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# IHRB Response to Request for Input on the Right to Adequate Housing and Climate Change

July 2022

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The Institute for Human Rights and Business (IHRB) welcomes the **invitation** of the UN Special Rapporteur on the Right to Adequate Housing for submissions on the right to adequate housing and climate change.

**IHRB** works to shape policy, advance practice and strengthen accountability in order to make respect for human rights part of everyday business. This submission was prepared by IHRB's **built environment programme**, which works with partners to advance the full range of human rights at each stage of the built environment lifecycle: Land; Planning & Finance; Design; Construction; Management and Use; and Re-development. All of these six lifecycle stages have implications for the realisation of the right to housing, as well as many other rights.

## General comments

Current policy, finance and business initiatives relating to the built environment (buildings and infrastructure) at international, national and local levels are paying growing attention to the urgency of climate resilience, adaptation and mitigation. At the same time, millions of people in all regions continue to face barriers to adequate housing in all its facets, i.e. legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy. It is therefore particularly timely and important that the Special Rapporteur is elevating the interconnections between climate change and housing.

Policy and practice level responses should address the direct need for rights-compliant, climate-resilient and carbon-neutral housing for all. They should also seek to address underlying economic system challenges that exacerbate both the climate and housing crises – for example by leading to over-building in many regions of properties that are beyond the means of most local residents and have high carbon footprints, particularly if they remain empty for the majority of their lifespan.

There are significant opportunities for strategies that connect organisations working on the right to housing, on climate and environmental impacts, on the rights of construction workers, on responsible business practices and other related areas, all in support of a more rights-respecting and environmentally sustainable approach to the built environment.

## Responses to specific questions in the questionnaire

In the sections below, we provide responses to questions 8, 9, 14, 15, 16, 17 and 18 from the Rapporteur's questionnaire.

### In measures

*8. Please explain how energy efficiency, green urban planning, climate mitigation and adaptation policies and programmes take into account the right to adequate housing. What measures have been taken to ensure that they do not have any (unintended) discriminatory impact on particular population groups?*

National and local governments are paying increasing attention to the need to decarbonise and strengthen resilience of buildings. For example, in 2020, 136 countries mentioned building emission reductions in their "Nationally-Determined Contributions" (NDCs), compared with 90 countries in 2015 ([Global Alliance for Buildings and Construction](#)). However, climate plans, particularly at the national level, have limited cross-references to housing implications and opportunities, and rarely with a human rights lens. This points in part to the need for stronger joined-up approaches across key governmental departments in shaping the direction of climate responses. At the local level, where governments are often much closer to the immediate needs of residents, combined approaches to climate mitigation and adaptation and the right to adequate housing are more common. For example, the C40 network of cities [maps its member cities globally](#) that have Climate Action Plans, covering mitigation and adaptation strategies: several of these refer to the housing dimensions of climate action. The Special Rapporteur could consider commissioning a detailed analysis of national-level and city-level climate mitigation and adaptation strategies to assess the extent and ways in which the right to adequate housing, particularly non-discrimination dimensions, is or is not taken into account.

Specific examples of measures taken in various contexts are the following. Not all of these explicitly use a human rights / right to housing framing, however all can be seen to be supportive of greater realisation of the right to housing, and to serve as counter-balances to practices that are non-conducive to the right to housing (for example practices that limit accessibility and affordability, that lead to forced evictions and displacement, or that do not have avenues for meaningful participation).

- City-wide approaches to planning, policies to protect housing affordability and effective allocations of city budgets throughout all neighbourhoods can help reduce the risk of discrimination on particular population groups. For example, the Barcelona Laboratory for Urban Environmental Justice and Sustainability (BCNUEJ) and ICLEI (Local Governments for Sustainability) have produced a comprehensive [Toolkit for Urban Green Justice](#) with 50 planning and policy tools to avoid gentrification and displacement in green projects, while also ensuring equal access to their benefits.
- Another measure to ensure that climate actions do not have any (unintended) discriminatory impact on particular population groups, is to develop models that are by nature inclusive and redistributive. Community Land Trusts (CLTs) develop and manage housing communities in a democratic way and ensure properties remain affordable. For example, in Brussels, CLTB focuses on net-zero housing developments specifically for at-risk groups, and training residents to use eco-technologies. CLTB also looks to build "local energy cooperatives" and "social economy hubs", creating opportunities for local production as well for sharing clean energy within the land trust and with other communities. CLTB was a winner of the [2021 World Habitat Awards](#).
- Another measure involves public housing corporations working with energy suppliers to assist people who are unable to pay their energy bills in order to prevent financial hardship. In Almere, Netherlands,

people receive financial and energy counselling, and social housing units are equipped with solar panels and energy meters. Installations are pre-financed by the local housing corporation, and monthly savings are enough to pay back the cost and reduce electricity bills, thus reducing the risks of energy poverty and allowing housing affordability to all population groups.

The above measures are drawn from IHRB's report "**Better Building(s): Financing Human Rights-Based Decarbonisation of Buildings in Europe**" (particularly chapter one on "The Right to Housing").

In addition, construction workers in the informal and formal sectors can be important allies in both climate measures in the built environment and expanding access to adequate housing. For example: construction union GBH in Austria has partnered with 15 organisations in the "**Umwelt+Bauen**" initiative to increase the supply of affordable housing, renovate buildings and switch to renewable energy, while also addressing heavy rain, flooding, hot summers and melting glaciers. First Union in New Zealand has published a **policy agenda** to address that country's affordable housing crisis and climate change through a ministry of green works. Self-employed women construction workers with **SEWA** in India install solar panels on rooftops and natural ceiling lights, which reduce dependence on unreliable electricity while also expanding the time that home work can be carried out. It is also important to consider the resilience and adaptation of **migrant workers' accommodation** to climate change impacts (including increased heat and extreme weather patterns), and the disconnect in the fact that workers building new state-of-the-art "green" buildings with environmental certifications and the moderation of heat and cold are themselves often living in cramped and highly inadequate housing conditions.

### *9. Please explain how natural disaster preparedness, response and recovery/reconstruction strategies and plans ensure non-discrimination?*

The rapid nature of disaster response means that local contexts and risks of non-discrimination are often overlooked. This was the case in rebuilding efforts following the Tsunami in Aceh, as IHRB's report "**Dignity by Design: Human Rights and the Built Environment Lifecycle**" highlights (page 46; sources in this document):

In December 2004 an earthquake in the Indian Ocean triggered a major tsunami that affected 14 countries, claiming almost 230,000 lives and impacting more than 2.5 million people. Banda Aceh was hardest hit – with an estimated 130,000 people killed, three times as many women as men. Houses and infrastructure throughout Aceh province were destroyed or partially damaged, and the surrounding geography changed. This led to a massive relief effort, involving 127 international NGOs and the construction of 140,300 new houses. The reconstruction holds important lessons on the importance of deep community consultation in rebuilding processes to be sure that new structures are aligned with the needs of surviving residents, and of a close understanding of the political context in which rebuilding takes place.

As a report by the Tsunami and Disaster Mitigation Research Centre noted, most international donors "viewed the tsunami victims as the objects, rather than the subjects, of the aid. They thought of the tsunami victims as weak, so most of the aid programs were targeted to short-term needs and physical projects and took a paternalistic attitude, and the format of the aid was not in accordance with local needs." This led to a situation in which multiple identical houses were built, which did not account for the varying incomes of residents, nor the need for proximity to economic opportunities, leading to rows of unoccupied new houses in some areas. As one study observed: "It appears that the choice of land was limited and decisions were made on the basis of economic rather than development considerations. Several of these villages are partly uninhabited and their future is uncertain: will they be invested by new occupants or will they become ghost villages?"

The **Resilient Cities Housing Initiative** has defined housing for resilient cities as housing that:

- Supports community structure and the economic livelihood of residents.
- Reduces the vulnerability of residents to environmental risks and stresses.
- Empowers communities through enhanced capacities to share in their own governance.
- Enhances the personal security of residents in the face of violence or threats of displacement.

As in many other areas of human rights, ensuring non-discrimination and protection of rights in disaster response contexts depends both on the accountability and transparency of actors who are engaging, often internationally, in the response, and also in long-term investments and support for local community infrastructure, which builds resilience to many kinds of threats. As the Platform for Community Action and Architecture in Bangladesh said in an **interview** with IHRB, they arrived at strengthening climate resilience without this being the intention at the outset:

“We have been working on physical spaces and better living quality. There are so many other rights that are connected to this. We figured out that when people not individually but collectively can work towards an action or solving a problem, they also somehow achieve the resiliency against those problems of climate threats. So, this is also a new realisation for us. We were not just doing something specially designed for climate change but we realised that having a resilient community already addresses that issue. So now we are trying to see how collective action can solve many different problems related to climate change.”

## **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 and carbon-neutral housing for all, without discrimination?*

Measures to advance a just transition in the built environment sit at various levels: from local, through national and regional, to international initiatives (which themselves are often translated into local application).

- At the European level, multiple initiatives are underway within the “Fit for 55” package to reduce emissions from the region’s building stock. These include the Environmental Performance of Buildings Directive, the Energy Efficiency Directive, and new emissions trading requirements applied to buildings.

A social climate fund has been proposed to address social impacts that may arise from these measures. BPIE (Buildings Performance Institute Europe’s “**Designing building decarbonisation policies for a socially just energy transition**” considers various social implications of the region’s decarbonisation policies for buildings, including the right to housing.

- In Spain, during the 2008 economic crisis people who were not able to pay their mortgages faced widespread evictions. People affected formed a community of solidarity and became activists for a housing law in Spain that protects the right to housing. Also, recent steps towards decarbonisation, such as the new Roadmap for the Decarbonisation of the Spanish Built Environment reflect the fundamental human right to housing.

- Another example of specific legislation to guarantee the right to housing without discrimination and therefore enable a just transition is **Barcelona’s Right to Housing Plan 2016-2025**. This includes specific measures on maintaining, redeveloping and improving the current housing stock in a sustainable way that contributes to the “energy transition, promotes efficiency, savings and generation of renewable energies; and also reverses inequalities, through improved habitability and access to basic services.”
- **Portugal’s Housing Foundational Law** (Law 83/2019), establishes the right to housing and the fundamental duties and tasks of the State in the effective guarantee of this right to all citizens with no discrimination. Similar to the previous example, measures and duties towards sustainability and energy efficiency in the housing stock are reflected within the law.
- In Denmark, a **broad political housing agreement** secured the investment of EUR 4 billion by 2026 for the green renovation of the public housing stock. These renovations are intended to improve the climate impact of public housing, tenants’ living conditions, and generate new jobs. ([English here](#))
- Several initiatives in the United States relate to just transition in the context of housing. The Federal Government has partnered with 33 state and local governments to create the “**Building Performance Standards Coalition**”, which has the combined aim of “delivering cleaner, healthier and more affordable buildings”. The Justice40 whole-of-government project aims to deliver at least 40 percent of the overall benefits from Federal investments in climate and clean energy to disadvantaged communities. A **Justice40** coalition of environmental justice movement leaders, academics and advocates has come together to track accountability for this commitment and ensure that a framework centred on racial justice and equity guides the investments. Several cities, such as **Boston**, are implementing “green new deal” type programmes focused on equitable and redistributive climate action in buildings, transit and infrastructure.
- The World Resources Institute (WRI)’s “Zero Carbon Building Accelerator” is a programme that helps governments reduce carbon emissions in the building sector by (1) mapping potential building decarbonisation pathways, (2) facilitating policy dialogues with national and local governments, utilities, the private sector and civil society, (3) developing short- and medium-term action plans and long-term national roadmaps linked to nationally determined contributions and other national strategies, and (4) initiating adoption of policies with local stakeholders. The programme aims to integrate gender and social equity into the action planning process for the building sector. For example the **Colombian Roadmap to Net-Zero Carbon Buildings** includes a specific emphasis on attending on first priority and without discrimination, the vulnerable communities in urban and rural areas, who are experiencing energy poverty.
- Global architecture, construction and engineering (AEC) firms that are deeply involved in the planning and design of urban areas – and that therefore have influence over housing outcomes – are beginning to pay attention to the social dimensions of climate action. Efforts are needed to engage these actors to ensure their guidance to local and national governments as well as to other businesses is strongly incorporating the right to adequate housing. Through its built environment programme, IHRB takes a cross-sectoral approach to strengthen the practices of governments, investors, and AEC firms, recognising that each actor has **specific duties or responsibilities, and specific leverage points to harness**.

*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 tenants/renters or other affected interest groups, and to ensure the continued affordability of housing?*

Various EU H2020 (Horizon2020) projects promote the green transition in the housing sector, include energy efficiency, housing renovations, and also innovate business models seeking to have a more equal distribution of benefits between public authorities, taxpayers, citizens, energy companies, and other stakeholders. These projects support the creation and strengthening of Citizen Energy Communities (CECs). These are defined as follows:

“Energy communities can take any form of legal entity, for instance that of an association, a cooperative, a partnership, a non-profit organisation or a small/medium-sized enterprise. It makes it easier for its citizens, together with other market players, to team up and jointly invest in energy assets. This in turn, helps contribute to a more decarbonised and flexible energy system, as the energy communities can act as one entity and access all suitable energy markets, on a level-playing field with other market actors”. (EC, [Energy Communities](#)).

The CECs harness the collective power of citizens to produce and trade their own energy. In this way, tenants can be active participants and beneficiaries of energy-efficient improvements, cost savings and the financial returns from energy surplus, as well.

*16. How are different interest groups, including marginalised 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 realisation of the right to adequate housing in the face of the 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.*
- One example comes from Cartagena de Indias, Colombia where the local government is using a highly participatory process for the development of the new Territorial Ordering Plan (POT) that will dictate urban planning for the next 12 years. The process consists of various participation phases with virtual and in-person workshops throughout the city actively engaging various stakeholders from all sectors including industry, NGOs, and rural and insular communities of the wider Cartagena region as well. IHRB and Colombian local organisation [CREER](#) are currently engaged to strengthen the human rights approach in this process, and ensure the resulting POT is a tool to realise the right to housing of coastal communities currently experiencing issues of flooding, waste management and homelessness, in addition to other climate change risks. More information about this participatory process in this article: [“Advancing Human Rights in the Built Environment in Cartagena de Indias, and Insights for Other Cities”](#).
  - See various examples of [“Community-led and Participatory Approaches to Climate Action in the Built Environment”](#) with special emphasis on the right to housing.
  - See database: [“Urban Sustainability Exchange”](#) from [Metropolis](#), the world’s association of metropolitan areas, with 57 case studies under the topic/label of “housing”, that include different interest groups in climate adaptation and mitigation, circular economy, energy efficiency, and inclusion and equity processes.

### *17. What is the role of international cooperation, technology transfer and development assistance of States and multilateral agencies to ensure a just transition?*

International development agencies are paying growing attention to decarbonisation and mitigation in the built environment. For example, GIZ and the Agence Française de Développement have established the **Programme for Energy Efficiency in Buildings** (PEEB) which “mobilises innovative financing solutions for large building projects, such as hospitals or schools, but also large national green building programmes”. Similarly, regional and international development banks are financing green building initiatives – the IFC for example is implementing its EDGE certification programme for green buildings in multiple countries. And the OECD recently **conducted a detailed global survey** on decarbonising buildings in cities and regions, which honed in not only on carbon emission reduction but also on “co-benefits in health, energy affordability and the labour market”. In all of these policy arenas, ensuring that there is joined-up thinking and action between organisations’ commitments and programmes on climate change and on human rights – including the right to adequate housing – is fundamentally important. IHRB is advocating for the effective incorporation of human rights as the built environment decarbonises with the **Framework for Dignity in the Built Environment** as a practical touch-point aligned with international human rights standards. We welcome opportunities to scale up this agenda in partnership with others and would be happy to discuss further practical collaboration in this regard with the Special Rapporteur and his team.

International cooperation and financing interventions also need to engage proactively to address current structures that stand in the way of advancing a just transition, including excessive debt burdens, loopholes in national and local laws that weaken protection for tenants, restriction of civic space, and corporate lobbying practices that slow progress both on climate and on strengthening access to adequate housing. As one specific example: the same countries that have high levels of sovereign debt are also those that need massive financial support to adapt to climate threats. There are calls underway for a “**Debt for Climate**” swap that will forgive foreign debt in return for the indebted countries pursuing just transition pathways.

### *18. What are the main barriers to achieving such a just transition?*

The above sections have touched on various barriers that stand in the way of a just transition in the built environment. Among these are:

- challenges with urban governance, including corruption and inadequate social safeguards; • limited avenues for meaningful participation;
- bureaucracy, which can stifle local innovation and the growth of small businesses working at the intersection of climate action and access to adequate housing;
- the disconnect between abundant funding, technology and resources available globally, and the regions, countries, neighbourhoods and communities where they are most needed;
- over-financialised real estate, which drives up housing prices and deepens inequality, while also fuelling building booms that take a heavy toll on the environment and climate change (see The Shift’s recent **global map of examples of over-financialisation and solutions** to it);
- and silos between organisations focused on climate action and on housing (at the policy level, and at the grassroots).