects, as well as for the implementation of the duties set forth in this Law for the performance of the legalisation process;</li> <li>identifies illegal constructions in the field for which no self-declaration has been made, identifies all cases of illegal constructions carried out after the adoption of this Law and initiates procedures for their demolition, according to Law no. 9780, date 16.7 .2007 “On Construction Inspection”;</li> <li>collects payments made by the entity which legalises a construction in accordance with this Law, with the exception of the plot of construction parcel;</li> <li>administers incomes generated and monitors their use in accordance with this Law;</li> <li>coordinates the work, as appropriate, with the regional council, ALUIZNI, line ministries and TAC, on the progress of legalisation, urbanisation and integration of informal areas.</li> </ol> </li> </ul>				



	Albania	Kosovo*	Montenegro	Serbia	The Former Yugoslav Republic of Macedonia
Central compared to local government responsibilities	<ul style="list-style-type: none"> <li>Legalisation of objects in the field is performed in close cooperation of the local government unit and ALUIZNI.</li> </ul>				
Are there any outreach, awareness or communication campaigns?	<ul style="list-style-type: none"> <li>ALUIZNI performs national awareness campaigns by means of public information, at the national level.</li> </ul>	<ul style="list-style-type: none"> <li>The line ministries should conduct awareness campaigns at the national level.</li> <li>The municipalities should conduct awareness campaigns at the local level.</li> </ul>	<ul style="list-style-type: none"> <li>There are no such provisions.</li> </ul>	<ul style="list-style-type: none"> <li>There are no such provisions.</li> </ul>	<ul style="list-style-type: none"> <li>There are no such provisions.</li> </ul>



## Annex 2.

# Overview of the Social Housing Legislation<sup>1</sup>

	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
The law covering social housing	Law on Social Housing	Law on Social Housing	Law on Housing Financing Specific Programs	Law on Housing and Building Maintenance (Chapter on Housing Support)	Law on Housing
The definition of social housing	<ul style="list-style-type: none"> <li>The totality of housing units provided under social programmes as per the Law on Social Housing.</li> </ul>	<ul style="list-style-type: none"> <li>Housing of appropriate standard granted to individuals or households that due to social, economic or other circumstances cannot resolve their housing issues.</li> </ul>	<ul style="list-style-type: none"> <li>Specific housing programmes (social housing) are suitable and affordable housing provided for families and individuals not able to afford housing under free market prices and are thus in need of assistance from the economy of Kosovo*.</li> </ul>	<ul style="list-style-type: none"> <li>Housing support constitutes each type of housing support provided to an individual or family that for social, economic or other reasons cannot resolve their housing issue through own resources under market conditions.</li> </ul>	<ul style="list-style-type: none"> <li>Only non-profit housing is defined.</li> <li>Non-profit housing is defined as housing units that comply with the minimum standards of adequate housing and are designated for persons at social risk. Percentage wise, they are most common in the area of local self-government. Beneficiaries are low-income families, young people, young couples, single parents, pensioners older than 60 years that do not own property, and other persons at social risk.</li> </ul>

<sup>1</sup> Bosnia and Herzegovina regulates the issue at the entity level as well as lower levels of government; the analysis of these regulations has not been included in the annex.





	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
Eviction and relocation procedures	<ul style="list-style-type: none"> <li>• Eviction is in principle prohibited. Security of tenure is inviolable except when in conflict with constitutional or legal principles. The provisions on the procedure of relocation first point out that this could occur because of an investment in the public interest.</li> <li>• The Law stipulates that no person will be rendered homeless and that suitable alternative accommodation must be provided.</li> <li>• The following is required in the case of relocation: <ul style="list-style-type: none"> <li>- prior notification,</li> <li>- information on alternative housing options,</li> <li>- relocation can be appealed through the administrative court,</li> <li>- the affected household can benefit from legal assistance in accordance with the Law on Free Legal Aid.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• There is no reference to eviction or relocation procedures.</li> </ul>	<ul style="list-style-type: none"> <li>• There is no reference to eviction or relocation procedures.</li> </ul>	<ul style="list-style-type: none"> <li>• Eviction from an object not built in accordance with the law covering urban planning and construction or built on land owned by another natural or legal person is only executed when necessary and justifiable under reasons of the public interest. This is primarily for the protection of lives and health and the protection of property as well as instances where the planning document in force foresees the assignment of the land for construction of an urban object considered as in the public interest and in accordance with the law governing the expropriation of objects.</li> <li>• Evictions are performed in the following cases: <ul style="list-style-type: none"> <li>- the construction land is unsuitable,</li> <li>- as part of the preparation for the execution of an investment project when previously proven that no alternative exists,</li> <li>- the object or settlement is erected in an area of natural or cultural protection,</li> <li>- the object or settlement is within a protected area in the vicinity of a military complex or infrastructure object of special purpose.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• There is no reference to eviction or relocation procedures.</li> </ul>



	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
Eviction and relocation procedures				<ul style="list-style-type: none"> <li>• The process of deciding on the eviction is comprehensively elaborated and stipulates consultation with the affected parties.</li> <li>• The eviction procedure is comprehensively elaborated.</li> <li>• The content of the eviction decision is comprehensively elaborated and includes a relocation plan.</li> <li>• The municipality provides suitable alternative accommodation in the event that the affected household has no alternative accommodation.</li> <li>• The content of the relocation package is defined in general.</li> <li>• The content of the social contract for alternative accommodation is defined in general.</li> <li>• Free legal aid is provided upon request.</li> </ul>	



	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
Adequate housing and availability of services	<ul style="list-style-type: none"> <li>The definition of suitable housing refers to basic services, access to public utilities, employment services, health and social care services, education, and other community services.</li> <li>Social housing should not lead to the isolation and/or segregation of a group of beneficiaries.</li> </ul>	<ul style="list-style-type: none"> <li>Social housing of adequate standard is housing that is in accordance with the principles of availability, legal security, accessibility for people with reduced mobility or disabilities, stability and durability, aseismic and architectonic design, construction of objects, health protection, environmental and spatial protection, protection from natural and technical-technological disasters, protection from fire and explosion and industrial incidents, thermal protection, energy efficiency, and protection from noise and vibration.</li> <li>There are no provisions relating to access to services or avoiding segregation.</li> </ul>	<ul style="list-style-type: none"> <li>The Law mentions suitable housing as a general statement but without further clarification.</li> <li>There are no provisions relating to access to services or avoiding segregation.</li> </ul>	<ul style="list-style-type: none"> <li>The chapter on housing support states that housing support must be in accordance with the principles of spatial and urban adequacy in terms of the proximity of residential buildings and family housing (provided as housing support) to existing residential buildings and family houses. It also mentions other issues of compatibility, such as the availability of transport and objects providing public services. The intention is to avoid segregation.</li> <li>Relocated families must be provided with access to basic provisions and water for up to a month as well as adequate access to health and social protection, access to sources of income and potential places of employment or other forms of work, and access to an inclusive education system.</li> </ul>	<ul style="list-style-type: none"> <li>The minimum requirements for social housing are compliance with the minimum standards for spatial conditions, connection to basic communal infrastructure, such as water, electricity and sewerage, connection with the settlement and city, and legal security in terms of ownership and use of the residential unit.</li> <li>Adequate social housing should also provide appropriate privacy and space, physical accessibility, security, stability and durability of construction, lighting, heating and ventilation, basic infrastructure such as waste collection, quality of surroundings and other health related factors as well as access to employment and basic services.</li> </ul>





	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
Adequate housing - habitability	<ul style="list-style-type: none"> <li>The housing rate indicates the minimum residential area that an individual must have in the dwelling. This coefficient is expressed according to squares metres per individual. It is determined through a decision of the Council of Ministers (which was not accessible at the time of writing this report).</li> <li>Durability and security from risks stemming from human action or omission and natural and climatic factors (general statement).</li> </ul>	<ul style="list-style-type: none"> <li>A maximum net surface area of 25 m<sup>2</sup> can be provided for a single member household, while no more than 7 m<sup>2</sup> can be added for each additional member of the household. The total area of the social housing cannot exceed 85 m<sup>2</sup>.</li> <li>Minimum net surface area is not defined.</li> </ul>	<ul style="list-style-type: none"> <li>Criteria for adequate housing are provided in the Administrative Instruction on Minimum Housing Standards on Apartments of Special Housing Programmes. The criteria include technical specifications for social apartments and buildings.</li> </ul> <p>The minimum surface areas are as follows:</p> <ul style="list-style-type: none"> <li>- studio apartment, 20-25 m<sup>2</sup> (1 to 2 persons);</li> <li>- one room apartment, 25-35 m<sup>2</sup> (2 to 3 persons);</li> <li>- two room apartment, 35-44 m<sup>2</sup> (3 to 4 persons);</li> <li>- three room apartment, 45-56 m<sup>2</sup> (4 to 6 persons);</li> <li>- four room apartment, 56-72 m<sup>2</sup> (6 to 8 persons);</li> <li>- five-plus room apartment, 72-90 m<sup>2</sup> (9 plus persons).</li> <li>It is possible to depart from some of the less important specified standards for existing social housing including the attested construction, hydro-insulation and thermo-insulation standards, but new constructions cannot depart from the standards.</li> </ul>	<ul style="list-style-type: none"> <li>Adequate social housing must comply with spatial conditions, construction security and stability, protection from climactic influence and basic hygiene. The Law defines and clarifies all conditions and makes explicit reference to spatial conditions.</li> <li>Spatial conditions are defined as follows: <ul style="list-style-type: none"> <li>- studio or one bedroom apartment, 22-30 m<sup>2</sup> (1 person);</li> <li>- one or one and a half to 2 room apartment, from 30-48 m<sup>2</sup> (2 persons);</li> <li>- one and a half to two and a half room apartment, 40-56 m<sup>2</sup> (3 persons);</li> <li>- two or two and a half to 3 room apartment, 50-64 m<sup>2</sup> (4 persons);</li> <li>- two and a half or three to three and a half room apartment, 56-77 m<sup>2</sup> (5 persons);</li> <li>- three or three and a half to four room apartment, 64-86 m<sup>2</sup> (6 plus persons).</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>The minimum surface area, depending on the number of family members, is as follows: <ul style="list-style-type: none"> <li>- one member, 20-25 m<sup>2</sup>;</li> <li>- two members, 30-40 m<sup>2</sup>;</li> <li>- three members, 40-45 m<sup>2</sup>;</li> <li>- four members, 45-55 m<sup>2</sup>;</li> <li>- five-plus members, 55-65 m<sup>2</sup>.</li> </ul> </li> <li>It is also possible to rent either a smaller or a larger apartment if the beneficiary agrees.</li> </ul>



	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
Types of support programmes	<ul style="list-style-type: none"> <li>• Rented social housing: Houses rented for social housing (publicly or privately owned).</li> <li>• Rent subsidy: Budget aid foreseen to cover a portion of the rent of families/individuals in need (Roma are prioritised).</li> <li>• Improving the conditions of existing housing up to a new construction: Improvement of existing but inadequate housing through competitive grants for local self-government units (Roma are prioritised).</li> <li>• Low-cost housing: Dwellings built or purchased with the purpose of being sold at low prices to families in need. Subsidies for the acquisition of low-cost housing are also envisaged through immediate grants or loan interest subsidies.</li> <li>• The programme for area development for housing purposes: This involves the construction of housing for homeless persons and persons living in objects that cannot be legalised. The programme is supported mainly through government funding.</li> </ul>	<ul style="list-style-type: none"> <li>• Housing purchased or constructed for social housing rental.</li> <li>• Land provided for the construction of social housing.</li> <li>• Provision of construction material for the construction of new or the reconstruction/renovation of existing housing units.</li> <li>• Subsidies provided for social housing.</li> <li>• Long-term loans for companies or natural or legal persons and housing cooperatives intended to provide housing objects for social housing.</li> <li>• The provision of financial resources intended for establishing public-private and non-profit sector partnerships in the field of social housing.</li> </ul>	<ul style="list-style-type: none"> <li>• Rented dwellings constructed by the municipalities provided under rental contracts.</li> <li>• Existing natural or legal person owned dwellings rented to families that are beneficiaries of the housing bonus.</li> <li>• Municipality owned dwellings that are adapted for utilisation based on specific housing programmes.</li> </ul>	<ul style="list-style-type: none"> <li>• Housing rental provided through non-profit rent or rent subsidies.</li> <li>• Purchasing housing or making it possible for beneficiaries to purchase housing under market conditions.</li> <li>• Construction material and/or technical support aimed at improving living conditions.</li> <li>• Assistance provided in the legalisation of housing.</li> <li>• The provision of temporary housing.</li> </ul>	<ul style="list-style-type: none"> <li>• The provision of non-profit housing.</li> <li>• Rent subsidies for the beneficiaries of non-profit housing.</li> </ul>



	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
Types of support programmes	<ul style="list-style-type: none"> <li>• Temporary housing: Dwellings intended for temporary accommodation in the case of emergencies or urgent need for accommodation. This type of housing is provided until it is possible to secure a long-term housing solution.</li> <li>• Immediate grants: One-off non-returnable funding assistance provided for the acquisition of housing. This funding can cover up to 10% of the cost of low cost housing (Roma are prioritised).</li> <li>• Specialised housing: Accommodation with adapted and accessible infrastructure to meet the functional, health and physical security needs of vulnerable groups.</li> </ul>				
Affordability	<ul style="list-style-type: none"> <li>• The income considered relates to family income from salaries, economic activity, payments the family receives for the care of persons with disabilities, bank interest on deposits, income from third parties, and rent received from immovable property.</li> </ul>	<ul style="list-style-type: none"> <li>• The rent is calculated based on family income, the size of the residential facility and the cost of its maintenance (general statement).</li> <li>• No further details could be obtained on how the family income is taken into account when deciding on the rent.</li> </ul>	<ul style="list-style-type: none"> <li>• A formula for eligibility for social housing defines the minimum and maximum family income that entitles families to benefit from the programme of rental dwellings.</li> </ul>	<ul style="list-style-type: none"> <li>• Households earning below the stipulated maximum level of income (expressed as a portion of average income in the municipality without taxes and contributions) qualifies it for housing support.</li> </ul>	<ul style="list-style-type: none"> <li>• This relates to the general statement that non-profit rent amounts to the cost of ongoing maintenance for the housing unit.</li> </ul>





	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
Affordability	<ul style="list-style-type: none"> <li>The income under consideration does not include: <ul style="list-style-type: none"> <li>income from economic aid, unemployment benefit or benefit for persons with disabilities or economic assistance because of disability. Neither does it include reimbursement for electricity costs, medicine and medical care for the chronically ill or hygienic packages for persons with disability.</li> </ul> </li> <li>Average income families are those with a monthly income that is 100 to 120 per cent of the average income. The affordable housing expense amounts to up to 25% of the family's total monthly income spent on housing.</li> <li>Low-income families are those with a monthly income of 70 to 100 per cent of the average income. The affordable housing expense amounts to up to 20% of the monthly income spent on housing.</li> <li>Very low-income families are those with a monthly income below 70% of the average income. The affordable housing expense amounts to up to 15% of the monthly income spent on housing.</li> </ul>		<ul style="list-style-type: none"> <li>The Administrative Instruction that defines the order of precedence for families able to benefit from Special Housing Programmes further defines: <ul style="list-style-type: none"> <li>families with income above the minimum limit of up to 150 EUR,</li> <li>families with income from 150 to 250 EUR,</li> <li>families with income from 250 to 300 EUR.</li> </ul> </li> </ul> <p>The legislation indicates that lower income families receive priority.</p> <ul style="list-style-type: none"> <li>The municipality can decide to lower the rent for families earning below the minimum level of income on a case-by-case basis. However, this category will receive assistance only if it is subsidised by the municipality.</li> </ul> <p>Subsidy support by the municipality is not an obligation to it.</p> <ul style="list-style-type: none"> <li>The programme of municipality owned housing given for rent applies the following criteria: <ul style="list-style-type: none"> <li>25% is the maximum level of family income that can be spent to cover payment of monthly rent</li> <li>50% is the maximum level of rent subvention.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Income sources taken into account include: <ul style="list-style-type: none"> <li>monthly earnings and revenue (such as salary or earnings reimbursement, reimbursement from a service contract or pension),</li> <li>income from registered farms,</li> <li>income from the performance of entrepreneurial activities,</li> <li>income from dividends or shareholdings in a company,</li> <li>other sources of income in accordance with the Law.</li> </ul> </li> <li>The maximum level of income for a one-person household qualifying it for housing support programmes is as follows: <ol style="list-style-type: none"> <li>0.5% of the average local income for improvement of living conditions and assistance in the legalisation of an apartment or family home,</li> <li>1.2% of the average local income for a non-profit lease or allocation of an apartment or a family house,</li> <li>1.5% of the average local income for a non-profit purchase,</li> <li>0.7% of the average local income for the improvement of energy efficiency.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>There is no reference to applicant income when defining the rent.</li> </ul>



	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
Affordability	<ul style="list-style-type: none"> <li>Families without income are those families that receive economic aid, unemployment benefit, benefit for persons with disabilities, economic assistance because of disability, reimbursement for electricity costs, reimbursements for medicine and medical care for the chronically ill, and hygienic packages for persons with disability.</li> </ul>		<p>The situation is undefined in the event that the sum of family contribution and subsidy does not amount to 100% of the rent.</p>	<ul style="list-style-type: none"> <li>The formula used for calculating the maximum income of a household with more members (stipulated are income levels for a single household) is multiplied by the coefficient 'K' as follows:</li> </ul> $K=1 + O \times 0.7 + D \times 0.5;$ <p>wherein '1' represents the person entitled to housing support, 'O' the number of household members older than 14 years, and 'D' the number of children up to 14 years of age.</p> <p>For example,</p> <ul style="list-style-type: none"> <li>1 adult 'K' = 1.0</li> <li>1 adult and 1 child 'K' = 1.5</li> <li>2 adults: 'K' = 1.7</li> <li>2 adults and 1 child: 'K' = 2.2.</li> </ul> <p>If a family earns more than the maximum income calculated through the formula then it does not qualify for support.</p>	
The cost of non-profit rent	<ul style="list-style-type: none"> <li>The rental fee is calculated and defined annually.</li> <li>Specific types of social housing take into account different considerations in the calculation.</li> </ul>	<ul style="list-style-type: none"> <li>The rental fee cannot be less than the cost of maintenance for the residential object and can be up to ten times the minimum fee.</li> <li>If the rental fee changes, because of changes to the criteria for its calculation, the tenant will pay the new fee without the need to amend the contract.</li> </ul>	<ul style="list-style-type: none"> <li>The maximum annual rent is 4% of the cost of construction of a new construction or 4% of the cost of the construction when purchased through the market.</li> <li>The rental cost is calculated and defined annually.</li> </ul>	<ul style="list-style-type: none"> <li>The maximum annual rent is 2.904% of the current value of the object.</li> <li>The rental cost is calculated and defined annually.</li> </ul>	<ul style="list-style-type: none"> <li>The rental fee is 1.8% of the total value of the object. It is defined through a scoring formula that scores an overly large number of details related to the value of the object.</li> </ul>



	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
The cost of non-profit rent	<ul style="list-style-type: none"> <li>The maximum annual rent is 3% of the construction cost of the new construction or 3% of the cost of the dwelling when purchased through the market.</li> <li>The maximum amount of total family income to be spent on housing is clearly stipulated.</li> </ul>	<ul style="list-style-type: none"> <li>Exemption from the rental fee is possible, based on the decision of the responsible authority. No further information are provided in the Law on potential reasons and criteria for exemptions.</li> </ul>	<ul style="list-style-type: none"> <li>The price of the annual rent does not take the level of family income into account.</li> <li>When the municipality can define the rent on a case-by-case basis, exceptions are possible for families whose combined income is below the set minimum.</li> </ul>	<ul style="list-style-type: none"> <li>The cost of annual rent does not take the level of family income into account.</li> </ul>	<ul style="list-style-type: none"> <li>Rent subsidy is possible for non-profit housing.</li> </ul>
Potential beneficiaries	<ul style="list-style-type: none"> <li>Any individual aged above 18 years and families registered with the local self-government unit who at the time of application do not have sufficient income, as stipulated under the Law, and meet some of the following conditions:               <ol style="list-style-type: none"> <li>do not own a residential object or own a residential object that is not compliant with the housing standards (housing rate) in force as determined through a decision of the Council of Ministers,</li> <li>are homeless.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>Natural persons who do not own an apartment or other residential object and persons whose residential object does not comply with the standards for adequate accommodation and who do not have sufficient income to secure an alternative residential object.</li> <li>Foreign nationals can also benefit from social housing.</li> </ul>	<ul style="list-style-type: none"> <li>Categories of families that can benefit from the specific housing programmes include families that:               <ul style="list-style-type: none"> <li>do not own an apartment or house,</li> <li>are homeless because their house was destroyed during the last conflict in Kosovo,</li> <li>possess housing that does not conform to the housing standards defined for social and economic categories.</li> </ul> </li> <li>Foreign nationals can also benefit from social housing.</li> </ul>	<ul style="list-style-type: none"> <li>Eligible beneficiaries of social housing can be Serbian citizens who do not own a housing unit or do not own a housing unit of adequate standard and who are not able to resolve their housing issue under market conditions.</li> </ul>	<ul style="list-style-type: none"> <li>Citizens of The Former Yugoslav Republic of Macedonia at social risk are eligible.</li> </ul>





	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
Prioritisation	<ul style="list-style-type: none"> <li>Roma will benefit from 5% of all social housing programmes through an affirmative quota during the first two years of its implementation (transitional provision). The provision will be subject to revision after two years.</li> <li>Roma are mentioned as a priority group under the general conditions for benefiting from social housing as well as a priority group under the rent subsidy programme, housing improvement up to a new construction programme, and in the immediate grants programme.</li> </ul>	<ul style="list-style-type: none"> <li>The Law refers to Roma as a priority group, but without clearer guarantees of their prioritisation.</li> <li>The mechanisms for prioritisation remain unclear.</li> <li>As per the Law, priority groups include: <ul style="list-style-type: none"> <li>single parents or guardians,</li> <li>persons with disabilities,</li> <li>elderly older than 67 years,</li> <li>young people who were children without parental care,</li> <li>families with children with disabilities,</li> <li>Roma,</li> <li>displaced persons,</li> <li>internally displaced persons from Kosovo* residing in Montenegro, victims of domestic violence.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Roma are not prioritised.</li> <li>The criteria for determining the order of priority are as follows: <ul style="list-style-type: none"> <li>housing status,</li> <li>level of income,</li> <li>health condition,</li> <li>disability,</li> <li>family structure.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Roma are not prioritised.</li> <li>Priority applies to those who do not own an apartment or an adequate apartment and cannot resolve their housing issue. These groups include the following persons: <ul style="list-style-type: none"> <li>homeless persons,</li> <li>persons who are temporarily homeless and left without an apartment or whose living conditions are significantly affected by a natural or manmade disaster,</li> <li>victims of violence,</li> <li>beneficiaries of social welfare,</li> <li>category I veterans,</li> <li>persons with disabilities,</li> <li>persons who cannot secure sufficient funds to obtain housing through the free market or to improve their housing conditions,</li> <li>professionals of prioritised professions.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>People at social risk who percentage wise are most common in the area of local self-government, including low-income families, young people, young couples, single parents, pensioners older than 60 years not owning an apartment, and other categories at social risk.</li> <li>Prioritisation through additional scoring of up to 25% of the total score (to be defined specifically for each call) can be given to the following categories: <ul style="list-style-type: none"> <li>young people and young couples,</li> <li>families with more children,</li> <li>families with members with disabilities,</li> <li>applicants with more than 15 years of employment,</li> <li>applicants working in prioritised professions,</li> <li>families whose income is below the stipulated level,</li> <li>victims of domestic violence.</li> </ul> </li> </ul>



	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
Criteria for beneficiaries and the scoring system	<ul style="list-style-type: none"> <li>The selection of beneficiaries through the scoring system includes individuals/families who meet the income level conditions set by each programme. Priority is given based on the following conditions:               <ol style="list-style-type: none"> <li>housing,</li> <li>family,</li> <li>social (referring to Roma community members),</li> <li>economic.</li> </ol>               There is no additional guidance on the operationalization of these principles.             </li> <li>The local self-government unit decides and publishes the scoring criteria for each programme.</li> </ul>	<ul style="list-style-type: none"> <li>The criteria to be applied are the current housing situation, level of income and assets, the uninterrupted duration of the unresolved housing situation, number of household members, disability, health condition and age.</li> <li>The Government or the local authority defines the criteria in more detail in accordance with the housing programme.</li> <li>The government decision on operationalizing the scoring system was not adopted (except for one specific housing project)</li> </ul>	<ul style="list-style-type: none"> <li>The Law does not provide any guidelines for defining the criteria.</li> <li>The Administrative Instruction on scoring criteria prioritises the following criteria:               <ul style="list-style-type: none"> <li>spatial conditions (families living in inadequate or dangerous objects, followed by those living below the minimum standard),</li> <li>level of income (based on the minimum income up to EUR 150 and two levels above up to EUR 300),</li> <li>health (families living below the minimum housing norms with children or family members with health problems),</li> <li>disability,</li> <li>family structure and dependants.</li> </ul> </li> <li>The Administrative Instruction does not provide additional detail on the scoring ratio for the considerations provided. This leaves it unclear how prioritisation will be operationalized and which categories will have the advantage.</li> </ul>	<ul style="list-style-type: none"> <li>The guideline criteria for establishing the order of priority for housing support is based primarily on housing status and living conditions, followed by the number of family members, health status, and disability.</li> <li>Precedence is given to persons with longer duration of residential vulnerability, more years in employment, families with a lower number of employed persons and higher number of children or family members with disabilities, and beneficiaries of social welfare.</li> <li>The Rulebook on the Criteria for Determining the Order of Priority for the Award of Housing Support establishes the criteria in more detail.</li> </ul>	<ul style="list-style-type: none"> <li>The scoring criteria include the following:               <ul style="list-style-type: none"> <li>residential status,</li> <li>quality of housing,</li> <li>net surface area of the housing expressed per household member,</li> <li>functionality,</li> <li>number of household members,</li> <li>separate living,</li> <li>health criteria.</li> </ul> </li> <li>Those priority applicants that receive additional scoring (up to 25% of the total score) are as follows:               <ul style="list-style-type: none"> <li>young persons and young couples,</li> <li>families with more children,</li> <li>families with members with disabilities,</li> <li>applicants with more than 15 years of employment,</li> <li>applicants working in prioritised professions,</li> <li>families with income below the stipulated level,</li> <li>victims of domestic violence.</li> </ul> </li> </ul>



	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
Criteria for beneficiaries and the scoring system			<ul style="list-style-type: none"> <li>Families earning less than the minimum level of income can only benefit from housing support if the municipality subsidises non-profit rent. The municipality can decide on the rent on a case-by-case basis.</li> </ul>	<ul style="list-style-type: none"> <li>The current scoring criteria give preference to people who at least have some level of adequate housing as opposed to those who are de facto homeless or live in inadequate housing conditions.</li> </ul>	<ul style="list-style-type: none"> <li>The maximum level of income for potential applicants is defined as a percentage of the average net salary in the economy:               <ul style="list-style-type: none"> <li>one member household 40%,</li> <li>two member household 60%,</li> <li>three member household 80%,</li> <li>four member household 100%,</li> <li>five member household 120%,</li> <li>six member household 140%.</li> </ul> </li> <li>More points are awarded to a family based on how far its earnings are below the maximum defined level of income.</li> </ul>
Anti-discrimination	<ul style="list-style-type: none"> <li>The principle of Anti-discrimination stipulates that there should be no discrimination against any individual, regardless of gender, race, colour, religion, ethnicity, language, sexual orientation, political opinions, religious or philosophical beliefs, economic status, education status, social status, pregnancy, origin and/or parental responsibility, family or marital status, civil status, health status, genetic predisposition, disability, affiliation to a particular group or any other situation that results in discriminatory consequences.</li> </ul>	<ul style="list-style-type: none"> <li>There are no provisions on anti-discrimination.</li> </ul>	<ul style="list-style-type: none"> <li>There are no provisions on anti-discrimination.</li> </ul>	<ul style="list-style-type: none"> <li>There are no provisions on anti-discrimination.</li> </ul>	<ul style="list-style-type: none"> <li>There are no provisions on anti-discrimination.</li> </ul>





	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
Anti-discrimination	<ul style="list-style-type: none"> <li>There is no additional guidance on how the principle of anti-discrimination is to be activated or how to protect against and seek legal remedy in the event of discrimination.</li> </ul>				
Participation and consultation	<ul style="list-style-type: none"> <li>In accordance with the Law on Notification and Public Consultation, each entity implementing a social housing programme includes the community that is affected and/or benefits from the programme in the consultation process.</li> </ul>	<ul style="list-style-type: none"> <li>There is no provision for the participation of the affected households/communities in the planning and implementation of social housing programmes.</li> </ul>	<ul style="list-style-type: none"> <li>There is no provision for the participation of the affected households/communities in the planning and implementation of social housing programmes.</li> </ul>	<ul style="list-style-type: none"> <li>People evicted and relocated must be consulted during the process.</li> <li>There is no provision for the participation of the affected households/communities in the planning and implementation of social housing programmes.</li> </ul>	<ul style="list-style-type: none"> <li>There is no provision for the participation of the affected households/communities in the planning and implementation of social housing programmes.</li> </ul>
Central compared to local government responsibilities	<ul style="list-style-type: none"> <li>The National Housing Council (NSC) is an advisory body established by the Prime Minister. The minister responsible for housing chairs the NSC. The body is comprised of seven members: two from the ministry responsible for housing, one from the ministry responsible for social affairs, one from the ministry responsible for local issues, one representative from interest groups and civil society, and one representative from the associations of the local government units.</li> <li>The ministry responsible for housing performs the following functions:               <ol style="list-style-type: none"> <li>designs the ten-year National Housing Strategy;</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>The Government adopts the national programme of social housing, which also defines priority groups.</li> <li>The Ministry designated in the Law as responsible for the field of social housing evaluates the housing programmes submitted by the local government units for compliance with the national programme of social housing.</li> </ul>	<ul style="list-style-type: none"> <li>The Central Housing Board (CHB) was established as a consulting body within the Ministry of Environment and Spatial Planning.</li> <li>The CHB offers suggestions on the following:               <ol style="list-style-type: none"> <li>the main orientation of development within the housing sector, in accordance with the objectives defined by government policy and the laws in force;</li> <li>the overall three-year programme of housing prepared by the Ministry (conducting the eventual review);</li> <li>drafting new provisions of the Law.</li> </ol> </li> </ul>		



	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
Central compared to local government responsibilities	<ul style="list-style-type: none"> <li>b. updates the Action Plan of the National Housing Strategy;</li> <li>c. plans annual funds from the central budget for housing programmes;</li> <li>d. receives information on the administration of applications by the local government units;</li> <li>e. creates a national database on housing needs, inventory of rented social housing, sets the physical and technical conditions of rented social housing, the required land area for housing construction to be equipped with infrastructure and the land area for housing construction equipped with infrastructure;</li> <li>f. defines the average annual cost of housing construction;</li> <li>g. determines the distribution of funds financed from the central budget and other sources each year;</li> <li>h. in accordance with the National Housing Strategy and its action plan, guides and supports local government units through technical assistance and in studies and research in the field of the design and construction of social housing programmes;</li> <li>i. supervises the implementation of investments in social housing financed or co-financed through the central budget;</li> </ul>	<ul style="list-style-type: none"> <li>• The local government unit is obliged to conduct the following:               <ul style="list-style-type: none"> <li>a. collect the data necessary for the development and adoption of local housing programmes (such as recording and analysis of the existing housing stock and housing needs);</li> <li>b. manage construction projects for residential objects;</li> <li>c. performs tasks related to the rental of residential objects;</li> <li>d. develop new programmes for the financing of social housing and encourage partnerships between the public, private and non-profit sectors within the field of social housing;</li> <li>e. organise the maintenance of residential objects for social housing;</li> <li>f. perform other tasks in the field of social housing, in accordance with the Law.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The Ministry of Environment and Spatial Planning is responsible for the following:               <ul style="list-style-type: none"> <li>a. drafting the three-year housing strategy as the basis for the three-year programmes of the municipalities;</li> <li>b. planning the budget in order to support the realisation of the annual housing programmes;</li> <li>c. establishing a database at the central level to determine the average annual cost of construction, which has to be approved by the Government.</li> </ul> </li> <li>• The municipalities are responsible for the following:               <ul style="list-style-type: none"> <li>a. identifying the housing needs of the population under their territorial jurisdiction;</li> <li>b. drafting three-year programmes and projects for housing, based on the financial resources;</li> <li>c. providing construction sites and land for developing the infrastructure in preparation for the implementation of housing programmes;</li> <li>d. presenting requests to the Ministry of Environment and Spatial Planning for the financing of new investment and subsidies;</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The Housing Council was created to prepare and supervise the implementation of the National Housing Strategy. Its members include the following:               <ul style="list-style-type: none"> <li>a. representatives of the ministry responsible for housing and other relevant ministries (referred to in the Law) dealing with issues related to housing policy;</li> <li>b. representatives of local government and non-profit housing organisations;</li> <li>c. representatives of civil society, proposed by the Ministry;</li> <li>d. experts in the field of housing, proposed by the Ministry.</li> </ul> </li> <li>• The Housing Council is responsible for the following:               <ul style="list-style-type: none"> <li>a. proposing the basic direction of the housing policy and providing guidelines for the development of the National Housing Strategy and its action plan;</li> <li>b. proposing priority measures, programmes and projects for implementation of the National Housing Strategy;</li> <li>c. ensuring the participation of relevant actors and enabling inter-sectorial cooperation during the preparation and implementation of the strategy.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The Government of The Former Yugoslav Republic of Macedonia adopts and implements housing policy, adopts the national strategy and annual housing programmes, foresees the measures and instruments required for stimulating construction and stimulates construction.</li> <li>• The legal body formed by the Government (as stipulated in the Law) performs, among others, activities related to maintaining a record of the housing stock, stimulating the development of the infrastructure, defining annual rents, and the construction, renovation and maintenance of non-profit housing.</li> <li>• The local authority is responsible for the following:               <ul style="list-style-type: none"> <li>a. the adoption of annual local housing programmes;</li> <li>b. securing the communal infrastructure;</li> <li>c. securing funds for the construction and rental of non-profit and/or subsidised housing, not exceeding 45 m<sup>2</sup>;</li> <li>d. maintaining a record on the various forms of housing provided.</li> </ul> </li> </ul>



	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
Central compared to local government responsibilities	<ul style="list-style-type: none"> <li>j. implements programmes in accordance with the Law, via a public institution established through a Decision of the Council of Ministers.</li> <li>• A local government unit performs the following functions:               <ul style="list-style-type: none"> <li>a. it identifies the housing needs and approves the lists of beneficiaries;</li> <li>b. develops a five-year programme for housing, based on the financial resources it possesses;</li> <li>c. plans annual funds from its budget to support implementation of each housing programme;</li> <li>d. identifies construction sites and prepares their list;</li> <li>e. identifies houses in danger of collapse and prepares their list;</li> <li>f. submits annual request for financing, investment and subsidies from the annual central budget to the minister;</li> <li>g. establishes a database on applications made to social housing programmes at the local level;</li> <li>h. establishes and manages the database on families receiving housing at the local level;</li> <li>i. determines the maximum cost of housing construction, within the limits established by the minister;</li> </ul> </li> </ul>		<ul style="list-style-type: none"> <li>e. creating and administering a database for beneficiary families of housing programmes;</li> <li>f. providing construction;</li> <li>g. administering and ensuring the maintenance of rental dwellings through the competent municipal body;</li> <li>h. reporting annually to the Ministry of Environment and Spatial Planning on the ongoing housing programmes;</li> <li>i. performing other responsibilities foreseen under the Law.</li> </ul>	<ul style="list-style-type: none"> <li>• The duties of the ministry responsible for housing are as follows:               <ul style="list-style-type: none"> <li>a. preparation of the strategy and its' action plan, based on the guidelines issued by the Housing Council;</li> <li>b. preparation and monitoring of the implementation of the Programme of Housing Support;</li> <li>c. ensuring funds for the realisation of the Programme of Housing Support;</li> <li>d. assessing the compliance of public calls with the Programme of Housing Support;</li> <li>e. preparation of reports on the implementation of the strategy and its' action plan;</li> <li>f. monitoring, analysing and supervising implementation of the housing programmes and projects and the utilisation of funds;</li> <li>g. other activities on establishing the goals and measures for the realisation of the housing policy.</li> </ul> </li> <li>• Local government duties are as follows:               <ul style="list-style-type: none"> <li>a. adopting a local housing strategy that is in line with the National Housing Strategy, adopting a local action plan, and a local programme on housing support;</li> </ul> </li> </ul>	





	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
Central compared to local government responsibilities	<ul style="list-style-type: none"> <li>j. ensures the construction, management and maintenance of social housing for rent;</li> <li>k. organises information campaigns and awareness raising activities on the possibilities offered by social housing programmes;</li> <li>l. ensures transparency and publicity on the procedures and implementation of social housing programmes;</li> <li>m. each year, it informs the responsible minister about the performance of housing programmes;</li> <li>n. performs other functions provided for under the Law.</li> </ul>			<ul style="list-style-type: none"> <li>b. implementing housing projects in accordance with the national Programme of Housing support, the National Housing Strategy and its' Action Plan, and other relevant housing programmes;</li> <li>c. implementing housing projects and other measures and actions in accordance with the local housing strategy and action plan;</li> <li>d. planning the budget for implementation of the local housing strategy and housing projects;</li> <li>e. providing the means for rent subsidies and other forms of subsidy;</li> <li>f. planning and preparing construction land for the implementation of housing projects;</li> <li>g. establishing a non-profit housing organisation for implementation of the local housing strategy;</li> <li>h. approving regulations that define the manner of disposal of housing under public ownership that has been assigned as a form of housing support;</li> <li>i. assisting in the implementation of energy services for the housing sector.</li> </ul>	



	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
Financial sources	<ul style="list-style-type: none"> <li>• Social housing programmes are funded through the following sources: <ul style="list-style-type: none"> <li>- budgetary funds allocated annually for the housing programmes through the ministry in charge of housing,</li> <li>- funds from local government budgets,</li> <li>- contributions and investments from the private sector,</li> <li>- contributions from domestic and foreign donors.</li> </ul> </li> <li>• Funds received at the local level are conditional to the following: <ul style="list-style-type: none"> <li>- an assessment of the housing needs,</li> <li>- establishment of the structure/set of responsibilities for housing management,</li> <li>- drafting the five-year social housing programmes,</li> <li>- foreseeing construction plots for social housing within local urban planning documents,</li> <li>- funding requests submitted to the minister responsible for housing.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• In accordance with this Law, funding for social housing can be obtained through the following sources: <ul style="list-style-type: none"> <li>- the budget of Montenegro,</li> <li>- local government budgets,</li> <li>- donations,</li> <li>- funds from the repayment of loans granted in accordance with the Law,</li> <li>- loans,</li> <li>- other sources in accordance with the Law.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The housing programmes can be financed through the following sources: <ul style="list-style-type: none"> <li>- the central budget via the Ministry of Environment and Spatial Planning,</li> <li>- municipal income designated for housing,</li> <li>- contributions from different donors.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The funds for financing housing support are provided through the budget of the Republic of Serbia, via the ministry responsible for housing.</li> <li>• Other sources of funding can include the following: <ul style="list-style-type: none"> <li>- loans from international financial institutions,</li> <li>- donations,</li> <li>- European Union and other international funds,</li> <li>- other sources.</li> </ul> </li> <li>• Local government provides funding for housing support through its budget.</li> <li>• In addition to the local government budget, sources of funding can include the following: <ul style="list-style-type: none"> <li>- transfers from other levels of government,</li> <li>- donations,</li> <li>- European Union and other international funds,</li> <li>- commercial loans,</li> <li>- voluntary transfers by natural and legal persons/entities,</li> <li>- sources based on contracting energy services,</li> <li>- other means that are in accordance with the Law.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Central and local level funding.</li> </ul> <p>Analysis shows that both the central and local level should invest in non-profit housing and that this should be defined in central and local level annual housing programmes. No further information is provided.</p> <ul style="list-style-type: none"> <li>• The local level has the possibility to form a housing fund with the purpose to promote housing and related construction and to realise local housing programmes.</li> <li>• The local level can also use funds from the following sources: <ul style="list-style-type: none"> <li>- the sale of housing,</li> <li>- public and private investors,</li> <li>- regional and rural development funds,</li> <li>- donations and other means of assistance,</li> <li>- European Union and other foreign donor funds.</li> </ul> </li> </ul>



	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
Legally prescribed content of the social contract	<ul style="list-style-type: none"> <li>• The concept of social contract is explained in general terms.</li> <li>• In the case of rented social housing when the beneficiary of social housing does not pay the rent for three consecutive months, legitimate reasons for non-payment could include the following: <ul style="list-style-type: none"> <li>- reasonable health expenses,</li> <li>- sudden unemployment or loss of a family member who provided the income.</li> </ul> </li> <li>• If these reasons do not change over the three months then the tenant is switched to one of the other social housing programmes. The local self-government unit covers the unpaid obligations for the three-month period.</li> </ul>	<ul style="list-style-type: none"> <li>• The basic elements of the social contract refer to the contracting parties, their rights and obligations, the rental fee and restrictions.</li> <li>• No further detail is provided in this respect.</li> </ul>	<ul style="list-style-type: none"> <li>• The Administrative Instruction for Content of the Contract for Nonprofit Housing Rent defines the rights and obligations of both the landlord and the tenant or tenants.</li> <li>- The contract template is part of the Administrative Instruction.</li> <li>• The Administrative Instruction for Housing Bonus Content defines the rights and obligations of the beneficiaries of housing bonus.</li> </ul> <p>The contract template is part of the Administrative Instruction.</p>	<ul style="list-style-type: none"> <li>• The general content that the contract must include is provided for under the Law. This includes referring to the contracting parties, the conditions of housing support, the rights and obligations of the contracting parties, contract duration, conditions and reasons for termination of contract and such like.</li> <li>• No further detail is provided in this respect.</li> </ul>	<ul style="list-style-type: none"> <li>• The procedural matters relating to the social housing contract are referred to through the statement that the general and specific provisions of the Law apply to it.</li> <li>• Termination of contract is not possible in cases where new circumstances outside the control of the housing beneficiary lead to non-compliance with contract obligations or when the beneficiary has initiated the procedure to benefit from rent subsidy.</li> <li>• In such cases, the beneficiary will receive temporary assistance in order to resolve the case. Where circumstances indicate that the beneficiary cannot comply with the cost of the housing in the long term, the beneficiary will be offered alternative non-profit housing that complies with the minimum standards for adequate housing.</li> </ul>



	Albania	Montenegro	Kosovo*	Serbia	The Former Yugoslav Republic of Macedonia
Free legal or technical aid	<ul style="list-style-type: none"> <li>Households affected by eviction/relocation are to be offered legal assistance in accordance with the Law on Free Legal Aid.</li> <li>The necessary information and assistance in completing the application forms for social housing is provided to persons with disabilities, the elderly, persons who do not understand the Albanian language or are illiterate, and to any individual or family who has communication difficulties due to their health or social status.</li> </ul>	<ul style="list-style-type: none"> <li>There are no provisions on free legal or technical aid.</li> </ul>	<ul style="list-style-type: none"> <li>There are no provisions on free legal or technical aid.</li> </ul>	<ul style="list-style-type: none"> <li>This is available to households affected by relocation procedures.</li> <li>This is available in the form of assistance in the preparation of the technical and geodetic documentation required for housing legalisation.</li> <li>When applying for legalisation, certain categories can be exempted from the legalisation fee.</li> <li>There are no provisions on legal and technical aid for applications for social housing.</li> </ul>	<ul style="list-style-type: none"> <li>There are no provisions on free legal or technical aid.</li> </ul>
Outreach, awareness raising and information campaigns	<ul style="list-style-type: none"> <li>Local authorities are obliged to organise information campaigns and awareness raising on the opportunities offered by published social housing programmes.</li> </ul>	<ul style="list-style-type: none"> <li>There are no provisions related to outreach, awareness raising or information campaigns.</li> </ul>	<ul style="list-style-type: none"> <li>There are no provisions related to outreach, awareness raising or information campaigns.</li> </ul>	<ul style="list-style-type: none"> <li>There are no provisions related to outreach, awareness raising or information campaigns.</li> </ul>	<ul style="list-style-type: none"> <li>There are no provisions related to outreach, awareness raising or information campaigns.</li> </ul>







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