

BARRIER 2: POLICIES AND REGULATIONS

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After the Universal Declaration of Human Rights was ratified, the issue of the right to adequate housing was continuously raised in the global agreements signed within the framework of the United Nations and other multilateral organizations. More recently, the 2030 Agenda for Sustainable Development and the New Urban Agenda included specific targets and guidelines on how to access adequate housing. In particular, global development agendas call United Nations member states to recognize in its legal frameworks the Right to Housing as an explicit right.

Policy frameworks play a fundamental role in the development of the housing sector in general and affordable housing in particular. They provide the basis for the definition of plans and programmes, as well as for the definition of the role of the actors involved in the housing production and access process.

Regulatory frameworks through constitutions and laws of states establish the legal basis on which policies are designed and are responsible for creating the "enabling environment" that allows the different social forces - market-oriented and public sector actors - to leverage their capacities to develop an effective housing system that responds to the needs of society. However, regulatory frameworks can also constitute barriers that hinder the development of this potential, either because policies do not respond to the real needs of society, or because laws are not correctly oriented towards housing with a rights-based perspective, or because regulations do not facilitate or directly limit the action of actors.

An important element in the definition and monitoring of regulatory frameworks is the establishment of adequate governance of the sector, where all actors involved can be part of the decision-making processes, including the different levels of government, private sector, financial sector, civil society, academia, among others.

Another relevant element that forms part of this session is related to the development of the public sector's capacities to intervene efficiently in the sphere that the regulatory frameworks establish for it. These capacities range from efficiency in the administration of public companies in the sector, to the strengthening of justice administration systems, to the continuous training of civil servants who constitute part of the public entities in charge. Lastly, the approach to housing from a rights' perspective includes the definition of legal and regulatory measures to protect this right in situations where it is at risk, such as in the case of forced evictions.

Laws and regulations

The Right to Housing is reflected, with some differences, in many constitutional and legal frameworks of countries. However, in most cases, this inclusion is made from a subjective right perspective, that is, a right that states are not required to guarantee by law—such as public education. In this sense, laws and regulations play a fundamental role in establishing the framework that would eventually allow the subjective right to become an objective right.

In recent decades, with the adoption of the "enabling approach" in housing policies in most countries, laws and regulations have even acquired a more relevant character than the sectoral plans and programs themselves, since it is through them that the various actors, and particularly the private actors, have greater or lesser capacity to intervene. Laws and regulations ultimately determine the incentives that different actors have to actively participate in the housing market.

Laws and regulations cover almost the entire spectrum of elements that intervene in the housing production and affordability: they deal with financial issues, regulate mortgage mechanisms and other loan and savings systems, often define the basic parameters of habitability, allow the quality of construction materials and systems to be controlled and establish criteria for the safety of buildings. Laws and regulations also play a fundamental role in preserving the right to housing, for example, in areas related to eviction regulation.

A fundamental element for the proper development of the sector is the legal and regulatory framework that intervene in the processes of urban planning, management, and development. The urban plans, which are usually mandatory, have an important weight in defining various aspects directly linked to adequate housing, such as, proximity to work centres and urban facilities and services, provision of basic services such as drinking water, energy, sanitation, public transport or green spaces, among others. Likewise, they play a fundamental role in defining the city model, through the definition of occupation densities, types and intensities of land use and the proportion between public space and private space. In the case of adequate housing, moreover, in many contexts, urban planning specifically determines the amount and location of land on which social housing is developed.

Public housing policies and governance structures

More than 100 countries globally have some type of housing policy in place. However, many of these policies lack a comprehensive approach, and in many cases, there is no specific approach to affordable housing. Governance of the housing sector has proven to be particularly complex, essentially for three reasons: the sensitivity of the housing issue in terms of social, economic and financial weight that this activity represents within the economies of nations, and the existence of many actors with diverse interests that intervene directly and indirectly in this field.

The governance of the sector tends to have a particular relevance because for decades most countries have chosen to adopt the "enabling approach" in their housing policies, over direct intervention. The facilitative approach requires, above all, a great capacity to reach agreements between actors.

Adequate governance of the housing sector must be, first, intersectoral, that is, it must have the capacity to integrate and complement the rest of the different sectoral policies, from the closest ones—such as urban development, mobility, environment, public services—, even others whose impact is not so direct—such as education, health, and economy. Second, governance should be considered in multilevel terms, that is, encompassing the different levels of government,

since each of them has direct and/or indirect powers in the implementation of housing plans and programs. And third, and not less important, should be the ability to convene private and third-sector actors, as well as adequate mechanisms to promote and guarantee citizen participation in decision-making processes.

Some countries have chosen to develop governance systems to deal with this complexity, creating spaces for the exchange of ideas, opinions, and proposals between the different actors. Equally relevant have been the establishment of transparency mechanisms for proper monitoring and evaluation of the implemented policies, plans and programs.

A fundamental element in the development of housing policies is related to the role assigned to subnational government level (regions, states, provinces). Depending on the different forms of government, and on what kind of powers or competences are assigned to each level of government within the constitutional frameworks, subnational governments can play a relevant role in the development of the sector. In those states that are organized under federal models or that are characterized by an advanced level of decentralization, it is common for direct powers in housing matters to be located at subnational levels. This has prompted policies to be developed from that level, or, in some cases, to develop policies for elements that have a direct impact on affordability, such as land or urban development, among others.

Another fundamental element is the role that is assigned to local governments within the policies. Although municipalities do not usually have legislative functions that can determine policies, they contribute fundamental elements to the development of the sector. In addition to being at the forefront in addressing the problems faced by citizens, municipalities are often in charge of drawing up urban plans, providing basic services, and organizing mobility and transportation. And, in many cases, also of providing the ground on which the houses are built. Local governments are also responsible for implementing processes of regeneration and urban improvement, as well as the improvement of informal settlements, which, as has been highlighted, can play a strategic role in providing adequate affordable housing to the less favoured sectors. They are also responsible for granting construction and habitability permits for housing.

Data and evaluation

As in many other public policies, in case of affordable housing the evaluation processes constitute the main element to determine if policies, plans and programs implemented have achieved the proposed objectives. In addition to being a transparency mechanism for the actors in the sector and for citizens in general, policy evaluation also represents an opportunity to "learn" from practice and to include improvements in the development of approaches for the future.

In addition, the evaluation of adequate and affordable housing policies, due to their transversal nature, is very complex, because, as has been seen in the first chapters, a policy can be effective in addressing some aspects of adequate housing and less effective in other respects. The complexity of policy evaluation processes highlights the importance of proper monitoring tools. The monitoring frameworks and indicators linked to the sector constitute a fundamental element in the evaluation processes. Additionally, in recent years, the emergence of new technologies has made it possible to develop a great capacity to capture, store and process data, which has made it possible to incorporate new dimensions and readings on the specific problem.

The appeal made by the different global agendas and, in particular, the New Urban Agenda, to incorporate data into the development of public policies (evidence-based policy) elevates data to even more relevant categories. Data also serves an additional purpose: it represents an element of encounter and significant discussion within the framework of establishing consensus between the different actors.

CROSSING BARRIER 2:

Speakers will discuss policies that work in favour of adequate and affordable housing from their perspectives of being part of the national and local governments, United Nations and other international organizations, and academia. In addition to discussion, a case study on how Singapore is dealing with the affordable housing policies will be presented.

Objective of the session

To propose three priority actions to accelerate the crossing of the barrier.

Guiding Questions

- Why there are still countries that don't recognise the Right to Housing in their constitutions and legal frameworks?
- Except for the Universal Declaration of Human Rights, global declarations and agendas that specifically address the issue of housing are usually non-binding. How to change the lack of effective mechanisms for implementation and include mandatory reporting at national level?
- How to ensure a multilateral approach, having subnational and local governments as part of the housing policies definition and implementation?
- How to reinforce long-term housing policies connected to sustainable urban development and a good management of land, basic urban services, mobility, connectivity? Are there legal instruments to ensure a universal approach?
- Which institution in your country would be the one championing the "enabling environment" for the affordable housing sector? Should it be a national competency? Or maybe local? How to ensure effective coordination?
- Is there a cooperation in your country between public and private sectors and other stakeholders in preparing policies for affordable housing?
- What is the capacity of private sector, academia and non-governmental organizations and other stakeholders to efficiently participate in the process of regulatory framework establishment?

Final question

Tell us three action-oriented proposals that from your point of view will accelerate the crossing of barrier 2 on Policies and Regulations.

Agenda of the session

- 12:30 p.m. Opening intervention of the Chair's session.
Joan Clos, former Mayor of Barcelona and former UN-Habitat Executive Director,
Spain
- 12:45 p.m. Initial proposal of priority actions to face the barrier by each speaker (3 minutes):
- *Doris Andoni*, Head, Housing Policy, Ministry of Finance and Economy, Albania
 - *Mai Abdel Hamid*, CEO Social Housing and Mortgage Support Fund, Egypt
 - *Robert Lewis Lettington*, Chief, Land, Housing and Shelter Section, UN-Habitat
 - *David Lucas Parrón*, Secretary General of the Urban Agenda and Housing
 - *Carlos Bruce Montes de Oca*, former Minister of Housing, Peru
 - *Kwan Ok Lee*, Dean's Chair Associate Professor of Urban Planning, National University of Singapore
 - *Orna Rosenfeld*, Global Advisor on Housing
- 1: 20 p.m. Reactions from the Chair/speakers to the introductory remarks and first round of guiding questions to focus the discussion on specific proposals.
- 1:30 p.m. Presentation of the first case: Singapore
Sia Tze Ming, Acting Director, Policy and Property, Housing and Development Board of Singapore
- 1:40 p.m. Reflections on the case presented and second round of guiding questions
- 1:50 p.m. Presentation of the second case: Roosevelt Island
Theodore Liebman, Principal, Perkins Eastman and Board Member of the Consortium for Sustainable Urbanization
- 2:00 p.m. Reflections on the case presented and third round of guiding questions
- 2:15 p.m. Wrap-up and summary of priority actions proposed for the AHA Forum Madrid Declaration
- 2:30 p.m. End of the session

Biographies of invited chair and speakers

Joan Clos, former Mayor of Barcelona and former UN-Habitat Executive Director. During his tenure as the Under-Secretary-General of the UN and Executive Director of UN-Habitat (2010-2017), he led the development of the New Urban Agenda and was appointed Secretary-General of the Habitat III Conference. He graduated from the Autonomous University of Barcelona in medicine, subsequently specialised in Public Health and Epidemiology at the University of Edinburgh and joined the municipal government of Barcelona as Director of Public Health in 1979. Joan Clos was twice elected Mayor of Barcelona, from 1997 to 2006, after being a city councillor between 1983 and 1987, and Deputy Mayor for Finance and Budget playing a key role in the preparation of the Barcelona Olympic Games in 1992. During his time as mayor, Clos received several awards, including the Gold Medal of the Royal Institute of British Architects in 1999, and in 2002, the UN-Habitat Award of Honour, and in 2016, the Jane Jacobs Medal from the Rockefeller Foundation. At the international level, in 1998, Clos was elected President of Metropolis, elected President of the World Association of Cities and Local Authorities, and between 2000 and 2007, he served as Chairman of the United Nations Advisory Committee for Local Authorities. Clos was also a member of the Council of European Municipalities and Regions. Before joining the United Nations, between 2006 and 2008, he was Minister of Industry, Tourism and Trade of Spain, and later Spanish Ambassador to Turkey and Azerbaijan.

Doris Andoni, Head, Housing Policy, Ministry of Finance and Economy, Albania. She worked as an architect for several years and consultant on housing for the United Nations Economic Commission for Europe. From 2001 to 2012 she held the position of the Director of Housing Policy Department in the Ministry of Public Works and Transport of Albania. She was a delegate of Albania in UNECE Committee of Housing and Land Management since 2001, a bureau member of the same Committee between 2002 and 2012 and was elected as Chair of the Committee for the period 2006 – 2009. She is a guest lecturer at the International School for Architecture and Urban Planning in Tirana.

Mai Abdel Hamid, CEO Social Housing and Mortgage Support Fund, Egypt. She has been the Chairperson of the Mortgage Finance Fund (MFF) since September 2010. MFF is a subsidiary to the Ministry of Housing, Utilities, and Urban Development, mandated to be the major subsidy provider of low-income housing in Egypt. Under her leadership, Abdel Hamid has introduced new sustainable subsidy programs that would expand housing finance system to low-income households by: (i) developing transparent, direct household subsidy programs; (ii) determining and recommending the legal and regulatory reforms needed to implement the programs; (iii) creating a blueprint for MFF subsidy implementation unit; and (iv) estimating the scale and fiscal outlays needed. In addition, she also promoted an improved system for private sector development of affordable housing. She also outlined and implemented a housing information system in collaboration with concerned ministries that included house values, land prices, production volumes, population demographic, and economic statistics to help in adjusting the subsidies to changing market conditions. Abdel Hamid also shared knowledge and industry experience with numerous countries including Armenia, Tanzania, Saudi Arabia, Palestine, Syria, Sudan, and Iraq. She also negotiated and concluded several loan programs with the World Bank to partially fund subsidies for low-income housing. Abdel Hamid has a wide experience that exceeds 23 years in the field of financing. She has been working in the banking sector for 13 years. Prior to joining the MFF, Abdel Hamid held several positions such as an Advisor to the Minister of Investment and to the Chairman of the Mortgage Finance Authority from 2005 to 2009. She also worked as a Senior Credit Manager for 10 years at American Express Limited –

Egypt and Bank Crédit Agricole – Egypt. Furthermore, Abdel Hamid was chosen as a Member of several Boards of Directors in some companies, including Tameer Company for Securitization and October for Development & Real Estate Investment. Since 2007 up till now, Abdel Hamid serves as the Vice Chairperson of the Audit, Risk, and Human Resources Committees and of the Executive Committee in the Egyptian Mortgage Refinance Company. She was also chosen as a Board Member and a Member of the Risk Committee as well as the Salaries, Remuneration, and Appointments Committee at the Housing and Development Bank (HDB) since September 2013. Moreover, Abdel Hamid has significantly proven many successes in the financing field by creating financing products to support low-income households through supporting and coordinating with the Central Bank of Egypt. Abdel Hamid graduated from the American University in Cairo in 1993 in Economics and Political Science.

Robert Lewis Lettington, Chief, Land, Housing and Shelter Section, UN-Habitat. He is also Secretary to the drafting committees of UN-Habitat's governing bodies and UN-Habitat representative to the Human Rights Council and human rights treaty bodies. He is a lawyer by training with expertise in international institutions and processes, human rights and humanitarian law, environmental law, science and technology law and urban development.

David Lucas Parrón holds a Doctorate in Law from the Carlos III University of Madrid, specializing in State Public Law, a Law Degree from the Complutense University of Madrid, a Master's in Territorial and Urban Policy from the Carlos III University of Madrid, specializing in Urban Management, and Master in Public Law from the Carlos III University of Madrid (best academic record and extraordinary award). He has been a Senator elected for Madrid in the XII legislature, Mayor of Móstoles, Spokesperson for the PSOE in the Madrid City Council, Deputy Mayor of Getafe, President of the Spanish Delegation in the Congress of Local and Regional Powers of the Council of Europe and President of the International Relations Commission of the Spanish Federation of Municipalities and Provinces, responsible for the implementation of the 2030 Agenda in Spanish municipalities. He has been a Member of the Steering Committee of the Council of European Municipalities and Regions, of the Steering Committee and Executive Bureau of United Cities and Local Governments and of the OECD Interparliamentary Network. He has been president of the Association of Municipalities of the South, Vice President of the Federation of Municipalities of Madrid and President of the Finance Commission of this federation. He has been a professor of Financial and Tax Law and History of Law at the Carlos III University of Madrid, Professor of Financial Law and Constitutional Law at the University of Nebrija and Professor of Political Science and Management and Public Administration at the Complutense University.

Carlos Bruce Montes de Oca, former Minister of Housing in Peru, economist with a degree from the University of Lima, and a Master's degree in Territorial Planning and Environmental Management from the University of Barcelona. He served as Minister of the Presidency and as Minister of Housing, Construction and Sanitation on three occasions. He was the president of the Fondo de Cooperación Para El Desarrollo Social FONCODES and the president of the Fondo MIVIVIENDA. He is also a member of the board of directors of the Fondo Nacional de Financiamiento de Estado FONAFE and of the Agencia de Promoción de la Inversión Privada PROINVERSION. He has been a Congressman of the Republic elected for three consecutive terms where he was a spokesman for his parliamentary group on two occasions, president of the Foreign Trade and Tourism Commission, of the Special Pro-Investment Commission and of the Economy, Banking and Finance Commission. In the private sector, he has been President of the Association of Exporters ADEX, Vice-President of the International Chamber of Commerce CCI (Peru Chapter) and member of the Board of Directors of CONFIEP. He was also a professor at

the Faculty of Economics of the University of Lima. He was a manager and director of several companies linked to the construction sector and foreign trade. He is currently Chairman of the Board of Directors of a company in the gastronomic sector and columnist for the newspaper Peru21.

Kwan Ok Lee, Dean's Chair and Associate Professor of Urban Planning, National University of Singapore. She is also the Deputy Head in the NUS Department of Real Estate. She is in the editorial board of nine peer-reviewed journals. She is researching on housing markets, urban policy analysis, household residential choice, and neighbourhood dynamics. She is a board member of the Asian Real Estate Society (AsRES) and their representative to the International Real Estate Society Board. She has also served as an academic expert and commentator for international organizations and government bodies including the Asian Development Bank, the World Bank, the Office of Policy Development and Research of the U.S. Department of Housing and Urban Development, and the Ministry of Land, Infrastructure and Transport of South Korea. Prior to joining NUS, Kwan Ok received her PhD in Policy, Planning, and Development from the University of Southern California and master's in urban planning from Harvard University.

Orna Rosenfeld, Global Advisor on Housing, with expertise in international housing policy, knowledge and investment, urban strategy and governance, as prerequisites for inclusive urban futures, and social and territorial cohesion. Her work covers 56 countries, where she advises national and local governments, and leaders of international organizations such as the European Commission, the European Investment Bank, the World Bank, the Council of Europe Development Bank, and the United Nations among others. Most recently, Dr Rosenfeld dedicated her work to assessing the impact of the COVID-19 crisis on the housing sector in the European Union and advised on facilitating the expansion of the social impact investment in housing. She is the UK Alumni Awards – Global Social Impact Winner 2021.

Case studies

Sia Tze Ming currently heads the department in the public housing authority (or the Housing & Development Board, HDB) in Singapore, to support the over-arching Government's policy to promote home ownership for the citizens. She is responsible to shape housing policies to deliver the core mission of HDB to provide affordable homes, meet the diverse housing needs of the people and ensure a stable and sustainable public housing market. Prior to this, she was responsible for the pricing HDB flats for sale and was also involved in the master planning of HDB towns.

Theodore Liebman, Principal, Perkins Eastman and Board Member of the Consortium for Sustainable Urbanization. Theodore launched his career by studying affordable housing and urban design on the most intimate scale—as a resident. On a Harvard Wheelwright Fellowship, while working as Chief of Architecture at the New York State Urban Development Corporation, he spent a year studying and living in 80 housing developments and new towns across 10 European countries. Those first impressions informed the next 50 years of his work designing sustainable urban communities, and he's become a global expert on issues of housing. He advocates for housing and neighbourhoods that respond to basic human needs, culture, and the environment, and engages with governments, investors, developers, and students to demonstrate the impacts of development on people and the environment to improve existing cities and shape new areas of human settlement in the future.