

## The Enforceable Right to Housing in France

Although not guaranteed in the constitution, the right to housing in France has been recognised as “an objective of constitutional value”. Since 1982, several legislations have instituted the right to housing as a fundamental right, with the concept of “decent” accommodation being introduced in December 2000<sup>1</sup>.



The law of 5<sup>th</sup> March, 2007, also known as the DALO act, institutes an enforceable right to housing (*Droit au logement opposable*). It enables people suffering from homelessness, or living in sub-standard housing conditions, to assert their right to housing<sup>2</sup>. This law changes the role of the State from an “obligation of effort” to an “obligation of result” meaning that the State became responsible for the effectiveness of the right to housing<sup>3</sup>.

### How does it work?

Based on a technique from the Scottish Homelessness Monitoring group, the law institutes an amicable settlement procedure through a Mediation Committee that can be accessed by any person who satisfies statutory conditions for access to social housing and who has not received any adapted offers following his/her application within the statutory time limit<sup>4</sup>. Once the applicant has made his/her claim, the Mediation Committee has 3 months to issue a ruling and decide if the applicant’s case should be given priority status. If the answer is positive, meaning that accommodation should be given to the applicant urgently, then the case is referred to the Prefect. The Prefect (who is the representative of the State on the local level) also has three months to make a proposal that fits the applicant’s needs. After this time, if the applicant has not been offered suitable accommodation, he or she can lodge an appeal with an administrative court<sup>5</sup>.

<sup>1</sup>Housing Rights Watch, State of Housing Rights, available at <<http://www.housingrightswatch.org/page/state-housing-rights-5>> <accessed 27 March, 2017>

<sup>2</sup>Ibid

<sup>3</sup>Claire Levy-Vroelant, The Right to Housing in France: Still a Long Way to Go from Intention to Implementation, 2015, *Journal of Law and Social Policy*, Vol. 24, Article 5, available at <<http://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1210&context=jlsp>>, <accessed 27 March 2017>

<sup>4</sup>Ibid

<sup>5</sup>Notaires de France, Enforceable right to housing, 13 January 2017, available at <<http://www.notaires.fr/en/enforceable-right-housing>>, <accessed 27, March 2017>

There are several cases when the applicant can access the Committee without delay: if the applicant is in good faith, has no home or is threatened with eviction without relocation option, is housed temporarily in an institution, shelter or social residence hotel, or is housed in places unfit for living, unhealthy or dangerous. But also when the applicant is housed in an obviously overcrowded or indecent place, and when there is at least one minor child or dependent person living with disability involved<sup>6</sup>.

## **The law in practice:**

Thanks to this enforceable right to housing, some 100,000 households have accessed accommodation in France since 2007. However, the application of the law highlights a number of issues that has seen a limitation to the number of housing allocated through this procedure in the recent years<sup>7</sup>.

For instance the flexibility of the law has led to more restrictive approaches adopted by mediation Committees, and the development of different “doctrines” by Committees leading to the appearance of new informal criteria, sometimes in contradiction with the law. This can also be explained by a lack of resources allocated to the mediation process. The members of the Committees are often times volunteers having to review a huge number of cases for each session.

Since 2009, as a result of the adoption of the 2007 DALO act, the State has to attribute 25% of its housing stock to social housing of priority groups. In reality, the target is not reached as only 8 or 9% of the housing stock is allocated to priority groups. There is also a lack of identification of what the stock is composed of as not all suitable accommodation are used<sup>8</sup>. This creates problems because the current allocation process is determined by the available supply of housing and not by the need to generate a response in terms of housing allocation for the applicant. Eight years after the adoption of the DALO act, an estimated 55,000 priority applicants were still not re-housed.<sup>9</sup>

Furthermore, a lack of communication regarding DALO act and the complexity of the procedure means that a lot of applicants don't get satisfaction or their claim. Information and support for households rely almost exclusively on NGOs and associations due to the lack of State services in that area<sup>10</sup>.



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<sup>6</sup>Claire Levy-Vroelant, 2015

<sup>7</sup>Synthèse du Rapport : Marie-Arlette Carlotti, L'effectivité du Droit au Logement opposable, Mission d'évaluation dans 14 départements, Haut Comité pour le logement des personnes défavorisées et Comité de suivi de la loi DALO, 2016.

<sup>8</sup>Ibid

<sup>9</sup>Claire Levy-Vroelant, 2015

<sup>10</sup>Synthèse du Rapport, L'effectivité du Droit au Logement opposable, Mission d'évaluation dans 14 départements