

Housing discrimination and spatial segregation: Local and regional governments in consultation with the UN Special Rapporteur on the Right to Housing

Report of the event organized with United Cities and Local Governments and its Committee on Social Inclusion, Participatory Democracy and Human Rights

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The following document is a report of the consultation event with local and regional governments held on 14 May 2021 by the UN Special Rapporteur on the Right to Housing, United Cities and Local Governments (UCLG) and its Committee on Social Inclusion, Participatory Democracy and Human Rights (UCLG-CSIPDHR). The event brought together an audience of more than 100 participants mainly composed by local and regional government representatives to explore their role in addressing housing discrimination and spatial segregation. This event was devised as a contribution to the wider consultation process put in place by the UN Special Rapporteur, Balakrishnan Rajagopal, to gather inputs to his forthcoming reports on these two fundamental issues for the right to housing. It also followed-up on the important collaboration between this UN special procedure and UCLG, kicked-off in 2016 with the launch of The Shift initiative by the former Special Rapporteur, Leilani Farha. This process led to the “Cities for Adequate Housing” Declaration, endorsed by more than 40 local and regional governments worldwide. Developed mainly through the action plan of the UCLG-CSIPDHR, the Community of Practice on Housing and the work of its Research department, the right to housing remains a fundamental priority for UCLG’s agenda on care, human rights and inequalities.

Welcome and opening remarks

In her welcome remarks, the **Secretary General of UCLG, Emilia Sáiz**, emphasized how the right to housing was a critical issue for the local government constituency, particularly exacerbated amidst the pandemic. Over one billion people live in poor housing conditions, among which 40 to 60% are informal residents. As an organization, UCLG has issued calls to halt evictions in the context of the pandemic. The work developed by the UN Special Rapporteur on the Right to Housing is critical, especially through the development of thematic reports which address key issues in the housing agenda and help to expand it. Even though housing has been seen historically as a commodity, local governments have come together in the last few years for this mainstream vision to change. They also pioneered relevant policy innovations that sought to address the specific challenges it posed in practical terms. However, new local regulations are still blocked in the context of national regulations.

In his opening remarks, the **UN Special Rapporteur on the Right to Housing, Balakrishnan Rajagopal**, noted how his two forthcoming reports will address housing discrimination and spatial segregation after receiving inputs from a broad coalition of actors. He noted how local and regional governments (LRG) have a key role to play in advancing the right to adequate housing. Even though they have a key responsibility, they sometimes lack the authority; this is why it is important for the central government to share resources under democratic accountability principles. This allows for

more effective responses as shown by the example of Mumbai Municipal Corporation response to the COVID-19 emergency. There are many frameworks for local governments to adopt the human rights-based approach (HRBA) such as the Gwangju Guiding Principles for a Human Rights City. Also the Cities for Adequate Housing Declaration, pioneered by local governments in UCLG. These standards can help address different forms of discrimination, including those related to housing.

The increasing commodification of land and housing exacerbates discrimination. Mr. Rajagopal invited participants to think on how these trends affect communities at risk of vulnerability, including the historically marginalized. Different forms of marginalization might arise also due to existing housing market regulations and planning policies put in place by governments, but also increasing deregulation trends taking place worldwide. It is important to hear more about how these trends are affecting LRGs on the ground and what responses are they putting in place, as they are at the forefront of major housing challenges emerging worldwide. The provision of social housing is an important catalyst for the achievement of more mixed communities in uses and populations.

The work of the previous UN Special Rapporteur on the Right to Housing, Leilani Farha, emphasized the importance of international human rights mechanisms for local governments' housing policies. Her previous work allowed to have a more contextualized understanding of this right from a local government perspective. Mr. Rajagopal stressed again the importance of reminding how international human rights obligations extend to all spheres of government, including local governments. This would actually give more legitimacy to decentralization trends which claim more powers and responsibilities for LRGs. They have, indeed, important responsibilities to meet in terms of housing, but also provision and management of services and infrastructure, land use and planning...

Panel 1: Local strategies to address housing discrimination

The coordinator of the **UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights**, **Amanda Flety**, moderated the two panels while highlighting the potential for innovation arising from LRGs policies. Local governments find in the HRBA a promising framework to trigger innovation and transformative action on the ground: A relevant issue when considering the structural nature of discrimination. She also emphasized how the Community of Practice on Housing offers a space for local governments to advance a collective agenda on housing within UCLG.

The Human Rights Undersecretary of the **Mexico City** government, **Jaime Morales**, addressed specific forms of vulnerability faced by the LGBTQIA+ community¹. Many people reach Mexico City with the hope of starting a life project free of hate; however, discrimination and unaffordability in the housing market thwart these intentions. The INFONAVIT program provided more than 500 grants for same sex couples to access housing (2019 data²). Existing forms of housing inequality are widening and housing conditions are worsening in large metropolitan areas, leading many residents to search for community-led alternatives. The worsening conditions of the local housing market make it difficult for the local government to find specific solutions for the LGBTQIA+ community.

The Deputy Mayor of **Villeurbanne** in charge of inclusion, non-discrimination and health, **Agathe Fort**, shares how her cities is participating in the French network of municipalities ANVITA³ to

¹ Find out more about Mexico City responses to the COVID-19 emergency based on human rights standards here:

<https://uclg-cisdg.org/en/news/latest-news/challenges-and-responses-covid-19-local-perspective-mexico-city>

² <https://www.jornada.com.mx/ultimas/sociedad/2020/05/18/desde-mayo-de-2019-infonavit-ha-dado-creditos-a-273-matrimonios-gay-4163.html>

³ <https://www.anvita.fr/>

exchange practices and take action on migrants' inclusion. Villeurbanne fostered the creation of a working group on homelessness. Providing emergency accommodation to migrants is a state prerogative. LRGs like Villeurbanne confront the need to provide immediate housing solutions for those who are left behind or wait for a more permanent solution. Villeurbanne promotes interstitial housing, which is, using existing vacant housing stock to offer emergency solutions. Ms. Fort called for better coordination between national authorities and LRGs to bring about this kind of solution.

Ms. Fort addressed the issue of discrimination with regards to access to public housing. Housing policies might lead to the concentration of ethnic and racial communities in the same place. Even though this is a sensitive matter, public authorities should take on the mixticity agenda, as it is fundamental to reach equality. Addressing discrimination with regards to housing involves also providing different types of housing units that adapt to different household realities. Many discriminatory trends can be found in the private real estate market: Indeed, Villeurbanne carried out tests in the private housing market which confirmed this trend⁴. Even though LRGs have little to do when it comes to this kind of trends affecting the real estate market, they can take action by putting in place, for instance observatories on non-discrimination (as that of Villeurbanne⁵) which monitor this situation and offer access to justice mechanisms to residents victims of discrimination.

The Housing Director of **Buenos Aires, María Elisa Rocca**, argued how her city addresses housing discrimination through planning policies in rundown areas, as well as specific regulations and programs to support residents at risk of vulnerability (such as women victims of violence or transexual people). LRG such as Buenos Aires rely heavily on direct participation of residents in the development of their own policies in the field. This emphasis on participation brought the local government to explore different alternatives in access to housing: transitioning for instance towards alternative forms of accessing housing based on cooperativism. However, these types of innovations oftentimes meet harsh resistance in law courts, given that existing legislation on housing cooperatives and access to land does not recognize certain forms of accessing land. LRGs social assistance efforts are key in this context. They are also becoming an emerging actor in terms of pushing for more coordination among different spheres of government and interministerial cooperation.

The Municipal Secretariat for Persons with Disabilities⁶ of **São Paulo, Silvia Grecco**, described the work of her Secretariat, focusing on guaranteeing the rights of people with disabilities since 2005. With regards to housing, the Secretariat monitors the implementation of the 2015 law which aims at making it easier for people with disabilities to access housing. These interventions are based on the overall universal design vision championed by the city. The President of **São Paulo's** Committee in charge of disability, **Silvana Cambiaghi**, noted how these interventions by the city heavily relied on the participation of groups involved. Ms. Cambiaghi also argued how a 2008 decree fostered the adoption of universal design standards in the building of social housing. At a local level, this legislation is implemented through⁷ the adoption of protocols and public procurement standards, as well as by monitoring the 2004 commitment to reach a 3% of accessible public housing units, which also requires private landlords to adapt their housing units free of charge when required.

The Mayor of **Soria** and UCLG Special Envoy on the New Urban Agenda, **Carlos Martínez**, argued how practices presented show LRGs leading role in the fight against widening inequality. Mr. Martínez noted how these practices rely on new forms of legislative innovation, as well as access to

⁴ <https://nondiscrimination.villeurbanne.fr/2019/11/30/test-acces-au-logement-mesurer-limpact-dune-mesure-de-sensibilisation-2019/>

⁵ <https://nondiscrimination.villeurbanne.fr/>

⁶ https://www.prefeitura.sp.gov.br/cidade/secretarias/pessoa_com_deficiencia/

⁷ https://www.prefeitura.sp.gov.br/cidade/secretarias/pessoa_com_deficiencia/publicacoes/index.php?p=307905%22307905

additional funding. In order to combat segregation, planning policies should clear new space for cultural and sports facilities, as well as quality public spaces: these allow reclaiming cities as “a place of encounter”. In order to bring about this vision, access to public land and intervening in the private market is fundamental. This allows LRGs to both prevent real estate speculation and have margin for maneuver in terms of providing housing solutions to the most vulnerable (public housing policies).

The Human Rights Director of **Barcelona**, **Anabel Rodriguez**, argued how Barcelona has been developing non-discrimination and human rights policies for more than 20 years. The city now counts with an advance Office for non-discrimination⁸ as well as an observatory⁹ gathering local civil society organization to monitor different forms of discrimination taking place at the local level. Even though housing discrimination is prohibited by law, it takes place in the city through various ways. Since last year, Barcelona kicked off a process to better understand and address this phenomenon. Under the “*La clau pot ser un nom*” initiative¹⁰ (catalan for “the name can be the key”), the city carried out a monitoring effort which later translated into an awareness campaign that corroborated existing discriminatory trends in the private real estate sector (as housing applicants with local surnames receive an 18% more of positive replies if compared to applicants with foreign surnames, especially Arab). The city identified landlords, rather than real estate agendas, as the key agent responsible for discrimination; this is why it is developing learning tools to contribute addressing this trend.

In his second intervention, Mr. **Morales** spoke about the importance of raising awareness about discrimination. Local governments can give more visibility to these issues and shift perceptions. While putting in place new social policies, local governments should promote values of empathy among residents to avoid tensions. Public policies should also understand the domestic context of each resident, especially those at risk of vulnerability: LGBTQIA+ youth for example might find a very hostile family environment. This is something that public policies should recognize and address.

The councillor and director on disabilities of **Villa Carlos Paz**, **Patricia Morla**, argued how her city developed a comprehensive agenda on disabilities based on participation. Even though the city doesn't count with large scale plans on housing, Villa Carlos Paz fosters the participation of people with disabilities in the implementation of these plans. Her municipality also advocates for the inclusion of a 5% of accessible housing in public housing plans. In general terms, Villa Carlos Paz has also been particularly sensitive to the issue of evictions and access to land in the context of evictions.

Mr. **Rajagopal** argued how many issues raised referred to key components of the right to housing (affordability, accessibility...). He also referred to the interconnectedness of housing affordability and homelessness, especially affecting the LGBTQIA+. He commended participants' remarks on the need to regulate the private sector. The pandemic has triggered a new wave in housing policy innovation, and this trend should lead to more structural policy transformation: mobilizing vacant housing stock for emergency purposes, bans on evictions... Access to data is fundamental for these efforts. More data on evictions is necessary to better understand and address this phenomenon. New methodologies should be tested that allow to better understand discrimination as a multifaceted phenomenon. UCLG, along with member LRGs, is in a good position to push for global data collection on housing discrimination, laying the groundwork for credible, verifiable data across multiple localities that are compatible, cross testable and provide legitimacy for appropriate policy formulation.

⁸ <https://ajuntament.barcelona.cat/oficina-no-discriminacio/en/about-us>

⁹ <https://ajuntament.barcelona.cat/oficina-no-discriminacio/en/discrimination-observatory>

¹⁰ https://ajuntament.barcelona.cat/santmarti/es/noticia/la-clave-puede-ser-un-nombre-3_993664

Ms. **Saiz** argued how many of the proposed interventions require both additional resources as well as changes of legislation. LRGs show the way to follow the path of innovation in favour of equality. It is worth looking at provisions introduced during the pandemic and learning from them. UCLG is putting in place spaces such as this one to better understand what changes need to take place so that LRGs can better advance the right to housing in connection to a wider social agenda based on values of care and solidarity. Ms. Saiz invited the Rapporteur to help UCLG disseminate this vision. She also agreed that developing an observatory based on gathering qualitative data is a crucial and promising endeavour.

Panel 2: Segregation, local planning, housing and zoning policy

The Boston Councillor, **Lydia Edwards**, discussed the segregation patterns at play in Boston, as well as the toolkit that the local government has implemented to address them. She highlighted how segregation patterns relate to how a city envisions and plans its development. She noted how the legacy of previous laws that segregated people must also be accounted for when designing interventions, so as to affirmatively correct previous wrongdoings - intentional or not. The Councillor emphasized the potential of zoning instruments to heal the legacy of harm done to disenfranchised groups. She stressed that for that potential to be realised, zoning must reflect a city's vision for equity and civil rights, so that standards can be consequently set and people can be held accountable to such principles. The toolkit for affirmative integration implemented by Boston is based on co-responsibility. It includes providing developers with a historical exclusion report and assessment tools to analyse the impact of their developments on the sociospatial fabric. Mitigation initiatives are then also suggested to be picked up by developers, such as the inclusion of additional affordable housing units and providing tenants with the right to first refusal on purchase operations. The assessment and the complementary mitigation initiatives are taken together by the city government to evaluate if a development project is allowed to move forward or not.

Corinne Cadays Delhome, Councillor of La Courneuve, noted how spatial segregation in her city is linked to social segregation and the legacy of colonialism. Ms. Cadays recalled how in the 1960s, the mass housing policy implemented to house people living in Paris' slums, as well as those returning from colonization led to the creation of "two cities". Nowadays, almost 40% of the population lives below the poverty threshold and there is a large demand for social housing, yet there is a legacy of opposition to social housing. Moreover, the national government is defunding public housing given the already high proportion of public housing in the city. Instead, it is steering the local government to encourage access to housing via property. Ms. Cadays expressed her concern that such a policy would lead to expulsion, as approximately 80% of the population cannot acquire housing. The Councillor also noted that the city is facing increased pressure on housing prices. The increase in housing prices in the other areas of Paris has led to more people moving into La Courneuve. Ms. Cadays shared that, in order to keep prices affordable for the city's inhabitants, the local government is cooperating with other cities in the Paris periphery on the basis of territorial solidarity. On this point, she called for ensuring a solidary distribution of public housing across territories.

The Housing Director of Montevideo, **Sebastián Moreno**, explained that the city's measures to counter socio-spatial segregation seek to respond to the change in demographic patterns. While one part of the city is shrinking, irregular settlements continue to grow as new generations of inhabitants are born. Mr. Moreno argued that it is critical to acknowledge these oftentimes peripheral settlements as centers in their own right: acknowledging their social capital, culture or identity as equal to the city's historical centers. He shared that Montevideo is articulating equality in the recognition of

policentrality by working with the citizens on the ground and ensuring the same quality in public interventions in all centers. Moreover, the city is also mobilizing its land stock to manage relocations in cooperation with social organizations. Mr Moreno noted with concern the limited capacities at disposal of the local government, which are further curtailed by a national legal framework that increasingly facilitates evictions on the basis of spurring investment.

The Housing Director of Barcelona, **Javier Burón**, shared that his local government does not have the capacity to systematically intervene in the housing market. The main reason is that 98% of housing is provided in the private market while only 2% is publicly provided. Mr Burón shared that the actions of the Barcelona government are thus focused on increasing the public housing stock; acquiring and repurposing vacant units for social use and promoting public-private and public-social cooperation. These actions are complemented with rent and renewal subsidies. Furthermore, Mr. Burón highlighted the importance of also adopting inclusionary zoning instruments. In that regard, Barcelona has introduced a 40% affordable housing quota in all new developments (30% in consolidated urban land). In order to upscale such initiatives, means of implementation, including funding and partnerships, are needed. Importantly, as signaled by Mr. Burón, rent control measures, like those implemented by the Catalan regional government, are necessary to keep the housing prices constant while the measures led by the local government yield their outcomes.

The International Relations Coordinator of Nanterre and Coordinator of the UCLG Forum on Peripheral Cities, **Djamel Sandid**, underlined that the current crisis has reinforced the urgency to address socio-spatial segregation, within and between territories. He highlighted the necessity to develop mixed and inclusive territories. In this regard, Mr. Sandid remarked on the importance of rent control mechanisms and the positive environmental outcomes of sustainable territorial development. He stressed the need to adopt a global human rights perspective in addressing the housing crisis: ensuring access to adequate housing is essential for the fulfillment of other human rights, such as those derived from the adequate provision of basic services.

Josep Casas, from the Catalan Regional Government, shared that the actions led by Catalonia seek to acknowledge the complexity of the housing issue. The three main areas of intervention are promoting economic accessibility, enhancing housing quality and adequately servicing neighborhoods, particularly regarding transportation. Mr. Casas stressed the importance of adopting both short term actions, like the prevention of evictions, as well as mid and long-term strategies. Beyond the need for funding, he emphasized the centrality of planning to be able to provide immediate responses as well as to prioritize strategically. Mr. Casas also put emphasis on the issue of scale, recalling the link between local and the global as set in SDG 11. He highlighted the importance of adopting a regional vision and cooperating between subnational governments. This is key for instance to generate data and common strategies, as shown by the example of the Barcelona Metropolitan level through the Metropolitan Housing Observatory of Barcelona.¹¹

The Deputy Mayor of Sfax, **Med Aydi Wajdi**, brought forward how the Sfax local government does not have the ability to address the housing struggles, especially of vulnerable populations including asylum seekers, refugees and migrants. This is a pressing problem for cities that are heavily transited by these populations and Mr. Aydi added, for many cities in similar situations across the Global South. Decisions are made at the central government level, which poses local governments in a very complicated situation, lacking financial and administrative means to implement the right to housing.

¹¹ See: <https://www.ohb.cat/?lang=en>

Mr. Aydi underlined that the right to housing is a constitutional right and that local governments tend to find the most appropriate solutions on the ground from both a legal and a financial perspective.

The Mayor of Soria and UCLG Special Envoy for the New Urban Agenda, **Carlos Martínez**, emphasized the key role played by intermediate cities. The concentration of investment and policy interventions in big cities is emptying out small and intermediate ones, gravely aggravating housing crises. Mr. Martínez recalled how the New Urban Agenda calls for generating prosperity opportunities in these cities, which is a crucial element in addressing the housing crises faced by cities of all sizes.

Berry Vrbanovic, Mayor of Kitchener and UCLG Treasurer underlined how embedding equity in housing policies and increasing the number of public housing units is a challenge shared by local governments worldwide. The Mayor underlined how the work on affordable housing had been and still is critical for his city. He highlighted the leading role of the national local government association in the promulgation of a new national housing strategy. The COVID-19 crisis, he added, has led the national government to reposition the right to housing as crucial. In this legal and contextual framework, extraordinary funds were allocated to the city in a rapid manner to address the housing crisis and homelessness in particular. The Mayor also emphasized the importance of multilevel governance to address the different dimensions of the housing challenge. Beyond the work with the federal government, he also highlighted the important work between the local and provincial governments to provide supportive housing in cases of eviction or mental health support. He concluded by noting the participation of Kitchener in the Right to Home Municipal Working Group.¹² The group is part of The Shift, the global campaign for the right to adequate housing led by the former Special Rapporteur Leilani Farha and United Cities and Local Governments.¹³

Closing remarks

The **UN Special Rapporteur on the Right to Housing, Balakrishnan Rajagopal**, welcomed participants' efforts to address issues of historical exclusion and displacement leading to persisting discrimination and segregation in access to housing. He noted how there's a real challenge in thinking beyond the narrowest meaning of non-discrimination, not only as the avoidance of harm but towards a more affirmative approach. Mr. Rajagopal argued how this will be a key focus of his report. The second key issue is zoning and the use of land. Local governments seem to lack the authority on land as well as municipal finance. This is why it is important to continue exploring these structural issues and learn on how to use the human rights framework to try to advance progressive policies.

As closing remark, **Emilia Saiz**, UCLG Secretary General, shared that one of the main claims of local and regional governments is for more transformative power to address housing crises from the bottom-up. Ms. Saiz reiterated the commitment of the UCLG constituency to collaborate with Mr. Rajagopal in his endeavours as Special Rapporteur on the Right to Adequate Housing, especially through the UCLG Community of Practice on Housing and the UCLG-CSIPDHR.

¹² <https://www.make-the-shift.org/righttohome/#:~:text=Convened%20by%20The%20Shift%20and,securing%20the%20right%20to%20housing.>

¹³ <https://www.make-the-shift.org/>