Office of the United Nations High Commissioner for Human Rights

Impact of climate change on the right to adequate housing

Issued by: Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Purpose: To inform his report to the 52nd session of the Human Rights Council to be presented in March 2023

*In real life*

1. In your country, what have been the main effects of climate crisis, on the enjoyment of the right

to adequate housing? Please specify whether there have been any climate-induced impacts on the security of tenure, availability, affordability, accessibility, habitability, location, and cultural

adequacy of housing, including climate crisis related displacement Climate change or climate crisis determine changes in the intensity and territorial incidence of risks associated with extreme and severe events such as floods and river floods, coastal overflows, extreme heat, droughts, and fires. The problem of forest fires is currently a major indicator of how climate change is affecting Portugal, recollecting the fire of Pedrógão Grande and Center Region, in 2017, with unprecedented levels of destruction of homes and loss of life in the country (almost two thousand dwellings burned and more than a hundred deaths). In addition to these extreme and severe events, we face an imbalance on use, occupation, and land planning, particularly with the depopulation of rural areas. Self-constructed housing in floodplains, fire-risk areas, on unstable ground and housing of lower standards in terms of thermal comfort and ventilation are, particularly, exposed to the effects of climate change. 2. Are there differences how the climate crisis affects the right to adequate housing in urban and

rural areas? If yes, is there an interrelationship between the two? The risk of climate change impacts in rural areas is further associated with fires and in urban areas to rising temperatures, however the environment and context pose great risks in both circumstances

In urban areas we often face situations of housing overcrowding, notably, in metropolitan areas. Being located in a forested area is another distinguishing feature in rural communities, as is the absence of land use planning that increases the impact of the climate crisis in these areas. The land tenure structure in rural and low-density areas and in urban areas is also a differentiating factor.

In low-density areas housing ownership is more prevalent, and in urban areas there is a higher proportion of people living in rented houses. This has an influence on the ability to improve living conditions.

3. Are there groups distinctly affected in the enjoyment of their right to adequate housing as a result

of the climate crisis? Please describe in what way. As it has been already mentioned, the socioeconomic status of households and exposure to severe and extreme events, particularly in rural areas with more densely forested territory and/or affected by

periods of drought or extreme heat, are factors that define the population groups that are most sensitive to climate change, or to the problem of adequate housing. There is a clear correlation that particularly affects older persons. In addition, migrants and refugees are particularly affected by climate change and all the direct and indirect effects: greater migratory flow economic crisis and poverty risk.

4. How is the right to adequate housing ensured for persons that have internally or internationally

displaced by the climate crisis? How and under what conditions is their right to voluntary return ensured?

Portugal has 2 emergency response programs for people in situations of extreme vulnerability and housing deprivation, regardless of whether it is a result of climate crisis.

• Emergency response activated through the *"Front Door Program" ("Porta de Entrada"*) - Urgent

and Temporary Accommodation Support Program (DL - *29/*2018) that provides, immediate, urgent accommodation and housing solutions to people that have lost their house, and which has the coverage of 18 months. For the activation of this response, it is necessary that municipalities identify ongoing situations of social vulnerability and housing deprivation.

These may be situations of urgent accommodation for people who are temporarily or permanently deprived of housing, or in imminent risk of becoming homeless, because of unforeseeable or exceptional events, disasters, or migratory movements. This support can be provided through temporary accommodation in hotel units or long-term rental in public or

private housing stock.

• *Urgent and Temporar*y A*ccommodation Support Program ("BNAUT - Bolsa Nacional de*

A*colhimento Urgente e Temporário*") (DL 26*/2*021). With the aim of strengthening and diversifying the supply of public housing solutions, a network with national coverage is being created to respond to specific needs of emergency and transitional housing. That is why the *National Plan for Urgent and Temporary* Ac*commodation* establishes the creation of structured and cross-cutting responses to emergency and transition situations, mobilizing real estate and funding. These measures require collaboration between different government areas (namely the IHRU - Institute of Housing and Urban Rehabilitation, ISS - Institute of Social Security and ACM - High

Commissioner for Migration), involving the municipalities, NGOs and non-profit organizations. In the set of needs covered, the response to unpredictable or exceptional events (natural disasters such as fires, and unscheduled migration flows) is strengthened. 5. When housing has been damaged or lost due to climate-induced events, what has been the

related impact on the lives, health, and livelihoods of the affected populations? Whenever a community is deprived of its housing, regardless of the cause, the effects on its overall quality of life and the lives of each family are catastrophic. When this situation results in the total loss of their home, of all their assets, often associated with the loss of livelihood (agricultural and livestock areas), the impact on physical, mental, emotional, and psychological health is devastating. In addition to this, is the risk of unemployment and poverty. It often results in the need for total reconstruction or resettlement, sometimes requiring relocation to other territories. This circumstance of relocation to other territories should only be used as a last resort because it adversely impacts the depopulation of low-density territories and causes individual and communal trauma when populations are uprooted due to excessive and severe factors.

*W*hen this situation occurs in urban areas, the impacts are similar. The issue of resettlement to other territories and the contribution to the depopulation of low-density territories does not arise, however, there is a loss of community, neighbourhood relations, and often a decrease in quality of life and greater difficulty in accessing work, health or teaching resources, when there is a deficit in the transport network or not enough coverage of health and*/*or education unities. To minimize all this impact, the Portuguese State's *New Generation of Housing Policies* has several programs and measures to respond to situations of adequate housing, namely through the "*First Right Program" ("Programa 1o Direito*”) and political and planning instrument at the municipality level as Local Housing Strategy - LHS (ELH – *Estratégias Locais de Habitação*) - Municipal Plans and Strategies for Housing. The LHS intends to identify the different intervention needs to eliminate situations of unworthy housing, namely the one that are: unsanitary, with low construction quality, unstable, without any thermal comfort and contingency plans, specifically the need for relocation due to the hazard of landslides, risk for being built in flood bed, or exposure to the coastline. The ELHs must always consider the issue of the relationship between populations and the territory where they are, at the limit of capacity and security. Furthermore, these principles are adapted to each intervention area: urban, peri-urban and rural areas.

Regarding responses to situations arising from severe and extreme events such as fires, one can recall the fires in Monchique and Mação, that took place in 2018 and 2019 and in which the response was given through the *Front Door Program*. From temporary rehousing to the leasing of new housing and the reimbursement of the reconstruction of incinerated houses, always in articulation with the municipalities and the 96 families.

6. How have people been able to access redress and compensation for damages to or loss of their

housing as a result of the climate crisis and extreme weather events? What are the main obstacles to accessing timely redress and compensation, and what could be effective solutions?

N*/*A

7. Please indicate any key rulings of national courts and tribunals protecting tenants and

homeowners from the impact of the climate crisis or on their right to adequate housing or related to climate induced displacement. Please also describe their outcome and impact.

N*/*A

*In measures*

8. Please explain how energy efficiency, green urban planning, climate migration and adaptation

policies and programmes take into account the right to adequate housing. *W*hat measures have been taken to ensure that they do not have any (unintended) discriminatory impact on particular population groups.

Recollecting climate change and the need to focus on improving environmental performance, material and energy efficiency is reaffirmed, given that they are determinants for the qualification of housing and for the sustainability of the development of the territory, whether in urban, peri-urban, or rural areas. The diversity and specificity of the territorial expressions of these needs still raise additional challenges in the pursuit of this measure. The worsening of risks and extreme phenomena requires a closer look at the vulnerabilities of territories and populations. Migrations due to scarcity of resources will be intensified by climate change scenarios, which may contribute to increasing the exodus from low-density regions of the country.

3

The planning and construction of urban space began incorporating the obvious need for mitigation and adaptation, namely the change in modes, forms and types of transport, the reduction of the urban heat island effect, namely with the planning of greens spots spread across cities and shading structures, *w*ater cycle management and energy efficiency in all activities, buildings, and infrastructure in them. This approach naturally has a direct impact on the right to adequate housing.

It is essential that the State be the faithful guardian of this balance, initially ensuring that populations with fewer resources have access to assistance financing to renovate their homes, so that this innovative, differentiated, and urgent approach does not worsen social inequalities, whether between urban and urban territories and low density or within the same territory (wherever they are located).

Likewise, the HLS diagnosis and identification of solutions, are financed either from the municipalities or local administration and are crucial to guarantee the socio-territorial balance.

Hence, the guidelines contained in the *New Generation of Housing Policies,* and the creation of the first *Frame*w*ork Housing Law*, generate conditions to effectively assume housing as a universal right, for all, within the framework of a full Welfare State, guaranteeing equity and equal access throughout the national territory and leaving no one behind. 9. Please explain how natural disasters preparedness, response and recove*ry/ re*construction

strategies and plans ensure non-discrimination Universal access and diversity of responses is the key to non-discrimination. In this sense, since 2018, the Portuguese State'*s Ne*w *Generation of Housing Policie*s has several programs and measures to respond to situations of adequate housing, namely through the "*1st Right Program” (“Programa 1o Direito*”), as well as, political and planning instruments at municipal level as *Local Housing Strategy-LHS ("Estratégias Locais de Habitação"*). This measure consists of funding public entities to improve living standards of properties, support for direct beneficiaries, that is, resident owners of low economic status or owners of degraded areas and increase the public housing stock. This measure is applied both in urban and rural areas, through municipalities. At this time, in 308 municipalities 77% have their LHS completed (238), 13% in preparation (63), 3% have not yet started (8). Municipalities with signed financing agreements: 178 – 47 348 housing solutions.

*- Recovery and Resilience Facility* (RRF): about 3 233 houses under contract or in the process of being contracted.

*- 1st Right Program*: about 1 314 houses under contract or in the process of being contracted.

Emergency response can be activated through the *'Front Door Program” (“Porta de Entrada") - Urgent and Temporary* A*ccommodation Support Program* (DL No. 29*/*2018) that provides, immediate urgent accommodation and housing solutions to people that have lost their house, and which has the coverage of 18 months.

These may be situations of urgent accommodation for people who are temporarily or permanently deprived of housing, or in imminent risk of becoming homeless, because of unforeseeable or exceptional events, disasters, or migratory movements. This support can be provided through temporary accommodation in hotel units or long-term rental in public or private housing stock. *- Urgent and Temporary* Ac*commodation Support Program* (BNAUT – "*Bolsa Nacional de* A*colhimento Urgente e Temporário*") (DL No. 26*/*2021). With the aim of strengthening and diversifying the supply of public housing solutions, a network with national coverage is being created to respond to specific needs of emergency and transitional housing,

That is why th*e National Plan for Urgent and Temporar*y Ac*commodation* establishes the creation of structured and cross-cutting responses to emergency and transition situations, mobilizing real estate and funding

It requires collaboration between organizations from several government departments, including the municipalities, non-profit organizations, and the Institute of Housing and Urban Rehabilitation (IHRU), the Institute of Social Security (ISS), and the High Commissioner for Migration *(*ACM). 10. What are the main barriers to addressing and mitigation the adverse impact of climate change

on the realization of the right to adequate housing? The housing policy that is being followed seeks to promote the improvement of adequate housing and better energy efficiency of the buildings. This principle is present in all the instruments mentioned in this questionnaire. From the construction of new housing, funded by the public or non-profit private sector, to programs and rules for rehabilitation in the public or private sphere. Therefore, one of the main constraints to be noted is related to the need for these policies to have continuity, which depend, among other factors, on the ability to ensure their financing sustainability.

*Impact of housing on climate change*

11. How does the housing sector in rural and urban areas contribute to climate change? It may be

helpful to think in terms of energy consumption for heating, cooling, lighting of housing; urban sprawl and related climate impacts (soil sealing, commuter traffic, etc.); increase of average per capita living space; water use; emission of pollutants, climate impact of construction and loss of biodiversity caused by housing development projects. Please provide any statistical information as well on the climate impact of the housing sector compared to other sectors in your country,

N/A

12.What measures are being implemented in rural and urban areas to reduce and eliminate the

adverse impacts of the housing sector on the climate? How successful have been these

programmes? The Government defined rehabilitation as the main vector, when improving the habitability conditions of the population, but naturally also to reduce the negative impacts the housing sector have on the climate.

The Council of Ministers Resolution No. 170*/*2017 creates the project *Rehabilitate as a Rule (Reabilitar como Regra*) with the main purpose of defining the legal and regulatory framework for construction, in order to adapt it to the requirements and specificities of rehabilitation, reconciling the « [...] current standards of safety, habitability, comfort and simplification of the rehabilitation process, with the principles of environmental sustainability and the protection of the built heritage, in the broadest sense». Thus, Decree-Law No. *95/2*019 sets the fundamental principles of the rehabilitation of buildings and autonomous fractions, which all rehabilitation operations must comply, to reconcile the improvement of housing conditions with a responsible and proportionate response in terms of respect, pre-existence and environmental sustainability. Additionally, this decree-law defines the circumstances in which building rehabilitation is required in order to prepare for an earthquake, vulnerability assessment report and the potential for building strengthening, helping to ensure that these interventions protect structural safety concerns that have been raised by the scientific community regarding this delicate issue. Therefore, it is intended to ensure that a vulnerability assessment of seismic activity is conducted, whenever work is done on buildings of high seismic importance, as well as when signs of the structure's

deterioration are discovered or which result in structural or use alterations, and that this happens in all major interventions. As for thermal behaviour and energy efficiency, the objectives of a rational management of energy consumption are reconciled, in accordance with the principles of energy efficiency, with the guarantee of comfort and healthiness of the houses for the habits and ways of life of the country, while also allowing for the incentive of a progressive and proportionate improvement of the thermal performance of the buildings. Consequently, a regime applicable to the rehabilitation of buildings or autonomous fractions is defined, establishing the fundamental principles that must govern all the rehabilitation of buildings, that guarantees the best possible articulation between the performance of buildings, in view of current expectations of comfort and safety, protection and enhancement of the existing ones, environmental sustainability and the proportional and progressive improvement for each of the technical areas, creating the conditions for the rehabilitation of the building to become the predominant intervention. In line with the EU's climate goals, Portugal has committed to achieving carbon neutrality by 2050 by approving, in 2019, the *Roadmap for Carbon Neutrality 2050* (RNC 2050). In order to meet the goals of decarbonization and the energy, social and economic transition, in 2020following the RNC 2050 guidelines, the *National Energy and Climate Plan 2030* (PNEC 2030) was prepared and approved. For buildings, the PNEC 2030 establishes specific lines of action with a view to reducing the respective carbon intensity and promoting energy renovation of the housing stock, with particular attention to the implementation of the *Nearly Zero Energy Buildings* (NZEB) concept in the construction of new buildings and the transformation of existing buildings. In October 2020, the European Commission published a new Strategy to boost renovation called "A W*ave of Renewal for Europe - Greening our buildings, creating jobs, improving lives*", under which the construction sector emerges as one of the Europe's largest energy consumers due to the record of energy inefficiency of the respective stock at around 75%, being also responsible for a third of GHG emissions in the European Union. For these reasons, a remodelled and improved housing/building stock is fundamental to a decarbonized and clean energy system. The Government approved, through the Resolution of the Council of Ministers No. 8*-A/*2021, of 3 February, the *Long-Term Strategy for the Renovation of Buildings* (ELPRE), which aims to meet the objectives, both European and national, of achieving carbon neutrality and promoting energy efficiency in existing buildings, with a view to converting them into NZEB buildings. In this Resolution, the Government states that a total of 143 492 million euros in investment was estimated to be needed until 2050 to implement the packages of proposed improvement measures that improve the energy efficiency of existing buildings, with the renovation of the stock of residential buildings receiving the largest share at 110 078 million euros, compared to the stock of non-residential buildings at 33 414 million euros. The Strategy aims to achieve primary energy savings of 11% by 2030 and 34% by 2050 and reduce the number of hours of home discomfort by 26% by 2030, and by 56% by 2050. The total renovated area must be around 364 million square meters in 2030 and 748 million square meters in 2050. ELPRE measures include intervention in building surrounding, more efficient systems, the use of energy from renewable sources, the adoption of technical solutions, when appropriate, for the purpose of energy renovation of buildings, duly articulated with the identification and analysis of mechanisms to respond to market failures as potential obstacles to this objective, among other measures, the creation and/or development of financing programs. For the preparation and implementation of this strategy, an analysis was made of the profiles of energy consumption and the thermal comfort rates of the national stock of existing buildings, as well as the

list of associated benefits, such as the improvement of labour productivity and the health of the populations, the fight against energy poverty, as well as the identification of costs arising from the implementation of policies and measures necessary for this purpose, taking into account the specificities of the buildings covered, including typology and geographical location.

Goals:

a) Renovated building area, in the proportion of 363 680 501 m2 for 2030, 635 637 685 m2 for 2040

and 747 953 071 m2 for 2050. b) Primary energy savings, in the percentage of 11% for 2030, 27% for 2040, and 34% for 2050. c) Reduction of hours of discomfort in the home, in the percentage of 26% for 2030, 34% for 2040,

and 56% for 2050. 13. What are the main barriers to reducing and eliminating the adverse impacts of the housing sector

on the climate? The housing policy that is being followed seeks to promote the enhancement of adequate housing, better energy efficiency of buildings, improve urban planning, promoting the use of environmentally harmful materials. Therefore, one of the main constraints to be noted is related to the need that these policies are continuous and the need to ensure the continuity of investments in energy efficiency and circular economy.

*Towards a just transition to a rights-compliant, climate-resilient, and carbon-neutral housing*

14. What specific legislation, policies, or programmes have been adopted to put in place and finance

a just transition to a rights-compliant, climate resilient an carbon neutral housing for all, without discrimination?

Please see reply to Question 12.

15.What measures have been taken to ensure that the costs of green transition in the housing sector

are fairly shared between public authorities, taxpayers, homeowners, and tenant*/*renters or other affected interest groups, and to ensure the continued affordability of housing?

N*/A*

16.What adaptation strategies are needed to ensure the continued habitability of housing in face of

the climate crisis? (protection from e.g. heat, flooding, extreme weather, etc.)?

As mentioned before, the Portuguese Government recognizes, within the scope of its political priorities, the central role of housing and rehabilitation for the improvement of the population's quality of life, the revitalization of cities and for social and territorial cohesion. Concerning, the continuous improvement of living conditions and promotion of adequate and decent housing, the continuity of the programs mentioned in this questionnaire is crucial, in particular those referring to the rules for rehabilitation of buildings and those that encourage energy Efficiency.

Naturally, the continuity of the public housing promotion policy, always with demanding quality standards in rehabilitation and new construction, a differentiated response for the distinct territorial needs, without, however, promoting discrimination. 17.How are different interest groups, including marginalized communities, homeowners and

tenants, being consulted, and able to participate in the design, implementation, monitoring and evaluation of: legislation, policies, or programmes been adopted that provide for specific measures to ensure the realization of the right to adequate housing in the face of climate crisis;

natural disaster preparedness, response and reconstruction, as well as in mitigation and adaptation efforts; measures to reduce and eliminate the adverse impacts of the housing sector

on climate? The production, implementation and monitoring of public policies must always be accompanied by participatory processes. This good practice must also be applied by local authorities. Thus, and with no prejudice to other ways, such as hearings, working groups, protocols with educational institutions and scientific research units, the creation of the *National Housing Council* is intended to guarantee the articulation and active participation of the representative entities in this sector, ensuring the continuity of public policies, while contributing to the definition of the most effective instruments to guarantee the right to housing. This Council replaces the advisory body that worked with the Institute for Housing and Urban Rehabilitation (IHRU), reinforcing its powers, and ensuring a direct link with government action,

Several stakeholders have a place at the Council, namely: sector associations, social movements and residents' associations, tenant associations, landlords' associations municipalities national association, research unities linked to the sector, professional associations linked to the sector and diverse government areas.

The Council is responsible, among other aspects, for issuing an opinion on the proposal for a *National Housing Program* and on the Annual Report on Housing, as well as on the annual reports of the Observatory for Housing, Renting and Urban Rehabilitation, and may also propose measures to the Government, in matters of national housing policy. The Council is chaired, with the power to delegate but not the right to vote, by the Minister responsible for housing

This Council emanates from the *Fram*ew*ork Housing La*w and was created in 2021 Also, the "*First Right Program” (“Programa 1o Direito*”) provides and encourages the participation of populations and communities in the processes of elaboration and monitoring of LHSs. 18. What is the role of international cooperation, technology transfer and development assistance

of States and multilateral agencies to ensure a just transition? N/A

19. What are the main barriers to achieving such a just transition?

N/A

*Other Issues*

20. Please use this space to indicate any issue that should be considered for this report.

N/A