**CONTRIBUTION OF CÁRITAS ESPAÑOLA TO THE 2023 ANNUAL REPORT OF THE UNITED NATIONS SPECIAL RAPPORTEUR ON THE RIGHT TO ADEQUATE HOUSING**

**"A PLACE TO LIVE IN DIGNITY FOR ALL: MAKE HOUSING AFFORDABLE"**

**1. COVID AND POST-COVID HOUSING SITUATION IN SPAIN**

The fall in economic activity caused by the pandemic, followed by the ravages of the inflation crisis, have visibly shown the instability and insufficiency of the incomes of many individuals and families in Spain. However, this trend is particularly acute in the case of people entering the labour market without a formal contract or with a very short-term contract, with low wages, and with limited access to social benefits. Thus, a high percentage of working people is living a hand-to-mouth existence and has great difficulty coping with unforeseen expenses, as well as severe problems in order to deal with housing-related expenses.

The FOESSA reports of the past decade have already shown how the interrelationship between low job quality and high housing costs is a combination that structurally explains why a segment of households and individuals become socially excluded. The scarce housing policies have so far failed to ensure that the most vulnerable households and those socially excluded have access to adequate housing and are able to keep it. This is especially true for groups such as, for example, people with a migrant background and/or young people with precarious employment contracts.

According to the latest figures published by Housing Europe,[[1]](#footnote-1) the social housing stock in Spain is around 290,000 homes, which represents 2.5% of the total housing stock.

In 2018, housing problems were the essential feature of social exclusion processes in our country, and in fact it remains significant in 2021 with 20.6% of households being affected by some problem in this area. Particularly noteworthy in this area are the deterioration of housing conditions, situations of overcrowding, and difficulties in covering the associated costs.

**Housing exclusion indicators: percentage of households suffering from housing exclusion according to the type of indicator and the total (2018 and 2021) (%)**

|  |  |  |
| --- | --- | --- |
|  | 2018 | 2021 |
| Percentage of households in substandard housing: shacks, lower ground floors, barracks, prefabricated houses or similar | 0.3 | 0.1 |
| Percentage of households with severe deficiencies in housing construction | 1.9 | 1.8 |
| Percentage of households living in unsanitary situations: damp, dirt, and odours | 3.2 | 7.2 |
| Percentage of households suffering from severe overcrowding (less than 15 m2 per person) | 2.5 | 4.6 |
| Percentage of households with precarious housing occupancy: provided free of charge by other people or institutions, sublet etc. | 3.7 | 4.3 |
| Percentage of households with a very degraded environment (ghetto, unsanitary, lack of water, odours, dirt, no access) | 0.8 | 1.8 |
| Percentage of households including persons with reduced mobility and with structural barriers | 2.2 | 2.2 |
| Percentage of households with excessive housing expenses (income minus expenses are below the severe poverty line, below 40% of the equivalent median) | 11.1 | 14.2 |
| Housing exclusion | 18.2 | 20.6 |

Source: own elaboration based on EINSFOESSA 2018 and 2021.

This situation has been aggravated by the COVID-19 crisis, which has had a particularly negative impact on the most vulnerable households. The indicators resulting from the EINSFOESSA 2021 Survey prove this. On the one hand, the most serious situations of housing exclusion remain a significant factor: the percentage of households residing in unsanitary housing (3.2% in 2018 and 7.2% in 2021) or living in precarious housing[[2]](#footnote-2) (3.7% in 2018 and 4.3% in 2021) has increased strongly. Overcrowding[[3]](#footnote-3) has also doubled between 2018 (2.6%) and 2021 (4.6%). Moreover, the percentage of households lacking basic supplies such as running water and electricity has increased between 2018 and 2021. In 2021, 10% of households had no heating and 9% were unable to maintain an adequate temperature at home. A significant indicator of housing access conditions is the deterioration of the housing environment: the percentage of households residing in run-down neighbourhoods has increased between 2018 (5.3%) and 2021 (7.7%), as has, in general, that relating to degraded environments (0.8% in 2018 and 1.8% in 2021).

The COVID pandemic and the precariousness due to the resulting economic and social crisis, prolonged over time by the energy crisis that has been raging for more than five years, and subsequently reinforced by the war in Ukraine, has led to an increase in situations of housing exclusion associated with the inadequacy of the housing of many households. The impact of energy poverty in particular is worth noting: 6.5% of households received notices of cut-off of basic supplies due to a lack of resources. According to official data,[[4]](#footnote-4) the percentage of households that recognise that they cannot afford to keep their homes at an adequate temperature has risen from 9.1% to 14.3%.

In sum, situations of housing inadequacy, i.e. where the conditions of habitability are not appropriate for living, have affected more than 1.35 million households in Spain.

On the other hand, the pandemic has worsened or strained most indicators of access to housing and the ability to keep it. Situations of insecure housing also increased, reaching more than 1.3 million households in Spain. The EINSFOESSA 2021 Survey shows that, between 2018 (6.2%) and 2021 (11.3%), there was an increase in the number of households which were in arrears with the payment of any housing-related expenses, such as the rent or mortgage, or which did not have enough money to pay for them. Additionally, according to official data from the Spanish National Institute of Statistics (INE, as per the Spanish acronym) collected through the 2021 Living Conditions Survey, the percentage of households that have had delays in the payment of expenses related to the main dwelling (mortgage or rent, gas bills, homeowners association fees...) in the last 12 months has risen from 8.8% in 2018 to 12.6% in 2021. If we compare Spain with the European average, we also see how the level of housing cost overburden in Spain is among the highest: 36% of the population of Spain faces a situation of rent cost overburden above 40% of disposable income (compared to an average of 26% in Europe).

Specifically, for all households in Spain that live in rented accommodation (including modalities such as rooms and other even more informal ones), it is observed that the cost of renting puts almost half of them in a situation of financial stress (31% in moderate stress, i.e. the cost of renting represents between 30% and 60% of the household's disposable income; and 16% even suffer a situation of extreme stress, exceeding 60% of disposable income). This fact indicates the existence of a very large sector of households in a situation of vulnerability in relation to renting, pointing to the magnitude of the social problem of housing. However, if we also cross this stress indicator with the situation of economic poverty, we see that the level of stress rises to 61% of households in severe poverty (income below 40% of the median income).

To these data we must add the evolution of rental housing prices, which in general terms and according to the annual report published by the real estate portal Idealista, reached a historic high in January 2023 with an average cost of €11.6 per square metre in Spain (much higher in certain stressed areas). This represents an average increase of 9% over the price in January 2022. For its part, the evolution of wages is far from following this pace. In the fourth quarter of 2022, the wage cost per worker per month increased by only 4.7% compared with the same period in 2021.

In short, the generalised rise in prices is also pushing up housing prices. We are facing two important phenomena: the unchecked increase in rents over the last few years, and in addition to this, the increase in the price of buying a house. When interest rates rise, it is more difficult to access building materials, and all this makes new housing more expensive, which, in turn, increases the price of renting because alternatives for families are reduced.

The result is that more than 2.5 million households find themselves in severe poverty (less than €900 for a couple with two children) on the 2nd or 3rd day of the month after paying the rent or mortgage. Even more serious are the threats of eviction from housing due to non-payment, affecting 2.3% of households in 2021. These situations are more prevalent in households which are in a situation of severe poverty, where, for instance, only 3.7% of households have paid for their own home, compared to 46.8% of households which are in a situation of full integration and 44.1% of households which are in a situation of poor integration. According to data from the Spanish General Council of the Judiciary, in 2021, more than 110 evictions were registered every day, 30% more than the previous year. Seventy per cent of evictions were the result of non-payment of rent, compared to 30% due to foreclosures. In 2022, there were still 105 evictions per day, with an even slightly higher proportion of renters (72%).

Social rental housing stock is among the smallest in Europe, between 1 and 2% of the total housing stock, and social protection is also among the lowest. If public and social policies are not oriented towards greater protection of households to ensure that they have access to decent housing and are able to keep it, in addition to the necessary policies to guarantee a minimum income and/or employment, housing will continue to act as an element of pressure that is difficult to overcome considering the living conditions of families, a bottomless pit to which they have to devote ever greater resources.

**2. ACCESS TO ADEQUATE HOUSING FOR PEOPLE ACCOMPANIED BY CARITAS THAT ARE IN A SITUATION OF EXCLUSION**

The economic difficulties that have accumulated over the years have made covering certain expenses a challenge for the most vulnerable families.

In this sense, **housing has become a serious problem:** the cost of rent or mortgage has been, in fact, the main economic difficulty for these families, and in April 2021, after 15 months of the pandemic, **more than 220,000 households were unable to meet the cost of basic supplies.** We do not yet have up-to-date data; however, it is easy to assume that, with the subsequent inflation crisis and the consequent rise in prices, these difficulties have only increased and made the living conditions of individuals and families even more difficult.

Whereas at that time the difficulties were already very great and meant that people did not eat properly (38%) or buy necessary medicines (24%) due to a lack of financial resources, in the report *2022 Analysis and Prospects*: *The cost of living and household strategies to address it*, we stated that families with lower incomes – once again, we see that the difficulties expressed by families with minors in their care are greater – have gone from spending 61 out of every 100 euros available on essential expenses (housing and supplies + food + transport) to spending more than 80 euros.

All this is materialised in the fact that **20% of the families assisted by Caritas have had to move during this period** and, **of these, half have done so because they could no longer afford the costs of their previous home.** This change does not seem to have been for the better: more than 130,000 families feel dissatisfied with their housing in terms of habitability, space, number of rooms, etc.

In fact, to try to navigate their financial difficulties, many families are forced to deploy a range of coping strategies. Compared to other areas of savings or renunciation, such as food, clothing, footwear or leisure, decision-making in the area of housing requires complex planning in the life of the family and its members. Once activated, these strategies can be practically irreversible and are therefore used as a last resort, exhausting other decisions and economic manoeuvres first. However, if we focus our attention on these decisions, we can see that households in a situation of exclusion have resorted to a greater extent than other households to the sale of their homes in order to make resources available. Furthermore, only 36.1% of households has money available to meet unforeseen expenses and has already paid for their property; said percentage drops to 9% when it comes to socially excluded households. Assistance from friends and relatives is used by less than 20% of the general population, while more than 70% of the population in a situation of exclusion resorts to that help. The same applies to requesting financial aid from a public or private institution, thus revealing the weakness of the social protection system.

The impact of the pandemic on access to housing has been significant: resorting to flat-sharing, moving back to the parents' homes, or renting a room from others has affected 4.9% of households and 15% of households in a situation of severe exclusion.

For their part, official INE data from 2022 and the extrapolation of the main night-time counts carried out in large cities point to 28,552 people living on the streets or in accommodation and catering care centres due to lack of housing. However, according to internal data collected through our intervention and accompaniment, Caritas network attended to 37,207 people in this situation in 2021, 20% of whom were women, in 420 of its own centres and resources.

Half of the accompanied people were sheltered in temporary accommodation flats (15%), care centres with 24-hour comprehensive assistance (13.1%), emergency shelters and residences (10.8%), social inclusion flats with indefinite stay (9.5%), or homes for single women or women with children (5.7%). The rest received care in other types of programmes and street outreach. In total, the Confederation managed 3,985 placements, of which five out of ten were housing placements and almost four out of ten were day centres.

In the housing resources, the people assisted received accompaniment, information and guidance, food, administrative assistance (paperwork), hygiene services, clothing, laundry, employment guidance, cultural activities, internet access, etc.

Finally, in 2023 Caritas continues to provide assistance to around 3,900 people living in substandard housing and informal settlements located in Madrid, Almeria, Huelva, and Tenerife, who therefore lack access to drinking water.

**3. NOTES ON PUBLIC POLICIES REGARDING ACCESS TO HOUSING FOR PEOPLE IN SITUATIONS OF SOCIAL AND HOUSING EXCLUSION[[5]](#footnote-5)**

This Rapporteurship, together with that of Extreme Poverty and Human Rights of the United Nations, sent a communication[[6]](#footnote-6) to the Spanish Government last January regarding its contributions to the current draft of the bill on the Right to Housing (still in the parliamentary approval phase). It included a detailed description of public housing policies in recent years in Spain. We therefore only wanted to highlight some of them in reference to affordability and non-discrimination of people/families in a situation of social-housing exclusion:

* **State Housing Plan:** for the first time since state planning is implemented on public housing policy in the Spanish State, in the middle of the 2020 lockdown due to COVID-19, the *Spanish Order[[7]](#footnote-7) TMA/336/2020, of 9th April, which incorporates, replaces, and modifies two aid programmes of the 2018-2021 State Housing Plan, in compliance with the provisions of articles 10, 11, and 12 of Spanish Royal Decree-Law 11/2020, of 31st March, adopting urgent complementary measures in the social and economic sphere to address COVID-19* opened up the possibility[[8]](#footnote-8) for the Autonomous Communities[[9]](#footnote-9) to develop a programme with direct aid to facilitate access to housing and accommodation, not only for individuals and families in a situation of possible eviction (in force since 2018, Chapter IV), but also for people in a situation of special vulnerability, people in situation of homelessness, and victims of gender-based violence.

At present, the current Spanish 2021-2025 State Plan for Access to Housing[[10]](#footnote-10) initially declared it compulsory for the Autonomous Communities to implement two programmes in order to be eligible for the rest that it develops, a measure that was removed in 2022. The programmes refer to enabling accessibility to housing for people in situations of vulnerability, people in situations of street homelessness, victims of eviction, victims of gender-based violence...

* Programme to help victims of gender-based violence, people who have been evicted from their homes, homeless people, and other particularly vulnerable people.
* Programme to help tenants in a situation of sudden vulnerability.

It is also worth noting that the Programme for Public Housing Stock Increase requires renting/transfer purposes for at least 50 years.

The budget for the implementation of this plan is 345 million euros for 2022 (Spanish Law 22/2021, of 28th December, on the General State Budget for 2022). The forecast for the entire 2022-2025 Plan would be 1,717 million euros.

* **Street homelessness strategy:** the 2nd Strategy has been under development since 2022 and is still ongoing. It is planned to be implemented until 2030.
* **Strategy for settlements and neighbourhoods in highly vulnerable situations**: during 2020 and given the COVID-19 pandemic situation, we held several meetings with the General Directorate for Family Diversity and Social Services of the Spanish Ministry of Social Rights and 2030 Agenda in our capacity as Cáritas Española within a group created ad hoc with the coordination of EAPN-Spain. At the beginning of 2021, we presented a proposal entitled "Notes for the elaboration of a Strategy for Settlements and Neighbourhoods in Highly Vulnerable Situations with a Human Rights Approach"[[11]](#footnote-11) and for two years now, we have not had another meeting in this space, nor a reflection of the proposal made.
* **State measures to suspend evictions and cut-offs of state supplies:** the measures implemented during the years 2020, 2021, 2022, and 2023 that originated from Spanish Royal Decree-Law 7/2019, of 1st March, on urgent measures on housing and renting that has been subsequently modified by various royal decree-laws (Royal Decree-Law 20/2022,[[12]](#footnote-12) of 27th December, on measures in response to the economic and social consequences of the War in Ukraine and support measures for the reconstruction of the island of La Palma and other situations of vulnerability). The following measures are maintained nowadays:
  + Suspension of evictions for vulnerable persons/families (accredited by a Social Report of the Social Services) until 30th June 2023.
  + Limit on the rent increase update at 2% until 31st December 2023.
  + Extraordinary extension of rental contracts that expire before 30th June 2023.
  + Prohibition of cutting off supplies to beneficiaries of the social subsidy until 31st December 2023.
* **Non-discrimination regulations in access to housing**: the new Spanish Comprehensive Law 15/2022, of 12th July 2022, on equal treatment and non-discrimination has included a prohibition of discrimination in access to housing in its Article 6 “Principle of equality and non-discrimination in housing”*.* We highlight its paragraph 2 with regard to the accessibility dimension:

*"The prohibition of discrimination in housing encompasses all forms of discrimination in the public and private sector, including direct and indirect discrimination in relation to access, supply and provision, and subsequent use of housing and related services, as set out in the Comprehensive Law on Equal Treatment and the Non-Discrimination Law. [based on language contained in Articles 1-3 and 20 of Law 15/2022]".*

* **Other interrelated areas:** the relevance of administrative practice and the development of the human right to good administration is key in the areas of census registration, applications for public benefits, and access to drinking water because of their relevant and special relationship with the accessibility dimension of the human right to adequate housing. In all three cases, current regulations are clear in their access procedures: living in any area within the municipality and having valid identity documents (Spanish Law 7/1985, of 2nd April, regulating the Bases of the Local Regime); being able to interact with the Administration in person, by administrative mail, or online, as I choose (Spanish Law 39/2015, of 1st October, on the Common Administrative Procedure of Public Administrations); and being provided with access to water if I am registered in my municipality (Spanish Law 7/1985, of 2nd April, regulating the Bases of Local Regime and Spanish Royal Decree 1690/1986, of 11th July, approving the Regulation of Population and Territorial Demarcation of Local Entities). Even before the pandemic, thousands of people in situations of exclusion saw how administrative practice hindered or deprived them of all this. During the pandemic, this dysfunction was a determining factor for many of them and their families, to the extent that they were unable to access primary and secondary health care, rent aids, or drinking water.[[13]](#footnote-13) Not only has this situation not disappeared, but it is increasing in all three cases.

**4. PROPOSALS IN REFERENCE TO THE AFFORDABILITY OF THE HUMAN RIGHT TO ADEQUATE HOUSING FOR PEOPLE IN SITUATIONS OF SOCIAL-HOUSING EXCLUSION**

We include our proposals within the **development of the affordability dimension** of the human right to adequate housing, contained in the Communication of this Rapporteurship to the Spanish State that we have quoted in the previous section (page 10), and also based on Recommendation no. 36.a) of the 6th Periodic Report of Spain to the Committee on Economic, Social and Cultural Rights (CESCR),[[14]](#footnote-14) so that in this urgent improvement of affordability:

*"[the State party] adopt[s] all necessary measures, including the allocation of adequate resources, to address the social housing deficit, especially for the most disadvantaged and marginalised individuals and groups, including persons and households with low incomes, young people, women and persons with disabilities".*

We consider the following public policies necessary for people in situations of social and housing exclusion in Spain:

**In compliance with article 2.1 of the Covenant on Economic, Social and Cultural Rights regarding the investment in public policies (in that case on adequate housing) to the maximum of available resources:**

* **Increased investment in the public social housing stock up to 15% by 2040:** in order to reach the European average for social housing. From 2008 to 2018, the number of social homes with a definitive qualification being built decreased from 63,990 to 5,191. The first increase since that year was recorded in 2019, when the number of homes of this type built reached 6,615. The data for 2020,[[15]](#footnote-15) 2021 and 2022 (Q1 and Q2) follow this path of increased investment: 9,038, 9,567, and 4,643 (Q1-Q2). However, they are still far from the percentage urgently required by Spanish society, and in particular, by persons and families in a situation of social and housing exclusion.

**In the prevention of homelessness:**

* **Modification of the eviction procedure of the Spanish Civil Procedure Law** for greater protection of vulnerable people and households and in application of the Opinions and Recommendations of the UN CESCR. The objectives are as follows:
  + To ensure that affected persons have access to compensation or the option of adequate alternative housing without eviction from their home until such circumstances are ensured (compliance with General Comment No. 7 of the ICESCR).
  + To include the principles of reasonableness and proportionality, as well as due legal and procedural guarantees for those affected.

**In access to housing without discrimination of any kind for people in a situation of social and housing exclusion (ETHOS) – immediate obligation,[[16]](#footnote-16) not limited due to the possibility of having resources for it on the part of the State:**

* **Inclusion of emergency social housing within the typology of public social housing** (for the purposes of Social Services, housing, and land regulations): as publicly-owned housing intended to provide a short-term, temporary housing solution, on a universal basis and until permanent alternative housing is provided, for persons and families in a situation of loss or impossibility of accessing adequate housing (homelessness/housing exclusion situation according to ETHOS typology), regardless of the identity papers and administrative conditions of the same. This emergency housing must meet the minimum standards of adequacy, habitability, and privacy and protect them from the essential elements of nature.

1. [*https://www.stateofhousing.eu/The\_State\_of\_Housing\_in\_the\_EU\_2021.pdf*](https://www.stateofhousing.eu/The_State_of_Housing_in_the_EU_2021.pdf) [↑](#footnote-ref-1)
2. Provided free of charge by other people or institutions, sublet, etc. [↑](#footnote-ref-2)
3. Severe overcrowding (less than 15 m2 per person). [↑](#footnote-ref-3)
4. INE, Living Conditions Survey, 2021 <https://www.ine.es/uc/Y22g675F> [↑](#footnote-ref-4)
5. European Typology on Homelessness and Housing Exclusion (ETHOS) <https://www.feantsa.org/download/ethos_spain-24518105836657575492.pdf> [↑](#footnote-ref-5)
6. 24th January 2023 Ref.: OL ESP 1/2023 <https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27820> [↑](#footnote-ref-6)
7. Spanish Official State Gazette (BOE, as per the Spanish acronym) (2020) <https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4412> [↑](#footnote-ref-7)
8. UNITED NATIONS (2020) “Report: COVID-19 and the right to housing: impacts and way forward” Inputs Received: Civil Society Organizations: Caritas Spain, page 7 <https://www.ohchr.org/EN/Issues/Housing/Pages/callCovid19.aspx> [↑](#footnote-ref-8)
9. Andalusia (2020) <https://www.juntadeandalucia.es/boja/2020/174/2>, Aragon (2020) <https://www.elnotario.es/images/pdf/LAUT-N94-03.pdf> Extremadura (2021) <http://doe.gobex.es/pdfs/doe/2021/80o/21060104.pdf> [↑](#footnote-ref-9)
10. Spanish Royal Decree 42/2022, of 18th January, regulating the Youth Rental Bonus and the 2022-2025 State Plan for access to housing <https://www.boe.es/buscar/act.php?id=BOE-A-2022-802#:~:text=Finalizada%20la%20vigencia%20del%20Plan%20Estatal%20de%20Vivienda,su%20caso%20a%20la%20emancipaci%C3%B3n%20de%20los%20j%C3%B3venes> [↑](#footnote-ref-10)
11. Notas para la elaboración de una Estrategia para Asentamientos y Barrios en Situación de Alta

    Vulnerabilidad con enfoque de Derechos Humanos (2021) <https://www.eapn.es/ARCHIVO/documentos/documentos/1620133573_notas-para-una-estrategia-asentamientos-y-barrios-alta-vulnerabilidad-.pdf> [↑](#footnote-ref-11)
12. <https://www.boe.es/buscar/act.php?id=BOE-A-2022-22685> [↑](#footnote-ref-12)
13. CARITAS (2023) News Service (online) <https://www.caritas.es/noticias/caritas-lleva-ante-la-onu-la-falta-de-acceso-a-agua-limpia-de-cerca-de-3-900-personas-que-acompana-en-infraviviendas-y-asentamientos-informales/> [↑](#footnote-ref-13)
14. E/C.12/ESP/CO/6 [↑](#footnote-ref-14)
15. Spanish Ministry of Infrastructure, Mobility, and Urban Agenda <https://www.mitma.gob.es/arquitectura-vivienda-y-suelo/urbanismo-y-politica-de-suelo/estudios-y-publicaciones/observatorio-de-vivienda-y-suelo> [↑](#footnote-ref-15)
16. General Comment no. 3 ICESCR Number 10 <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCESCR%2FGEC%2F4758&Lang=en> [↑](#footnote-ref-16)